PARLIAMENTARY DEBATES

(HANSARD)

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HOUSE OF COMMONS

OFFICIAL REPORT

FIRST SESSION OF THE FIFTY-FOURTH PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FIFTY-FOURTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 2005–06

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7 November 2005

THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT

IN THE FIRST SESSION OF THE FIFTY-FOURTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 11 MAY 2005]

FIFTY-FOURTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 439**

SIXTH VOLUME OF SESSION 2005–2006

House of Commons

Monday 7 November 2005

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

HOME DEPARTMENT

The Secretary of State was asked—

Immigration Strategy

1. **Mr. Andrew Love** (Edmonton) (Lab/Co-op): If he will make a statement on the implementation of the five-year immigration strategy. [24789]

The Parliamentary Under-Secretary of State for the Home Department (Andy Burnham): We are making good progress on all the major projects in the strategy. The first stages of the new accelerated asylum process are in place. We expect to handle all new claims under the new process by September next year, and the number of removals is increasing month on month. The public consultation on the new points system for economic migration, which we launched in July, closes today.

Mr. Love: I thank the Minister for that reply. He will be aware of recent decisions in relation to the removal or non-removal of asylum seekers to Zimbabwe. My constituents, particularly those from Somalia, have expressed concern about the inappropriate and premature removal of their families and friends. My constituents from Sri Lanka are worried about the human rights considerations of such removals where country agreements are in place. Can the Minister give some assurance that removals are made only where appropriate safeguards are in place?

Andy Burnham: I can give my hon. Friend that assurance. Obviously, great care is taken by the immigration service to ensure that before a removal can take place, an individual is properly identified and documented. The documentation, of course, is important for their removal to be able to take place. With regard to removals to Zimbabwe, we are considering the verdict given by the asylum and immigration tribunal some days ago, but we continue to consider matters on a case-by-case basis, and to take appropriate decisions as a result.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): Can the Minister explain why his plan for migration does not include a single reference to the Government Actuary's forecast that net immigration will add 6 million to the population of this country within 25 years? Why is there no provision for the land that will need to be set aside for the dwellings that will have to be built to house those people? Can he confirm that his colleague in another place has forecast that a third of new households in this country will be the result of net immigration in future?

Andy Burnham: What I can tell the right hon. Gentleman is that the Government will certainly not accept an arbitrary quota on migration, which was proposed by his party at the general election, and which I believe would be highly damaging to the British economy. We will not be going down that path, if that was the thrust of his question. The net contribution to our economy made by migrants should be celebrated, and it is high time that he and his party stopped playing politics with the issue and began to welcome the genuine contribution that economic migrants make to our country.

Martin Linton (Battersea) (Lab): Is my hon. Friend aware that as recently as 1997, many of the people who came to our surgeries had been waiting seven or eight years for an asylum interview, never mind a decision? Will he tell us what the average time is now for an initial decision on asylum cases and the time that it takes for removal?

Andy Burnham: I am grateful for that question, as my hon. Friend raises an important point. When the Government came to power, the average time that it took for a case to be processed, I believe, was some two years. That left families and individuals in an unacceptable kind of limbo, and made it all the more difficult to remove someone at the end of the process. In answer to his question, we have greatly reduced the time taken: in the vast majority of cases, a decision is made within a two-month time frame. He is right to point to the need for continued progress in this area, but I am pleased that he and I can celebrate the progress that has been made.

Mr. James Clappison (Hertsmere) (Con): Is the Minister aware that last month saw the publication of statistics showing net inward migration to this country of 223,000 in 2004, which was far more than the Government's estimates? According to the Office for National Statistics, it was the highest number since the present method of estimation began. Can the Minister say whether he expects his managed migration policy to result in a higher or lower level than 223,000?

Andy Burnham: What I can say to the hon. Gentleman is what I said to his right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) a moment ago. We will take decisions on levels of migration that are good for the British economy. If he wants me to set limits irrespective of the damage done to the British economy, that is a policy that Conservative policy should state openly and allow people to debate. If that is the way that he wants to go, I would be interested to hear the discussions between him and the CBI about that proposal.

John Robertson (Glasgow, North-West) (Lab): Is my hon. Friend aware that families are now receiving early-morning visits in relation to deportation back to their countries of origin, and that those visits appear to be over-aggressive, with those involved wearing combat gear of body armour and using handcuffs? Can he explain why that is happening?

Andy Burnham: My hon. Friend has raised some important issues. Removals are always difficult and present the immigration service with issues that are hard to deal with, but I assure my hon. Friend that they are always carried out as sensitively as possible. Early-morning visits tend to be made at a time when the family will be together, for obvious reasons, but they are not made before 6 am, and are normally made between 6 am and 7 am.

I take my hon. Friend's point about the manner in which removals are carried out and the equipment used, but I assure him that great care and attention are exercised, and will continue to be exercised, following the concern expressed by him and other Labour Members.

Mr. Dominic Grieve (Beaconsfield) (Con): I apologise on behalf of my right hon. Friend the Member for Haltemprice and Howden (David Davis), who cannot be here this afternoon.

May I return the Minister to his answer to my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley)? What is illegitimate about raising the issue of the desirability of large-scale population increase following immigration? While I acknowledge that immigration can make good economic contributions to the country, it is a crowded country where the quality of life and environmental issues are important. Why is it wrong, as the Minister said it was a moment ago, to raise questions about the rate of population increase resulting from immigration? Will the Minister please explain what objection led him to fly into such a temper just now?

Andy Burnham: I am sorry that the right hon. Member for Haltemprice and Howden (David Davis) could not spare time for us here in the House today. Presumably he had more important things to do out on the campaign trail. Presumably he is going up and down the country trying to win votes with a hard-line right-wing agenda.

I believe that it was the right hon. and learned Member for Rushcliffe (Mr. Clarke) who said last week

> "The trouble is when the Conservative Party has got in difficulty in recent years, there has always been a temptation to give"—

Mr. Speaker: Order. I should prefer the Minister's responsibilities to be discussed at the Dispatch Box.

Andrew Mackinlay (Thurrock) (Lab): When Lech Walesa comes here later this week, will the Minister stay very close to him so that he can listen to Conservative Members of Parliament who sneak up and say that they fought for Polish freedom? Will he also take the opportunity to point out that they are the people who criticised the Prime Minister's generous, sensible and prudent policy of allowing Polish people to come and work here from day one of Poland's entry to the European Union? Will he ensure that the Polish people are reminded of that before the next European and municipal elections? They will be able to vote in those elections—for the party that allowed them to come here and contribute to the United Kingdom's economy, not for that lot.

Andy Burnham: My hon. Friend is absolutely right. The contribution made by accession-country nationals to our economy since we gave them the opportunity to work here has shown that to be the right decision for the British economy, for this country in Europe and for Poland. If the Conservatives oppose the free movement of labour around Europe, they should come out and say so.

West Mercia Police

2. **Mr. Philip Dunne** (Ludlow) (Con): If he will make a statement on the performance of West Mercia police. [24790]

The Parliamentary Under-Secretary of State for the Home Department (Paul Goggins): The police performance assessments published by the Home Office and Her Majesty's inspectorate of constabulary on 27 October show that in 2004–05 the West Mercia police force achieved a very positive assessment of its performance across the range of its core policing activity. All delivery grades are either good or excellent, and most direction grades have improved.

Mr. Dunne: I am sure that the Minister agrees that we should congratulate Paul West, the chief constable, on the fact that his force not only achieved those grades but was the top-performing force in the country, on the Minister's own criteria. How does he reconcile that outstanding performance with his Department's arbitrary decision, made during the current "Closing the Gap" consultation, that there should be a minimum force size of 4,000 officers? West Mercia has just proved that, with only 2,400 officers, it can deliver the best performance for the best value in the country.

Paul Goggins: I am happy to join the hon. Gentleman in praising Paul West and all his officers and staff for their tremendous achievements. They have cut crime in their area by 13 per cent. Burglary, for example, is down by 22 per cent. However, there is no contradiction between giving that praise clearly in the House and elsewhere and accepting the advice of Her Majesty's inspectorate that, in order to deal with terrorism and serious organised crime and ensure that neighbourhood policing is not taken away from local communities, we need to have strategic forces of the size that it suggests: 4,000 officers and 6,000 staff. Those are not arbitrary figures. Her Majesty's inspectorate judges that those are the numbers that we need.

Mr. Michael Foster (Worcester) (Lab): May I add my congratulations to the chief constable and the team at West Mercia? What is the Minister's assessment of the position in relation to violent crime in West Mercia and the police's performance overall on that aspect? In making that assessment, can he perhaps refer to adverts that were carried across West Mercia just a few months ago, paid for by the Conservative party, that said that violent crime went up in West Mercia when, in West Mercia and in many other regions, it actually went down?

Paul Goggins: I am grateful to my hon. Friend for making that important point. I confirm that in the past year in West Mercia, robbery went down by 19 per cent., so it is a safer place to live in. Again, the police deserve praise for that. In relation to the change that is being suggested by the inspectorate and the need to ensure that we have robust strategic police forces, there is no blueprint. My right hon. Friend the Secretary of State for the Home Department has no blueprint for the forces that will emerge. He wants to hear from local opinion. Hon. Members on both sides of the House will be able to contribute to that consultation.

Daniel Kawczynski (Shrewsbury and Atcham) (Con) *rose—*

Andrew Mackinlay (Thurrock) (Lab): What about Poland?

Daniel Kawczynski: No, we are talking about West Mercia at the moment. We will leave Poland for another day. West Mercia police authority is overstretched at the moment, particularly in rural Shropshire. Why is it that West Mercia receives less per head than all the surrounding police authorities?

Paul Goggins: The police authority in the hon. Gentleman's area received a fair assessment and a fair allocation, but he has just used an interesting word—"overstretched". In fact, as we have discussed, the police are performing remarkably well. Think about how the police in his area will deal with the threats posed by terrorists and serious organised crime and the increasing pressure that that brings. If we do not make these structural changes now, there will be a tendency for police to be drawn away from the local neighbourhood and local communities that he may represent. It is in order to get that balance right that we need to press ahead and to form these new larger strategic forces.

Chief Constables (Vacancies)

3. **Mark Pritchard** (The Wrekin) (Con): How many chief constable vacancies there are; and if he will make a statement. [24791]

The Minister for Policing, Security and Community Safety (Hazel Blears): There are currently three chief constable vacancies and all three are being filled on a temporary basis.

Mark Pritchard: That is quite a revelation. I have been informed, perhaps misinformed, that there are currently five vacancies. Whether it is three or five, does the Minister share my concern—*[Interruption.]* I know why hon. Members want to shout me down. They do not want to hear what I have to say. Does the Minister share my concern, in the context of the global terror that we live with, that three, or possibly five, major police forces are having their command and control diminished by those vacancies? Is it not another example of the Government driving through their regional agenda before full consultation has taken place?

Hazel Blears: No, I entirely reject the hon. Gentleman's assertion. I ask him to check his numbers. We have three vacancies. Cambridgeshire has decided to make an appointment for a 12-month period because of the pending restructuring. Lancashire and Norfolk both have temporary appointments in place. They are ensuring that their forces have good leadership and a proper command team. The purpose of looking at the restructuring of our forces is to ensure that they have the capacity and capability to look at the range of challenges and threats that they face.

Mr. Lindsay Hoyle (Chorley) (Lab): My right hon. Friend will be aware that Lancashire not only does not have a chief constable, but its deputy chief constable has left. The police authority's failure to appoint is serious. It is unacceptable that, as we move towards a merger with perhaps Merseyside or Cumbria, a force the size of Lancashire does not have someone with a strong enough voice to outline what good policing in Lancashire is. It is too important; can she do something about it?

Hazel Blears: I understand my hon. Friend's concern and he is a great champion of policing in Lancashire. We have just published the police performance assessment and Lancashire is doing an extremely good job; it is one of our really good forces, with two excellent grades, three good grades and two fair grades. The force is going in the right direction. My hon. Friend will always be keen to make sure that his area gets the very best policing, but he will agree that the force is doing a good job. I have no doubt that the members of the command team will keep their eyes on the ball and make sure that they are delivering to the people of Lancashire.

Mr. Tim Boswell (Daventry) (Con): Is not the real problem that the present surplus of chief constables rapidly may be converted into a glut as a result of the Government's headlong pursuit of a policy of regionalisation of our forces, under which my village of Aynho in the south-west of Northamptonshire may well soon be under the same policing command structure as Skegness, where, if my constituents are of good behaviour, they may hope to go across the entire east midlands to spend their holidays?

Hazel Blears: The hon. Gentleman will be well aware that the basic unit of policing in his area will be a command unit with a borough commander, which is the basis on which neighbourhood policing will be provided. We have a commitment to ensure that every community, urban and rural, has a dedicated, available and accessible neighbourhood policing team by 2008. People will have the team's mobile phone numbers and can contact them, and they will have the same officers for two or three years. That is the way in which the hon. Gentleman's constituents and others across the country will be able to see that they have neighbourhood police officers, dedicated to making sure that their streets are safe and their communities more secure.

Mr. David S. Borrow (South Ribble) (Lab): In cases of a merger between police forces, will the appointment of the new chief constable be restricted to the chief constables of the forces being merged, or will the new police authority have discretion to look within a wider pool of police officers for the new chief constable?

Hazel Blears: It is important that the debate be led by police authorities and police forces, and it must involve Members of Parliament and local councils. That is why the current consultation is led from the areas themselves and not from the centre by Government. We want to make sure that people locally can make the right decisions. I cannot say at this stage what the procedure will be in terms of that recruitment process, but I am clear that the police authorities need to be fully involved in the process so that they get the command teams that can do the job we want them to do.

Sir Patrick Cormack (South Staffordshire) (Con): If the Minister is genuinely anxious to consult and to listen, will she consider the views of those who believe that emulation of the best is rather better than amalgamation of the rest?

Hazel Blears: I can give the hon. Gentleman an assurance. When he came to see me last week—with other Members of Parliament from Staffordshire, including some of my hon. Friends—he will have had the sense that was I listening to the points that were made. We are a listening Government—*[Interruption.]* We are a listening Government, and we are flexible, pragmatic and practical. We want to make sure that when the new structures are in place they are fit for purpose. The point is that Her Majesty's inspectorate of constabulary said that the current 43-force structure is not fit for purpose and it is the responsibility of any Government to take seriously the advice of the inspectorate and to try to make sure that our structures have the capacity, capability and resilience to be able to protect our citizens from the threats we face.

Counter-terrorism

4. **Jim Dobbin** (Heywood and Middleton) (Lab/Co-op): If he will make a statement on EU co-operation on counter-terrorism. [24792]

The Secretary of State for the Home Department (Mr. Charles Clarke): Counter-terrorism has been a top priority for this EU Presidency even before the July attacks in London, in the belief that international co-operation is absolutely essential to combat terrorism. Key areas of work include agreeing framework decisions on the European evidence warrant, simplifying the exchange of information and dealing with the retention of telecommunications data. While the prime responsibility for protection of citizens remains a national one, effective EU co-operation is a key element in the fight against terrorism.

Jim Dobbin: As a member of the European Scrutiny Committee, I took part in a European Parliament justice and home affairs debate on the European arrest warrant. The impression was given during that debate the Interpol and Europol do not have a strong and close working relationship. What is my right hon. Friend going to do to try to improve that relationship, particularly in respect of counter-terrorism?

Mr. Clarke: My hon. Friend is entirely correct to identify the issue of co-operation between police forces and international organisations. I am glad to say a recent agreement between Europol and Interpol has led to a tangible increase in strategic co-operation. They now have joint incident response teams and are involved in joint contingency planning for terrorist attacks. This country is working to support such co-operation, and two members of the National Crime Squad are working in Europol's national liaison unit to achieve better relations overall. The deputy director of Europol is at Interpol today, discussing matters of mutual interest. I acknowledge the thrust of my hon. Friend's question, but things are improving.

Mr. David Heath (Somerton and Frome) (LD): The Home Secretary mentioned that he has been actively seeking agreement on the issue of data retention by mobile phone companies. We read that he has now concluded a British agreement with O_2. Will that agreement survive any takeover—indeed, perhaps it may be extended to other Telefónica-owned companies;

will the same terms be available to other companies; and does this mean that he accepts that he will not secure an agreement during the British EU Presidency?

Mr. Clarke: On the contrary, this Government, like other Governments, have agreements with telecommunications companies on the retention of data. The Council of Ministers has said that an agreement will be reached by the end of this year, and I am confident that that will be the case. I am working to extend that agreement to the European Parliament, so that it, too, is part of the process. The message will be much stronger if all institutions—the Commission, the Council and the European Parliament—work jointly to fight terrorism. That is what I am seeking to achieve, and I am confident that we will do so.

Mr. David Anderson (Blaydon) (Lab): Part of the response in countering terrorism is the introduction of identity cards. Will the Home Secretary comment on this weekend's London School of Economics report, which states that the cost of ID cards will rocket even higher than the figure predicted before the recess?

Mr. Clarke: I have a simple, one-word comment on the LSE report, and it is the same as that on its previous report: nonsense—a load of nonsense. We have set out the figures very clearly, and ID cards contribute to our ability to defend ourselves against terrorism and serious and organised crime. That is one reason why we are promoting the Bill before the House of Lords.

Michael Fabricant (Lichfield) (Con): For how many days can suspected EU terrorists be held without trial in Europe?

Mr. Clarke: As the hon. Gentleman, who is a distinguished parliamentarian, will know, the legal systems of the various EU countries are very different indeed. As the Foreign Office report indicated, the answer to that question is up to four years—depending on which country one is talking about—under a system of investigating judges and magistrates, which, as I said, is a different situation. Such long periods of detention in those countries need to be borne in mind when we consider the form of such legislation in this country.

Mr. Edward Garnier (Harborough) (Con): There is no doubt that wider international, as well as EU, co-operation is essential in dealing with terrorism. But does the Home Secretary accept that the Prime Minister's somewhat petulant statement this morning on the 90-day detention proposal undermines the Home Secretary's authority and his rather more rational approach to counter-terrorism law, and damages his ability to advance EU co-operation on counter-terrorism?

Mr. Clarke: The Prime Minister and I have a very clear position in dealing with these matters.

John Bercow (Buckingham) (Con): But it suffers from the disadvantage of being wrong.

Mr. Clarke: The hon. Gentleman says that, but the fact is that the police and some three quarters of the people of this country think that we need to be able to deal with the situation properly. He may disagree, but we do not. Returning to the question, international co-operation is important, which is why we are trying to work very closely internationally. That is the right way for us to proceed.

Domestic Violence

5. **Lyn Brown** (West Ham) (Lab): What steps he is taking to monitor the impact of recent domestic violence legislation. [24793]

The Parliamentary Under-Secretary of State for the Home Department (Fiona Mactaggart): The national delivery plan for domestic violence, published in March 2005, sets out eight performance indicators that are used at national, police force and local level to monitor the impact of action against domestic violence. The plan is performance managed by the inter-ministerial group on domestic violence and reviewed quarterly. The number of domestic violence cases that result in successful prosecutions has risen from 53 per cent. in 2004–05 to 59 per cent. in the first two quarters of the present year.

Lyn Brown: In March, the Home Office released a report that mentioned specialist courts for domestic violence cases to enable more support for victims and better advocacy. Will the Minister tell us how those courts are now delivering?

Fiona Mactaggart: This year we will be rolling out 25 specialist courts and eight are already in place. The pilot, which revealed what those courts could achieve, showed that in Caerphilly, guilty pleas increased from 21 to 27 per cent. and by September this year they had averaged 61 per cent.—an indication of their increasing success. Convictions in court went up from 8 per cent. to 19 per cent. in the pilot period and they have now reached 32 per cent. Victim withdrawals, which have been a particular problem with domestic violence cases, went down from 53 to 27 per cent. in the pilot period and have now decreased further to 17 per cent. In addition, together with the specialist courts, domestic violence advocates help women to go through all the complications of the different bits of the system that deal with domestic violence—ensuring not only that they get successful convictions, but that the system meets those women's needs rather than their having to meet its needs.

Mr. Andrew Turner (Isle of Wight) (Con): According to the British crime survey, nearly a third of domestic violence cases—more than 300,000 incidents a year—take place under the influence of alcohol and the average number of attacks that a victim suffers before calling the police is 35. While some excellent work is being done to make perpetrators confront their behaviour, do not those figures underline the importance of giving effect to sections in the Domestic Violence, Crime and Victims Act 2004, which make assault an arrestable offence and make breach of injunctions a criminal offence? Why have they not yet been brought into effect and when will they become enforceable?

Fiona Mactaggart: The hon. Gentleman will be aware that under serious organised crime legislation, not just those but all offences will be given arrestable effect, and that will be happening shortly. The hon. Gentleman is right to say that that we need effective procedures to help reduce repeat victimisation. If we look at the impact of what we have already done—much more dynamic than anything done for a very long time—we can see that repeat victimisation is being reduced and that women are being made safer. The present proposal, which will be brought into effect in due course, is adding to what is already an effective programme of action to protect women and men against domestic violence.

Mr. David Chaytor (Bury, North) (Lab): Would my hon. Friend accept that domestic violence can remain an issue long after the separation of the partners? There is a concern at present about contact orders between estranged partners being the subject of continued exploitation within the family relationships. Does she accept that the Children and Adoption Bill may provide an opportunity to improve the level of assessment that takes place in respect of former partners who have been guilty of domestic violence in the past? Will she look into that matter carefully?

Fiona Mactaggart: My hon. Friend will be aware that the courts inspection looked into issues surrounding the Children and Family Court Advisory and Support Service with the aim of ensuring that the right of parents to have access to their children does not put those children at risk. The Government are looking carefully at the recommendations and reflecting on whether any amendments to the Children and Adoption Bill, which is currently before the other place, might be necessary to protect children more effectively from the risk of domestic violence being committed by one of their parents.

DNA Database

6. **Lynne Featherstone** (Hornsey and Wood Green) (LD): What assessment he has made of the effectiveness of the national DNA database. [24794]

The Parliamentary Under-Secretary of State for the Home Department (Andy Burnham): The national DNA database is the biggest operational policing DNA database in the world. It now holds more than 3.3 million DNA profiles and provides the police with around 3,000 intelligence matches each month. The annual number of direct DNA detections more than doubled from 8,612 in 1999–2000 to 19,873 in 2004–05. In addition, a further 15,732 crimes were detected in 2004–05 as a result of further investigations linked to the original case in which DNA was recovered.

Lynne Featherstone: I thank the Minister for that answer, but I wonder whether he is aware that earlier this year figures showed that 32 per cent. of all black males in the UK were on the DNA database, but only 8 per cent. of white males. Does he recognise the growing concern about racial profiling and disproportionality in criminal investigations, and will he undertake to find out what underlies those figures?

Andy Burnham: I know that the hon. Lady has shown an interest in this subject and has tabled parliamentary questions on it. The data held on race profiles are not directly accurate, in that they are derived from the impressions of the police officer in the custody suite, not a statement by the individuals involved. There are therefore problems with providing the data that she requires. However, the procedures apply across the piece to people who have been arrested, so they are not discriminatory. Moreover, huge public benefit is derived from the database with regard to the detection of serious crime.

Mr. Gordon Prentice (Pendle) (Lab): But why are the police allowed to keep the swabs and the DNA of people who are not charged with any offence?

Andy Burnham: They are allowed to keep the DNA to help with the solving of serious crime. My hon. Friend will know that some serious offences have been solved by using the database. For example, in 2001 a shoplifter was arrested in Derby. His DNA was taken and found to match that in a rape that was committed in 1998 in Canterbury. If people are guilty of no crime, having their DNA on record can only help to ensure that they are not wrongly accused of a crime.

Mr. Paul Goodman (Wycombe) (Con): What discussions has the Minister had, or is intending to have, with his counterparts at the Department of Health about any connection between the database and the ID card scheme, as well any connection between the database and the new national computer network that the Department is introducing?

Andy Burnham: The national DNA database is not linked to the Department of Health. It is focused on the solving of serious crime and is a major operational tool for the police to use to ensure greater reliability in connecting the guilty to a crime. There is no direct link to the systems that the Department of Health is introducing. The Government have invested some £300 million in expanding the DNA database. If Opposition Members wish to challenge its results, I can confirm that it has helped to solve crimes throughout the country, with great benefits to the families of the victims of those crimes.

Dr. Brian Iddon (Bolton, South-East) (Lab): With an ever increasing number of people logged on the database, what consideration has my hon. Friend given to the advice of Professor Jeffreys, who discovered the DNA fingerprinting technique, that we should move from 10 to 16 markers in order to avoid wrongful convictions?

Andy Burnham: My hon. Friend is far more eminent in matters of science than I am, and I will of course consider seriously the point that Professor Jeffreys raises. We are ensuring that we use advances in technology and science to the maximum possible effect in the public interest, which—in this case—is solving serious crimes.

Drug Treatment (Offenders)

7. **Mr. David Burrowes** (Enfield, Southgate) (Con): What steps he is taking to ensure that offenders receive adequate drug treatment. [24795]

The Parliamentary Under-Secretary of State for the Home Department (Paul Goggins): Drug treatment plays a key role in rehabilitating offenders and reducing reoffending. That is why we have developed a comprehensive structure to deliver drug treatment to offenders wherever they are in the criminal justice system, and have invested heavily in a range of programmes, including enhanced treatment in prison, the drug interventions programme and drug rehabilitation requirements for community sentences.

Mr. Burrowes: I am grateful for the Minister's response, but does he share my grave concern about drugs in Pentonville? A recent inmate struggling to rehabilitate himself from drugs told me that the prison is awash with drugs, with cannabis bars thrown over the walls, and crack cocaine and heroin easier and cheaper to obtain inside the prison than outside. When will the Minister and the Government take action to deal with that scandal, which is happening not just in Pentonville but in prisons throughout the country?

Paul Goggins: The Prison Service, prison governors and my right hon. Friend the Minister for Policing, Security and Community Safety work hard to counter drugs being brought into our prisons. The problem is significant and nobody can deny it, but the failure rate for mandatory drug testing was 24 per cent. 10 years ago and it is now down to 11 per cent., so I hope the hon. Gentleman will recognise that that is an indication that the efforts of staff in all our prisons to reduce the amount of drugs coming into prison and being misused by people in prison are having some impact. I do not deny for a minute that the hon. Gentleman makes an important point: this is an evil and we need to continue to work together to bear down on it.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): The Minister was recently in charge of prisons and knows that drug treatment for offenders is far from the success that he would have us believe. Not only are drugs literally pouring into our prisons, but nearly half of all who start drug treatment programmes in prison fail to complete them. There is a shortage of suitably qualified drugs workers in our prisons and the social exclusion unit found that even after receiving treatment in prison there is almost no support on release, so returning to drug taking and criminal activity is the easy option. As well over half the crime committed in this country is connected to drugs—

Mr. Speaker: Order. Supplementaries should be shorter.

Mrs. Gillan: I wondered, Mr. Speaker, when the Minister would make some real investment in aftercare and services.

Paul Goggins: May I express some mild surprise? The hon. Lady has carried her Front-Bench responsibilities for a long time and I know that she visits prisons and takes a deep interest in these issues, so how she can retain such a wholly negative assessment of the position baffles me, because she knows that many staff are working hard to turn people's lives around. The number of people employed to work with drug misusers has increased from 6,000 to 10,000 as a result of the massive investment that the Government have made, not just for offenders in prison but for offenders in the community; 55,000 offenders in prison were on a maintenance or detoxification programme last year and 40 per cent. of all prisoners are on voluntary drug testing. I do not think that her question reveals the full picture, which is more positive than her version of it.

Angela Watkinson (Upminster) (Con): No matter how much drug rehabilitation treatment is provided, will the Minister acknowledge that as long as the Government's policy is based on harm reduction, for every drug addict who is cured 10 more will come along? Will he redirect his drug policy to drug prevention?

Paul Goggins: We will not be deflected from harm minimisation, because it is essential that people who misuse drugs are helped to get off them and that the people whose houses they burgle and whose lives are made a misery owing to that criminality can also be protected. We have invested massively in drug treatment: the pooled drug treatment budget increases to £478 million in two years—an astronomical increase. We are absolutely determined to ensure that when people caught up in criminality as a result of their drug misuse want to change their behaviour we will give them every assistance to do so, but if they will not change they will have to take the consequences.

Mr. Dennis Skinner (Bolsover) (Lab): Is the Minister aware that he is fighting the problem with one hand tied behind his back? Prominent politicians are advocating taking drugs. The other year, half the Tory Front Bench admitted to taking them and now a prominent candidate for the leadership is suggesting that ecstasy should be downgraded. What chance have we got when that lot are involved in taking drugs?—*[Interruption.]*

Mr. Speaker: Order.

Police Officers (Administration)

8. **Mr. Nigel Evans** (Ribble Valley) (Con): What action he is taking to reduce the burden of administration on police officers. [24796]

The Minister for Policing, Security and Community Safety (Hazel Blears): We have made good progress in reducing the bureaucratic burdens on police officers by cutting almost 9,000 unnecessary forms, civilianising posts, rolling out the penalty notice for disorder scheme and ensuring that forces have the best scientific and technological support, such as video identity parades and electronic fingerprinting, so that our police spend more time in communities tackling crime and antisocial behaviour and reassuring the public.

Mr. Evans: Come off it. The Minister says that they are a listening Government. Why are they not listening to the police, who say that they are snowed under with bureaucracy and paperwork? Is it little wonder that the police spend so much time in police stations and not on the streets where they should be? Why do the Government not start, for instance, with the form that the police must fill in every time they stop someone? It is a foot long and it takes them seven minutes to fill in. Is it not about time that the Government did something about that?

Hazel Blears: I am afraid that the hon. Gentleman is wrong again. All the evidence shows that filling in most stop forms takes less than five minutes and that such encounters happen, on average, once every two and a half hours on patrol. I would commend to the hon. Gentleman PC Diederik Coetzee of Nottinghamshire police. He is a police officer in Mansfield and he has the record for the number of arrests this year—he has arrested 309 people. He said:

> "I am firm but fair. If they break the law they have to be brought to book."

It is reported that he is "undaunted by the paperwork". He said:

> "It's not that horrendous . . . It comes with the job."

He is out on the front line, arresting criminals and bringing them to justice, and he does not think that the paperwork is horrendous—it is part of the job.

Andrew Miller (Ellesmere Port and Neston) (Lab): Just occasionally, bureaucracy gets in the way. For example, in my constituency a partnership between local residents in Burton and the police using mobile speed detection devices has been blocked because of an absurd argument between Government officials and Ofcom about the wavelength that is used. Will my right hon. Friend knock a few heads together and get some common sense into this?

Hazel Blears: I would be delighted to do that. I am firm but fair, and I will certainly look at that problem. The kind of partnership project that my hon. Friend mentions is exactly the kind of thing that we want to take place between police officers and local residents working together to make their areas safer. So, I certainly give an undertaking to get on the job and on the case.

Mr. John Maples (Stratford-on-Avon) (Con): Many hon. Members hope that the reorganisation of police forces on which the Government are consulting will lead to a reduction in administrative burdens, although we remain to be convinced of that. Those of us who represent rural areas with small police forces must weigh that against what we think will be a reduction in local democratic accountability and pressure on rural policing because big cities drag in more of the resources. Are the Government prepared, in response to that consultation, to entertain proposals that would create two levels of policing—one at regional or national level that would deal with very serious crime, thereby leaving local policing to locally accountable police forces?

Hazel Blears: Yes. We want to ensure that we have four levels of policing: at the very local neighbourhood level, then at basic command unit level, then at strategic force level, and then the national and international levels that we have now. We are about to establish the Serious Organised Crime Agency, which will look at those national and international levels. However, it is crucial that all those levels of policing should stay connected because very often local community intelligence can help to tackle neighbourhood crime, more serious, organised crime and even international crime. I would not want those forces to become divorced from one another. The concentration on neighbourhood policing is very much the top priority for me because that is where the public want to see their officers, and people should have that relationship with their local police in rural areas as much as in urban ones. Having strategic forces ought to reinforce the ability of the neighbourhood police because if there is a big murder in a small force, very often neighbourhood officers get taken away to deal with that complex crime, but bigger forces have the resilience to ensure that that does not happen.

Mr. Iain Wright (Hartlepool) (Lab): Police in my patch welcome the cut in the number of police forms that they must complete, but they complain that when an arrest is made they are taken off the streets into the police station, where they must fill in paper-based forms. Will my right hon. Friend permit the use, perhaps on a pilot basis, of electronic hand-held devices such as PDA to minimise bureaucracy in administration, as much as is possible, and ensure that police officers are on the beat for as long as possible?

Hazel Blears: I know that my hon. Friend has been campaigning on this issue for some time. I also know that he regularly goes out on patrol with his force, so he sees for himself what is happening on the ground. Several areas are piloting the use of hand-held computer devices, which means that officers do not have to go back to the station. The increasing civilianisation of custody suites means that officers can hand over prisoners to civilians to be put through custody, which means that more officers can be released to the front line so that they can patrol and give the public the reassurance that they want.

Sir Nicholas Winterton (Macclesfield) (Con): Will the Minister really listen to the people of this country about policing? Although I accept the sincerity of her responses, does she accept the point made by my hon. Friend the Member for Stratford-on-Avon (Mr. Maples) that police services in rural areas are under-resourced compared with those in urban areas, which I believe receive a much more generous allocation? If the police do, as they say to me, have to fill in many forms, which keeps them in the police station, rural areas are clearly suffering from inadequate numbers of bobbies on the beat. It is the bobbies on the beat who prevent crime, so there is a huge incentive to get them on the beat so that they can prevent crime, rather than investigate it.

Hazel Blears: I entirely accept the enthusiasm and genuine sincerity with which the hon. Gentleman makes his point, but may I gently say to him that I do not believe that rural areas are under-resourced? Policing in this country is determined by a formula that examines the need for policing, and I genuinely believe that that formula is fair. I have to make the point to the hon. Gentleman—again gently—that under his Government, police officer numbers were cut by 1,200. Under this Government, the number has gone up by 12,000, and we now have 6,500 community support officers out on the beat, who are reassuring the public as a visible uniformed presence. The Government are listening to the people of this country, who want more police officers and community support officers on the streets.

Mr. Speaker: Order. Perhaps the Minister can listen to the Speaker as well, and maybe we will get shorter answers.

Prisoners (Electronic Tagging)

9. **Jon Trickett** (Hemsworth) (Lab): If he will make a statement on the performance of contractors involved in the electronic tagging of prisoners. [24797]

The Parliamentary Under-Secretary of State for the Home Department (Fiona Mactaggart): Electronic monitoring providers' compliance with contractual obligations is generally satisfactory. However, sometimes things do go wrong, and I would like to express my deep regret for the tragic murder of Marian Bates by an offender who was subject to electronic monitoring. Since then, electronic monitoring procedures have been strengthened and the Home Office has issued new guidance to prevent a similar tragedy occurring in future.

Jon Trickett: I thank my hon. Friend for that reply and share her concern about the individual whom she named. Does she share the anger of local people in my area, and the frustration of senior police officers, after discovering that a prolific local offender had been in breach of his tagging order 22 separate times and that Securicor, the contractor, had failed to inform the police of those breaches, which became apparent only when the man was arrested for committing a public order offence while in breach of his electronic tagging order for the 22nd time? Is that not a disgrace? Will the Minister carefully examine Securicor's behaviour?

Fiona Mactaggart: I am very keen to examine carefully any breaches of the agreement that we have with the electronic monitoring companies. One of the changes to which I referred is that 100 per cent. of actions by them are now monitored by us. A breach of the sort that my hon. Friend described would thus automatically affect the contract with the company involved. If he will provide me with further details of the case, I will certainly look at it to ensure that it has been properly followed up. The scheme can be an effective way of monitoring offenders. It can help to regulate offenders' behaviour between prison and the community and have positive effects, but only if it is operated effectively by the monitoring companies.

Dr. Julian Lewis (New Forest, East) (Con): Would not it deter offenders who had been tagged from removing their tags if they were informed that the price of removing the tag would be that they would serve the rest of their sentence in prison?

Fiona Mactaggart: That is possible. If someone breaches the conditions of their curfew or monitoring by removing their tag, they have to be sent back to court, which means they can be returned to jail, but the decision for how long they should serve is rightly made by the sentencer and not by a Government Minister.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): Surely fulfilling contractual obligations is not enough. Two weeks ago I visited Group 4 Securicor's tagging headquarters and was surprised to learn from the company that it is not subject to an inspection regime. With more than 3,000 prisoners tagged and high-profile failures, why is there no specific provision for an inspection regime in this highly sensitive area?

Fiona Mactaggart: The company's performance is monitored regularly by staff employed by the Home Office, and they are required to report on a series of particular performance indicators, including how quickly breaches are reported and brought back to court, for example. Under the new contract, any failure on any case is counted as a breach. It is not a sampling system, as it was under the old contract.

Prisons (Sickness Management)

10. **Mr. Edward Leigh** (Gainsborough) (Con): What steps he has taken to improve the management of sickness absence at the 10 prisons identified in the Public Accounts Committee's first report of Session 2004–05 as having the highest levels of sickness absence. [24799]

The Parliamentary Under-Secretary of State for the Home Department (Fiona Mactaggart): A programme of management action has resulted in a reduction in sickness absence in the public sector Prison Service. That includes improved monitoring by senior managers, staff access to occupational health support, particularly for stress and back pain, and a willingness by management to take the difficult decisions either to retire medically or dismiss staff on the ground of medical inefficiency where they are unable to give regular and effective service. In nine out of the 10 prisons with the highest levels of sickness absence as identified in the PAC's report, there has been an average reduction in sickness absence of 36 per cent. since 2002–03.

Mr. Leigh: In those statistics, the Minister did not mention that the Prison Service still has the highest sickness absence in the civil service, that sickness absence in the 10 worst offending prisons has fallen only from 22 days to 15 days a year, or that, astonishingly, prison officers in two prisons are taking one in every five weeks off sick. What real progress is she intending to make to get on top of that appalling problem and manage our prisons properly?

Fiona Mactaggart: The hon. Gentleman is right to say that sickness absence is a serious problem. When his Committee produced its helpful report identifying that there was a serious problem, the difference between the average amount of sickness absence in public sector and private sector prisons was about seven days. It is now below one day. We have reduced the number of days taken as absence in each of the 10 prisons identified in the report by more than seven days. Yes, there is still a problem, but we are working to overcome it in exactly the way that his report identified by setting clear milestones, by using clear management action and by bearing down on those prisons where the problem is greatest. We are making a difference; we still have more to do.

Ancestral Visas

11. **Mr. Richard Benyon** (Newbury) (Con): If he will make a statement on the future of ancestral visas. [24800]

The Parliamentary Under-Secretary of State for the Home Department (Andy Burnham): Our consultation on a new points-based system for managed migration to cover routes to work, study and train in the United Kingdom closes today. As we develop the new system, we will consider how it relates to existing routes such as UK ancestry and we will assess the possible impact before making any changes.

Mr. Benyon: Earlier, when the Minister was talking about asylum entry to this country, he referred to an unacceptable state of limbo, which he is seeking to exclude from the process. Will he consider the unacceptable state of limbo of constituents of mine such as Reg Stephens—there are many thousands like him—who came to this country from Zimbabwe down an entirely accepted route of entry, but has been unable to access travel documents to go back to Zimbabwe to bury a relative and really needs the system sorting out? Will the Minister assure me that he will address that as a matter of urgency because many people are suffering under the current alleged review?

Andy Burnham: I am aware of the case, which the hon. Gentleman has raised assiduously with the Department. We all want to ensure that there is no abuse of our managed migration system. A review of the system carried out a couple of years ago revealed that there was some abuse of the managed migration route into the UK. I am sure that the hon. Gentleman will respect the fact that investigations had to be carried out to ensure that the procedures for ancestral visas are robust. That work has been carried out and we hope that we will soon be able to reconsider applications such as that of his constituent.

Humberside Police

12. **Ms Diana R. Johnson** (Kingston upon Hull, North) (Lab): If he will make a statement on the performance of Humberside Police. [24801]

The Minister for Policing, Security and Community Safety (Hazel Blears): The performance assessments published by the Home Office and Her Majesty's inspectorate of constabulary on 27 October show that in 2004–05 Humberside police made significant improvements in crime reduction and reduced overall crime by 12 per cent., one of the largest reductions by any force last year. Although the force continues to face challenges on a number of fronts, its performance continues to show overall improvement.

Ms Johnson: Under the previous chief constable, Humberside police force was the last police force in the UK to get police community support officers, who carry out a valuable role in dealing with crime and antisocial behaviour. Does my right hon. Friend agree that forces that have been able to innovate and embrace change have done much better than those that have lagged behind?

Hazel Blears: Yes, I entirely agree. I am delighted to say that Humberside has its first tranche of community support officers. My hon. Friend will know that we have plans to get 24,000 community support officers over the next three years, and I have no doubt that Humberside will bid for some of them. The excellent job that they are doing in the rest of the country will help to reassure her constituents.

Court Martial Judgment

3.31 pm

Mr. Michael Ancram (Devizes) (Con) (*urgent question*): To ask the Secretary of State for Defence if he will make a statement on the collapse of the court martial of seven paratroopers from the 3rd Battalion the Parachute Regiment, accused of murdering an Iraqi civilian two years ago.

The Minister of State, Ministry of Defence (Mr. Adam Ingram): I want to make it clear from the outset that the armed forces operate to the very highest standards. All personnel are aware of the necessity to operate within the law. It remains MOD policy to initiate a service police investigation into every instance where the action of British service personnel may have led directly to the death or injury of Iraqi civilians. The Government back our troops fully. I, together with the chiefs of staff, am very proud of the role that British armed forces play in the world. They do an exceptional job in very difficult circumstances and operate to the very highest standards.

The trial of the seven members and former members of the 3rd Battalion the Parachute Regiment concluded on 3 November in Colchester, after the Judge Advocate General directed the board to find all seven defendants not guilty. The trial related to an incident in Iraq which occurred at the roadside in Maysan province in southern Iraq on 11 May 2003, following which Mr. Nadhem Abdullah, an Iraqi citizen, died. The seven individuals were jointly charged with murder and violent disorder.

I am limited as to what I can say about the Judge Advocate General's decision, as this is a matter for my noble and learned Friend the Attorney-General. However, it may be helpful if I place the trial in its operational context.The end of the trial has raised the question of why the soldiers faced those serious charges. Soldiers understand that they are required to operate within the law and their rules of engagement and can be held to account for their actions. All soldiers in Iraq and elsewhere receive a briefing on that. They also receive training in the law of armed conflict as part of their annual training. Soldiers are not above the law.

Whenever an incident occurs or an allegation is made, a Royal Military Police—RMP—investigation is launched by the commanding officer. The conduct and scope of such investigations is determined independently of the chain of command. The RMP special investigation branch—SIB—is a fully professional investigative agency, which conforms to UK Home Office standards, where appropriate, and follows civilian police investigative procedures. Investigations are carried out thoroughly, professionally and in accordance with the rules of evidence, UK best practice and the Association of Chief Police Officers standards, but operational circumstances or cultural differences may limit the forensic and investigative opportunities.

In this case, the Royal Military Police was operating in a hostile and volatile environment, which clearly impacted on some aspects of its investigation, both in terms of its scope and its timing. The decision to prosecute was taken by the Army prosecuting authority based upon the evidence gathered by the RMP. The APA acts as prosecutor in all courts martial and has a similar role to that of the Crown Prosecution Service in civilian courts. The APA is statutorily independent of the Army chain of command, which has no influence over its case management or decision-making process. The decision to prosecute is based upon its assessment of the evidence and of the realistic prospects of a conviction.

Everyone is presumed innocent unless and until they are found guilty. The four servicemen and three ex-servicemen were provided with every assistance to enable them to put their case: a unit defending officer was provided for each of them and acted as their link with their defence team; they were each defended by a QC, funded by the Army criminal legal aid authority; and they were all afforded full welfare provision throughout the period up to and including the trial—and this continues.

The Judge Advocate General made it clear that he had no criticism of the Army prosecuting authority in bringing the case to trial. This court martial demonstrates the Army's commitment to transparency and accountability. It was held in open court, where it was open to full public scrutiny, and to the same standards of justice and independence that are present in the civilian justice system. All the parties and authorities involved, military and civilian, acted properly and in good faith.

The British Army is not complacent. Following all operational commitments, a process of continuous and determined professional review is undertaken. The comments of the Judge Advocate General are being considered and a comprehensive review of the 3 Para trial is under way. In addition, the Army announced a review following the trial earlier this year of members of 1 Royal Regiment of Fusiliers. The review is being conducted on behalf of the Chief of the General Staff by a senior experienced officer and is looking at issues arising from concluded courts martial relating to deliberate acts of abuse. It will seek to learn lessons and look at wider issues emerging from trials and other reports, in order to safeguard and improve the Army's operational effectiveness. Any findings can be published only after all the courts martial have concluded, so publication is therefore likely to be some time in the future.

This case has shown our determination to ensure that justice is done irrespective of the difficulties. We are very sensitive to the ordeal that these soldiers have been through—they have acted with dignity throughout and I hope that they will now be given respect and privacy to enable them to continue with their lives. More than 80,000 servicemen and women have served in Iraq—only a very small number of them have been accused of ill treatment of Iraqi civilians, and a number of those have already been cleared of any wrongdoing, as in this case. Our troops in Iraq continue to perform outstandingly, but they are not above the law.

Mr. Ancram: I thank the Minister for that reply. I understand that this is not an easy subject for him and that many of its aspects do not fall directly within his area of responsibility, but he is the Minister with responsibility for the armed forces, and he is responsible for their morale. He, like me, pays frequent and heartfelt tribute to our armed forces—he has done so again today, and I join him in doing so. Indeed, it is for that reason that I have put down this question because, as he

[Mr. Ancram]

knows, the prosecution of those seven soldiers had a serious effect on morale, and the collapse of the prosecutions has created even greater uncertainty and doubts in the mind of our armed forces.

Of course, where a crime has been committed and the evidence substantiates it, it must be prosecuted, but that was clearly not the case here. In his decision to stop the cases, the Judge Advocate General described the investigation of the case as "inadequate" and much of the evidence as "inherently weak or vague". He referred to witnesses having

> "colluded to exaggerate and lie",

and he referred to witnesses seeking "blood money". The bringing of this case therefore raises some serious questions. Who decided that these prosecutions should proceed? Was the Attorney-General involved in that decision? Was a political overview sought and was one given? Who was paying for the witnesses and who decided what they should be paid and for what?

We need urgent answers to those questions. They also form part of a wider concern about the serious damage to morale arising from doubtless well-intentioned but ultimately unsubstantiated prosecutions such as these and that against Trooper Williams, which also collapsed earlier this year. We must never forget that our forces are operating in a highly dangerous and hostile environment where confidence is essential and where nearly 100 of our soldiers have lost their lives. They cannot operate effectively with the spectre of the lawyer metaphorically looking over their shoulder.

Does the Minister agree that such prosecutions are highly damaging to recruitment and retention, both of which are under severe pressure? Does he also agree that they highlight a failure of his Department's duty of care towards service personnel? In that regard, can he throw some light on a report in yesterday's edition of *The Observer* that the Secretary of State will this week unveil a so-called action plan to offer support and counselling to those facing such prosecutions? Will he undertake to initiate a full review of how such prosecutions are undertaken?

Does the Minister agree that such prosecutions undermine the whole concept of mission command upon which the British Army operates? Does he share my sympathy for the view expressed in another place by Lord Boyce, the most recently retired Chief of the Defence Staff? He said that

> "The Armed Forces are under legal siege".—[*Official Report, House of Lords*, 14 July 2005; Vol. 673, c. 1236.]

He went on to say that they are being pushed in a direction where necessary operational military orders could be deemed improper or legally unsound. The battlefield is not a court of law and actions often have to be taken spontaneously. Is it not vital that in the proper pursuit of justice we must never compromise the ability of our armed forces to fight and to win?

Mr. Ingram: I appreciate what the right hon. and learned Gentleman said at the outset about the role that is played by Members across the Chamber in highlighting not only the difficulties that personnel face in conflict or in dealing with the aftermath of conflict, no matter where they may be, but the way in which they carry out their duties. I am sure that that view is shared throughout the House.

I hope that the right hon. and learned Gentleman, who served as a Northern Ireland Minister at a time when members of Her Majesty's armed forces and the security services were brought to trial for actions that were carried out, is not arguing that we should simply turn a blind eye to wrongdoing. *[Interruption.]* Well, we have established that; it is important to do so. I do not know whether he is then arguing that we should have ministerial oversight of the judicial process. That was not the case in the past, it is not the case now, and it would not be advisable for it to be the case in the future.

All judicial processes have to be wholly independent, and those circumstances applied in this case. I recognise the way in which it has played out. Great publicity was given to it and it was sometimes exploited by those commenting on it, perhaps for political purposes, on both sides of the debate—those who want to oppose the Government per se and those who want to oppose what the Government are doing in Iraq overall. That does not help in the judicial process, which must be wholly independent and, in the right sense of the word, calculating in terms of all the evidence that is before it. The Judge Advocate General determined that there was true justification for bringing this case to trial and sufficient material evidence so to do. He also recognised the very difficult circumstances in which the SIB carried out its investigations, although he went on to comment on what he perceived to be the failings in those investigations that ultimately led to the collapse of the case.

As I said, the whole matter will be subject to a thorough review. We review every incident of such a serious nature. As MOD Ministers we—and equally importantly, if not more so, the chiefs of staff who have the responsibility alongside us to maintain high morale—must ensure that any lessons that need to be learned will be learned. I give the right hon. and learned Gentleman that commitment. As I said in my opening statement, that review is under way. We have said that consistently and, as we take each lesson on board and determine what we must do, a suitable report will be made in some shape or form to the House.

The right hon. and learned Gentleman asked about the payment of witnesses. There is nothing unusual about witnesses receiving expenses and that applied in the case that we are considering. We must now examine whether the level was appropriate and what can be construed from that. The military court service made the decision and it, too, is currently reviewing its processes.

I hope that the right hon. and learned Gentleman and Conservative Members who have supported us in the conflict recognise that, as in any theatre of conflict, there is a fine line to walk. We must ensure that we maintain the confidence of the people whom we are trying to help while ensuring that our troops receive adequate and proper resources to carry out their job. Some of the comments that are made off side do not help morale because they undermine the difficult task that our soldiers face. They know that they have to conform to the rule of law and those who misunderstand and misdirect comments do not help in boosting morale.

Mr. Gordon Prentice (Pendle) (Lab): The right hon. and learned Member for Devizes (Mr. Ancram) mentioned Trooper Williams, who is a constituent of mine. All charges against him were dropped. I asked the Attorney-General on 2 March about those matters and I was told that the role of the military prosecuting authorities is subject to the general superintendence of the Attorney-General. I was further told that the Attorney-General would not reassess his role. In the light of the judgment and what has emerged, may I take it that the Minister will press the Attorney-General to review his role?

Mr. Ingram: I do not think that my hon. Friend has made a case for that. The collapse of a trial or the fact that it does not proceed to conviction does not mean that the Attorney-General's supervisory role is wrong per se. That happens in civilian life, too, but does not mean that the Attorney-General should not be involved in due process. I am not a lawyer, but I believe that it is right that the highest judicial authority in the land examines such matters if required because that places a protection in the system of proper legal assessment of all aspects that are presented. I know that that supervisory role is undertaken with the highest probity and independence. I hope that that is so ever more.

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): I join the Minister and the shadow Secretary of State for Defence in paying tribute to our armed forces in the dangerous places where they operate—Iraq, Afghanistan and many other parts of the world. I also agree with the Minister's comments about the dangers of ministerial oversight of judicial process.

Serious military justice issues arise from the case. I hope that we will consider them in the Armed Forces Bill in due course. It is surely a fundamental principle in our country that, as the Minister said, our armed forces must never be above the law. However, is not the quid pro quo that any prosecution should be brought only on evidence gathered from proper forensics, timely witness statements and, in a murder case, some basic evidence that would allow a post mortem? The Judge Advocate General was scathing in his opinion of the investigation that the Royal Military Police conducted. Surely the lack of resources available to the investigation team was the basic problem. For that, Ministers should be held fully accountable.

Mr. Ingram: I thank the hon. Gentleman for his opening comments. He is right that some of the issues will need further examination and scrutiny in the Armed Forces Bill and I hope that all Members who participate in the proceedings will do so with a genuinely open mind to find the best legal framework in which our armed forces can continue to operate.

The hon. Gentleman appeared to have reached a conclusion—I wish that I had his capacity.—*[Interruption.]* He has not got hindsight but foresight in one sense. I said that a range of issues would be subject to thorough review. We cannot reach a conclusion about them until all outstanding matters are tackled. There are two other directed cases and two awaiting direction. That process has to be gone through, and it would be wrong to say at this early stage that we have come to a conclusion. If a subsequent trial finds something new or different, we shall have to examine that. This is going to be a thoughtful and detailed process. However, where we can identify specific issues about which there is no real debate, of course we shall seek to act.

The whole question of resources is one that we have to look at, at any point in time. We need to ask whether there is a sufficiency of numbers, for example, and whether the environment is appropriate for the troops to carry out their activities. We then have to walk a very fine line. I can envisage the hon. Gentleman saying that there should be an investigation, perhaps even a prosecution, but he must take into account the difficulties involved. No matter what resources we put into that theatre, there could still be an extreme risk when carrying out such an investigation. It so happens that, in this trial, a view was taken that those involved in hearing the trial should visit the scene. However, it was judged to be too dangerous for them to do so. It could also be too dangerous in many circumstances for the Royal Military Police to carry out further investigations. This would not be for a lack of trying, or for a lack of resources, but because circumstances might just dictate that it was impossible. I hope that the hon. Gentleman understands that.

Mr. Brian Jenkins (Tamworth) (Lab): If I may, I wish to put this proposition to my right hon. Friend as honestly and sincerely as possible. I accept that our soldiers have to operate under the rule of law—that is what makes them different from the people they are fighting against—and we must ensure that any trial or action abroad is totally independent. We must make that as clear as possible, so as to dismiss any allegations that political pressure has been brought to bear to ensure that this trial took place. We must be seen to be operating according to the letter of the law, to win friends in places such as Iraq. Will my right hon. Friend give the House an assurance that there was no political involvement in, and no political pressure brought to bear on, these cases?

Mr. Ingram: I know that my hon. Friend is a very good friend of Her Majesty's armed forces, and I always listen with interest to what he says on these matters. I can give him an absolute guarantee, as I tried to do in my opening response, that there was no political interference in this matter—nor should there be. It would be wholly damaging if we were acting on one side of the debate. It could damage the independence of the judicial process or the morale of the troops if things were going the other way. We have been completely hands off. The Army prosecuting authority is wholly independent, as are the investigation processes. Some of the nuances involved, such as the role of the commanding officer, will of course be considered during the process of the Armed Forces Bill. I am sure that my hon. Friend will make valuable contributions during that process and help us to achieve a corpus of legislation that will help the armed forces for many decades to come.

Mr. James Arbuthnot (North-East Hampshire) (Con): One of the many problems with this is, as my right hon. and learned Friend the Member for Devizes (Mr. Ancram) has said, the possible knock-on effect on

[Mr. James Arbuthnot]

recruitment and retention. Will the Minister confirm that only a tiny, tiny minority of our armed forces are ever accused, let alone found guilty, of wrong doing, and that when young men and women decide to take up a career in the armed forces, they carry with them the pride and the reputation of this country and the thanks of this House?

Mr. Ingram: The right hon. Gentleman makes a valuable and important point. The answer to his question is yes, only a very small number is involved. As I have said, two more cases have been directed and two await direction, so we shall have more of this debate. The men and women, many of whom are very young, who join the armed forces are joining a highly professional, highly capable organisation, which seeks to deliver the good face of this country. They are a force for good. As in any part of our society, when people step over the line and do wrong they must be brought to justice. That applies to the armed forces as much as to anyone else. However, given that more than 80,000 of our armed forces have served in Iraq, and only a very small number have been accused never mind found guilty of wrongdoing, that speaks volumes for their quality. Clearly, that should encourage more young people to consider the armed forces as a career.

Bob Russell (Colchester) (LD): Will the Minister put on the record that the seven serving and former members of the 3rd Battalion the Parachute Regiment left that court martial without a stain on their character? Can I advise him that the relief across the Colchester garrison and the wider community is matched only by the disbelief that the trial happened in the first place? Many figures have been mentioned, but can he indicate how much the whole saga cost?

Mr. Ingram: On the cost issue, the hon. Gentleman will be aware that when dealing with QCs the cash register keeps running for some time afterwards, so the total cost is not available. It was very sizeable, however, given that each individual had a QC and all the support arrangements that applied. When any of our people are subjected to the rule of law in terms of court action, we are determined that they should be given full support. In addition, although I cannot give him a precise answer, we probably do not count in all the welfare support and man hours that contribute to providing that type of support to our people, who, we recognise, can be very fragile in such circumstances.

As to the disbelief in the Colchester garrison or perhaps across the Army and armed forces, I do not take that view. Certainly, because the trial collapsed, the question has been asked: why did it happen in the first place? The hon. Gentleman can assist his constituents and their families by reading the transcript of what the Judge Advocate General said, understanding that, and then answering his own first question.

Robert Key (Salisbury) (Con): My right hon. and learned Friend the Member for Devizes (Mr. Ancram) and I represent thousands of service families in Wiltshire. We know the enormous strain put on the families of our servicemen and women overseas. Will he consider the financing of the Army welfare services and the Army Families Federation, both of which do an enormous amount to assist the families of those involved, and both of which are constantly under financial pressure?

Mr. Ingram: The answer to that must be yes—we must consider that all the time, given the intensity and tempo of attitudes and views about the pressure on our people. We cannot chase the last headline, however—the hon. Gentleman is more sensible than to do so, and I wish that others were as balanced—because if we do that, we do not necessarily fix the problem. We must consider shortfalls and shortcomings in the round and examine where our duty of care mechanisms for our people can be strengthened. We are always on that case and many things happen within the system, sometimes without even ministerial oversight and approval, simply because they are required to be done. The matter is always under review.

Mr. Ben Wallace (Lancaster and Wyre) (Con): The hon. Member for Pendle (Mr. Prentice) raised earlier the trial of Trooper Williams, which collapsed in similar circumstances. That case was brought to trial only after the Army Board, of which the Minister is a member, referred it to the Attorney-General—one of the rare occasions on which that has happened. Can the Minister confirm that the case of these members of the Parachute Regiment was not referred from the Army Board to the Attorney-General, and that it was purely the decision of the commanding officer to bring these men to trial, and not of people further up the chain or, indeed, the Army Board of which he is a member?

Mr. Ingram: The hon. Gentleman is right about one thing—that I am a member of the Army Board—but he is wrong about everything else.

Mr. Wallace: On a point of order, Mr. Speaker.

Mr. Speaker: Order. I can take a point of order only after questions have finished, but I can tell the hon. Gentleman before we go any further that the quality of replies is nothing to do with me.

Sir Nicholas Winterton (Macclesfield) (Con): As one of the very small band of Members in all parts of the House who served with Her Majesty's armed forces—admittedly in non-hostile, non-war circumstances—may I say that I consider the prosecution to have been totally unnecessary and totally unacceptable? Is the Minister aware that members of our armed forces, unlike politicians, put their lives on the line? If it is believed that they have done anything seriously wrong, should there not be unimpeachable evidence that they have done so before a prosecution is brought? I believe that we are treating our armed forces—not only in Iraq but in Northern Ireland, those who serve and those who have retired—in a grotesque and unacceptable way.

Mr. Ingram: Let me calm it down a wee bit. The hon. Gentleman says that he has military experience, but I think I am right in saying that he has never had any ministerial experience. I conclude from his comments that had he been a Minister on this occasion, he would have interfered in the due process of law. That is not the standard that applies in this country, and I do not think Conservative Front Benchers are saying the same, although some of them have been through it.—*[Interruption.]* The Attorney-General will answer for himself. His is the highest opinion that can be sought.

The Army prosecuting authority is dealing with some heavyweight issues, which has excited the hon. Member for Macclesfield (Sir Nicholas Winterton). It is right that it should have done so, but he has been led to the wrong conclusions. I think it appropriate for that independent authority to take the case to the Attorney-General, who is a ministerial superintendent of the APA. Independence is involved in that process. If the hon. Gentleman is saying that it is not involved, he will have to prove his case. The system has stood the test of time. It is still valid today, and I think that it will stand the test of time in the future.

Mr. Keith Simpson (Mid-Norfolk) (Con): Anyone who had listened to the Minister, my right hon. and learned Friend the Member for Devizes (Mr. Ancram) and the other Members who have asked questions would probably say that the Minister and the Government have now achieved the worst of all possible positions. It may be only a minority, but a minority of public opinion suspects that the process is not open enough, not transparent enough and not independent. At the same time, members of the armed forces undoubtedly feel that they will be tried twice, once by a military system and once by a normal civil system. I know that the Minister is responsible only for the defence side, but may I say to him that the Government, including the Attorney-General, need to examine the whole system? As I have said, at present they are in the worst possible position, and I believe that that undermines the morale of our troops.

Mr. Ingram: I am grateful to the hon. Gentleman for the lecture. I am sure that the personnel of our forces would benefit from a few lectures.

John Bercow (Buckingham) (Con): My hon. Friend was a tutor at staff college.

Mr. Ingram: I am pleased that the hon. Gentleman understands the point. It shows that he is awake.

I think that we have an open and transparent system.—*[Interruption.]* I am going to give an answer to the hon. Member for Mid-Norfolk (Mr. Simpson). I am just trying to take some heat out of this.

As I said, I believe that the system is open and transparent. If we did not have an open and transparent system, we probably would not have heard some of the very good questions that we have all been asked today. That shows that people understand a large part of the process, which is conducted openly. We have an independent prosecuting system and an independent judiciary. Some issues involving the relationship between all those elements will have to be dealt with by the armed forces Bill, and I know that the hon. Gentleman will make a valuable contribution to the debate.

Mr. Richard Benyon (Newbury) (Con): I am sure that the Minister will take a serious and genuine look at why the prosecution was brought, but does he understand that there is a wider danger, which was articulated in some of the Sunday papers and which has given many of us who served in Northern Ireland cause for great concern? Does he understand the wider effect of that and the need for joined-up government? Will he exclude here in the House the implied threat in those articles that there will be a tribunal to look into cases where suspect terrorists were shot by members of the armed forces in Northern Ireland? Does he understand that that will damage recruitment, as my hon. Friends have said, which must be taken into account?

Mr. Ingram: If wrong-doing has occurred, I am sure that the hon. Gentleman is not saying that we should simply ignore it. *[Interruption.]* Members indicate dissent, but I am asking the hon. Gentleman whether, as an ex-soldier, he understands what he was taught and the rule of law that he had to apply. He knew that if he stepped over that line he could be subject to investigation. Clearly, as with any other criminal action, if that is indeed what it was, such an investigation could be subject to retrospective review. At any point, if new evidence arises it is right that it is examined.

I am not going to comment on speculation in the press. That will be debated when we deal with some of the ongoing difficult issues we have had to face day upon day, month upon month in moving forward the peace process in Northern Ireland. I pay tribute to the hon. Gentleman because he, as a serving soldier, helped to bring about that peace by applying the highest standards of integrity, probity and—*[Interruption.]*

Mr. Speaker: Order. You must be careful, Mr. Howarth. The Opposition came to me and asked for an urgent question, and I requested that the Minister come to the House. I must give the Minister protection. No one should be shouting at him while he is speaking.

Mr. Henry Bellingham (North-West Norfolk) (Con): The Minister mentioned the supervisory overseeing role of the Attorney-General. Presumably, the Attorney-General had a look at all the evidence, or an outline of the evidence, which the Minister has admitted was completely flawed. The whole case has been a fiasco. Can the right hon. Gentleman imagine this happening in countries such as France or Spain? Should not the Attorney-General now explain himself?

Mr. Ingram: I am sure he will, but not in this House—not at the present time. I quote from Judge Blackett's findings:

> "I make no criticism of the prosecution or the Army Prosecuting Authority, even though I have directed verdicts of not guilty at this stage. Where on the face of the papers presented by the investigator a serious crime appears to have been committed it is perfectly proper to take the matter to trial, and in this case the prosecution team have presented their case properly and objectively."

The hon. Gentleman may have a different view from the Judge Advocate General, but I think that that is quite a weighty conclusion.

Orders of the Day

Council Tax (New Valuation Lists for England) Bill

Order for Second Reading read.

Mr. Speaker: I should inform the House that I have selected the reasoned amendment in the name of the Leader of the Opposition.

4.8 pm

The Minister of Communities and Local Government (Mr. David Miliband): I beg to move, That the Bill be now read a Second time.

This short two-clause Bill is brought before the House as the legislative consequence of the Government's decision to extend the remit of Sir Michael Lyons' independent inquiry into local government funding, and the decision that followed to postpone the 2007 council tax revaluation in England.

John Bercow (Buckingham) (Con): Eat it more slowly.

Mr. Miliband: We will come to that a bit later.

Local government is at the heart of national life and has a unique role in our communities. It plays a crucial role in delivering services, leading and co-ordinating the activities of local public, private and voluntary organisations, and making villages, towns and cities more prosperous and pleasant to live in. I pay tribute to councillors of all parties and to hard-working public servants for the way in which they have raised standards, so that the Audit Commission's comprehensive performance assessment now classifies two thirds of upper tier authorities as either "excellent" or "good".

Important changes are under way in local government. Local authorities are leading new children's trusts across the country that are bringing together social services, education, health and other services. Local area agreements enable councils and central Government to recognise and to agree local priorities, to rationalise funding streams and to support greater local leadership.

Our manifesto set out an ambitious programme of further public sector reform, continuing the improvement in neighbourhood services to make them more responsive to the needs of people who use them. Since 1997, there has been a 33 per cent. real terms increase in grants to local government. Investment and reform have gone together and have delivered.

Mr. Patrick McLoughlin (West Derbyshire) (Con): We often hear from the Government about the huge increase given from the centre to local government. If that is the case, why has council tax gone up by so much? That is what people want to know.

Mr. Miliband: I can give a number of clues. First, council taxes are set locally by local government. Secondly, local government has an extremely ambitious agenda that it is delivering. Thirdly, the one thing that certainly would push up council tax is if local government funding were cut as the Conservative party proposed at the last election. That would certainly drive up council tax—by our calculations, by about 11 per cent.

John Bercow *rose—*

Mr. John Redwood (Wokingham) (Con) *rose—*

Mr. Miliband: I have an embarrassment of riches, but I think that I will choose the future rather than the past.

John Bercow: Obviously the Minister must make a finely balanced judgment between the fiscal position on the one hand and the risk of political flak on the other. He has made his choice and will do his best to justify it today. But in the circumstances, given the plug that has to be gapped, what assessment has he made of the effect of the change in the rules on the use of capital allowances from the sale of council houses on the size of interest repayments on local authority debt?

Mr. Miliband: I am a genuine admirer of the hon. Gentleman's ability to command the attention of the House, but when he talks about gapping plugs rather than plugging gaps he really does have us on the edge of our seats. He will join me in saying that the Government's decision to ensure that the proceeds of the social homebuyers scheme are returned to local authorities to help them build should be supported by all hon. Members. It would only be polite if I allowed the right hon. Member for Wokingham (Mr. Redwood) to intervene.

Mr. Redwood: The Minister is courteous in the end and I am grateful to him. What was his reaction to the weekend's press stories that if someone has taken the trouble to do up their home, put in extra facilities and paint the front door a decent colour, they will be socked in the teeth by the Government with a higher valuation?

Mr. Miliband: I suggest that the right hon. Gentleman spend more time reading the Bill than the Sunday papers, because the Bill is designed to ensure that that does not happen. I am surprised to get such a lesson from the right hon. Gentleman, who, as the great believer in the market, should be arguing that a property-based taxation system should reflect the market value of properties. If he does not take that position, we can have an interesting debate on the role of markets in public life.

We believe that the changes that I have set out represent not only a big challenge but a massive opportunity for local government and we believe that opportunity is most likely to be grasped if local government is able to focus on service delivery supported by financial stability. This is the context for the changes we are debating today.

The Opposition gave the Under-Secretary, my hon. Friend the Member for Poplar and Canning Town (Jim Fitzpatrick), the chance to set out our arguments and explain the Lyons inquiry in our recent debate on

19 October. The Government appointed Sir Michael Lyons in July 2004 to carry out an independent inquiry into local government funding. He has made good progress with that remit and, over the summer, discussed with Ministers his view that robust recommendations on possible reforms to local government funding could not be made in isolation from proper consideration and understanding of the changing role of local government.

It is in that context, and for that reason, that my right hon. Friends the Chancellor of the Exchequer and the Deputy Prime Minister extended the terms of reference of Sir Michael's inquiry to consider and review the changing role of local government and to review how the Government's agenda for devolution and decentralisation could improve services, and, in the light of this, to consider how to manage pressures on local services. That was in addition to his existing remit to make proposals on the funding of local government.

Mr. David Curry (Skipton and Ripon) (Con): Will the Minister confirm that Sir Michael Lyons said that a delay of one year in revaluation was justified, but not longer?

Mr. Miliband: I did not hear all of the right hon. Gentleman's question, but if he said that while Sir Michael Lyons was willing to countenance up to a year's delay in revaluation but did not propose the postponement that we are proposing today, he is absolutely right; I do not seek to hide our decision behind the recommendation of Sir Michael Lyons.

As I said when I announced our decision on 20 September, we need a clear and complete picture of what we want local government to do before we tackle how it will be funded. In short, we must settle function before funding. As I also said on 20 September, later this autumn Sir Michael will set out his preliminary thinking, drawing out the relationship of local government function to finance. He will publish a series of reports next year in the lead up to his final report at the end of 2006.

Mr. Andrew Turner (Isle of Wight) (Con): Can the right hon. Gentleman, who is a former Education Minister, tell me whether the recent White Paper adds to, or reduces, the responsibilities of local government?

Mr. Miliband: As the hon. Gentleman and I have discussed before, the White Paper provides for a changed role for local government that builds on the existing strength of its relationship with schools. If, like me, he had been in Sheffield last week talking to the local authority, he would know that it does not see itself running schools. It is for head teachers and governing bodies to run schools, but the role of local authorities is to step in and to promote reform and development, which is what the best local authorities throughout the country are doing.

John Bercow: Will the right hon. Gentleman give way?

Mr. Miliband: The temptation is too great.

John Bercow: I am very grateful to the right hon. Gentleman for generously giving way again. It really is the merest casuistry to answer my hon. Friend the Member for Isle of Wight (Mr. Turner) in those terms. I rather suspect, even though I have not spoken to my hon. Friend on this subject, that he was not looking for an essay-question response or for an evaluative answer from the right hon. Gentleman. What he really wants to know is whether the right hon. Gentleman thinks that, as a consequence of the White Paper, bills will go up overall and more money will therefore be required, or that they will go down, with the logical corollary that that involves.

Mr. Miliband: Tempting as it is to be the tutee of the hon. Gentleman, council tax bills is precisely not what the hon. Member for Isle of Wight (Mr. Turner) was asking about. If the hon. Member for Buckingham (John Bercow) had read the White Paper, he would know that it makes it absolutely clear that it imposes no new burdens on local government. The hon. Member for Isle of Wight was actually probing our view of the role of local government in national life, and specifically in respect of education.

Mr. Andrew Turner *rose—*

Mr. Miliband: If I may, I shall proceed. We are here to discuss the postponement of revaluation and, tempting though it is to discuss education policy, perhaps we can stick to local government finance.

Sir Paul Beresford (Mole Valley) (Con): Does the Minister agree that this Bill effectively puts revaluation in limbo, and that there might be no revaluation in future if there is a rethink on the grant formula, depending on the Government's reaction to Sir Michael Lyons' comments?

Mr. Miliband: By definition, if we are not taking a decision now to revalue but are keeping our options open, all options remain open in future. But we have made it clear that we think it right to keep property tax as the basis of local taxation, to invite Sir Michael Lyons to complete his review, and to assess the role of a revalued council tax in that context.

As the House knows, at the same time as we announced the extension of Sir Michael's remit, we announced that we intended to legislate to postpone council tax revaluation. As our announcement explained, the case for revaluation—that it is right to maintain a fair alignment between house prices and council tax bands—is linked to wider questions about the structure of council tax and to the operation of council tax benefit. It is also relevant that a number of other changes in the local government finance system are imminent, including the move to three-year budgets, the review of the local government finance formula, and the creation of a dedicated schools budget located in the Department for Education and Skills.

We have reached the view, therefore, that to proceed with the current timetable for revaluation would not be sensible. We have concluded that we need the flexibility to revalue as part of a fully developed package of funding reforms, rather than as a precursor to them, and at a moment of greater financial stability for local authorities.

Mr. Eric Pickles (Brentwood and Ongar) (Con): The right hon. Gentleman is being extremely generous in giving way. All the things that he has just announced were known when the Government decided to move towards revaluation. They have spent £60 million on it, of which £45 million was spent on software alone. Is anyone in the Valuation Office Agency working on revaluation, and how long will the purchased software remain relevant, before becoming obsolete?

Mr. Miliband: I am afraid that I cannot allow the hon. Gentleman's assertion to remain on the record unchallenged. To take one obvious example, the creation of the dedicated schools budget was not known in 2003; it was a subsequent decision, so his assertion simply is not right. I shall deal with the Valuation Office Agency in a moment, if he will allow me. The software is state of the art and will be an efficient and effective replacement for the 22 million files that existed until now. The digitisation of that data forms the basis of effective government.

We reached the view that to proceed with the current timetable would not be sensible and we concluded, as I was saying, that we needed the flexibility to revalue as part of a fully developed package of reforms.

Mr. Mark Harper (Forest of Dean) (Con): Ministers announced that the Lyons report would be published at the end of 2006. In view of that, has the Minister decided when the Government will have considered that report and when the Government will announce their resultant policy?

Mr. Miliband: I think that the hon. Gentleman may be referring to the statement of 20 September, which was repeated before the House on 10 October. If he read on, he would see that we expect the Government to come forward with their views during the completion of the comprehensive spending review in the summer of 2007. As I said, that was made clear on 20 September.

Although this is a short Bill, it may help the House if I explain its effects. First, it removes the requirement laid down by the Local Government Finance Act 1992 for the compilation of new lists on 1 April 2007. Clause 1(3) amends section 22B of the 1992 Act by removing the duty on the listing agency—in practice, that means the Valuation Office Agency—to compile a new valuation list to billing authorities in England on 1 April 2007 and a draft of that list to be completed by 1 September next year. We have already informed the House that the VOA has stopped work on the revaluation of domestic properties in England to prevent nugatory expenditure—and the provision formalises that position.

Secondly, subsection (4) removes the requirement for subsequent revaluations on the 10th anniversary of the previous one, unless an earlier date has been specified by order. Until the Government have received and considered Sir Michael Lyons' final report, we cannot take a view on how frequently revaluation should occur and we therefore think it right that we should not be statutorily committed to revaluing on a rigid, predetermined cycle.

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): I hear my right hon. Friend's argument for postponement—I do not agree with it—but I do not understand the argument for deleting the provision for a 10-yearly cycle for revaluation. That was the subject of Government consultation in 1999–2000 and was the subject of a White Paper, which set out a commitment to a 10-year revaluation. As far as I know, Sir Michael Lyons has not been asked to comment on whether that revaluation cycle should change. I simply do not understand the Minister's logic for cancelling a provision for regulation revaluations.

John Bercow: And he is your friend!

Mr. Miliband: My right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford) is, indeed, my very good friend and he speaks with a great deal of authority on these matters. He will know more than anyone else that at the time of the 2002 Bill there was a great deal of discussion about the requisite period. As it happens, and ironically in the current context, the Conservative spokesman in the other place wanted to reduce from 10 to five years, the—*[Interruption.]* The hon. Member for Meriden (Mrs. Spelman) is shouting from a sedentary position. We are all disappointed that she is not speaking today and that she has left the task to others; she may be winding up the debate, but I do not know.

As my right hon. Friend the Member for Greenwich and Woolwich knows, there was considerable discussion about the period and we think that it is right to keep the flexibility created by the clause.

Finally, the Bill replaces those two provisions for revaluation, for at least 10-yearly intervals, with a power for the Secretary of State to specify the date on which a new valuation list must be compiled. Such orders will be subject to the House's affirmative resolution procedure. That was also the case in respect of the Local Government Finance Act 1992, which created the council tax in the first place. For the sake of completeness, clause 2 simply provides for the short title of the Bill and for its extent.

I can bring the House up to date with progress at the Valuation Office Agency, which was responsible for carrying out the revaluation. Immediately following the announcement, the VOA took steps to reduce ongoing expenditure and to reshape the agency to fit the new situation. Some 420 staff employed as casuals or on fixed term contracts will have left the agency by the 18 November. A voluntary early departure scheme has been announced, with some 600 staff expected to depart between March and June 2006. Coupled with natural wastage, the total reduction is expected to amount to some 1,250 staff.

As we set out on 20 September, there will be significant short-term savings for the Government from not proceeding with revaluation. However, the Government have been explicit that £45 million of the £60 million spent so far is a prudent investment in modern and efficient working practices. The VOA will ensure that the country has an up-to-date, electronic property database, available as a source of accurate data.

Mr. David S. Borrow (South Ribble) (Lab): When we have had regular revaluations of business rates, they have always been fixed for the period 1990 to 1995 and 2000 to 2005. One of the arguments for doing the revaluation of council tax in 2007 was to balance the work of the Valuation Office Agency. Does the cancellation of the revaluation mean that if we reinstate the revaluation for council tax in the future, we shall be blocked from going anywhere near 2010 because of the implications for staffing?

Mr. Miliband: My hon. Friend speaks as a former valuer and therefore brings his expertise to the issue. Nothing has been blocked by the Bill. The Government have made it clear that we do not anticipate revaluation occurring during this Parliament, and that is a clear statement of affairs.

Mr. Pickles: The Minister says that he wants to see a modern and up-to-date database of property values. Are we to understand that the dwelling house codes and the value of significance codes are still being collected in preparation for revaluation? Or will we just have a database with nothing on it? How much will the cancellation cost in staffing terms, and will he say a little more about redundancies, early leaving and ending of contracts?

Mr. Miliband: In respect of the first question, the hon. Gentleman had an exchange with my right hon. Friend the Member for Greenwich and Woolwich on 19 October in which they agreed that it was important to continue with the procedure under which if people move and it is apparent that the property has had a significant change in value, it is reflected in the banding. For that and other reasons, it is sensible to have an up-to-date and efficiently working system.

In respect of the precise costs, I have made it clear to the hon. Gentleman that some 1,250 jobs will be lost as a result of the changes. The full financial effects of that are still being worked through, but as I said on 20 September significant savings are expected.

Mr. Redwood: What was the Department's forecast for the number of grannies and granddads who would go to prison if he had not taken this action to take some of the sting out of the council tax? At what level does the number of people who think that it is an unfair tax become unsupportable?

Mr. Miliband: The right hon. Gentleman will know, as a former Secretary of State, that the omniscience of the ODPM stretches in many directions, but not in the direction of predicting court cases.

I wish to take a moment now to explain how the Bill will not in any way affect the approach being taken in the devolved Administrations, contrary to the assertions of some Opposition Members. In our debate on 19 October, much was said about Wales, but executive local government functions in Wales are, rightly, devolved. We have consulted the National Assembly of Wales on the subject matter of the Bill and it has indicated that it is content that it has no effect on provisions relating to Wales.

The position in Northern Ireland is very different from that in England, not least because local government has continued to be funded through a domestic rating system instead of the council tax. The House will recall that Northern Ireland did not have the benefit of the poll tax. The Northern Ireland Executive commissioned a review of rating policy in 2000 and that has now led to the publishing of a draft Order in Council, which is currently subject to a consultation process.

David T.C. Davies (Monmouth) (Con): When the Minister says that he has consulted the Welsh Assembly, does he mean that somebody has picked up the telephone and spoken to his close political colleague, Rhodri Morgan AM, or has the Minister encouraged the Assembly to discuss the matter properly? If he had done so, he would have discovered that a majority of the Assembly opposes the council tax re-banding and could vote it down.

Mr. Miliband: I am interested in the hon. Gentleman's description of the situation in Wales. He will know that in 2001 the Welsh Assembly consulted on its proposal to implement a revaluation in 2005. All political parties and the Assembly's Local Government and Public Services Committee supported the proposal. The hon. Gentleman should bear that in mind before he makes such an intervention again.

Several hon. Members *rose*—

Mr. Miliband: I hope that the House will agree that I have been generous in taking interventions and I now wish to proceed. I look forward to hearing hon. Members' contributions later.

For the sake of completeness, I should also remind the House of the position in Scotland. The Scottish Executive commissioned its own independent review of local government finance in 2004. The review committee consulted on options earlier this year and will publish its report in the summer.

In debate with my right hon. Friend the Member for Greenwich and Woolwich, the hon. Member for Brentwood and Ongar (Mr. Pickles) said:

> "We recognise the need periodically to revalue properties for the purpose of council tax . . . We support the revaluation being made on a regular and predictable basis."—[*Official Report*, 7 January 2003; Vol. 397, c. 64–5.]

No one should accuse the hon. Gentleman of changing his mind too quickly, because two years later, he said:

> "Any council tax system inevitably requires some form of revaluation."—[*Official Report*, 2 February 2005; Vol. 430, c. 929.]

A sensible man.

The hon. Gentleman's boss, the hon. Member for Meriden (Mrs. Spelman), said that

> "a property-based tax must take account of changes in the value of the property."—[*Official Report*, 2 March 2005; Vol. 431, c. 983.]

Her boss, the Leader of the Opposition—for another few days at least—said on 20 February 2005: "You have to revalue." So the Opposition support the principle of revaluation; nothing could be clearer. But in April they decided to argue for postponement. Fair enough.

The Leader of Opposition was clear: on 20 April, he told "Sky News" that his new policy was a postponement of revaluation, not a cancellation. For the avoidance of doubt, he added "for the first

[Mr. Miliband]

Parliament", when he was questioned about the delay. So I confidently expected the Opposition to support the Bill. After all, they want to be a mature Opposition. They have been told by their young pretender to remember that actions speak louder than words. They have vowed not to oppose measures simply for the sake of opposition.

What could be simpler than voting for a Bill to postpone revaluation? They might even have claimed that we had stolen their policy.But I had overestimated the people who go by the title of Her Majesty's official Opposition. They still take the title literally: they oppose everything. They are addicted to opposition and repulsed by common sense. No wonder that John Stuart Mill called them the stupid party—

Mr. Nick Hurd (Ruislip-Northwood) (Con) *rose*—

Mr. Miliband: The hon. Gentleman should listen to this, or he will end up going into the Lobby and doing something very silly indeed.

What could be more stupid than an amendment claiming to denounce revaluation, but with the effect that it will go steaming ahead—for that is the effect of the amendment standing in the name of the Leader of the Opposition? By opposing Second Reading, by declining to give the Bill a Second Reading, the Opposition want take the brakes off revaluation. The automated valuation model, which they spent the weekend saying was such a detestation, will be whirring like there is no tomorrow if they have their way.

The Opposition talk about supporting reform, but in the words of one of their Members, they are the roadblock to reform on this occasion. I hope that all Opposition Members realise that if they support their amendment, they will be voting for revaluation to go ahead, and we look forward to reminding them of that in the years ahead.

Sir Michael Lyons has made it clear that any proposals for reform of the funding system raise complex issues, and the Government have agreed that they need to be set firmly and explicitly within the context of a clear, shared understanding of the role of local government and of councils' accountability to service users. It is for that reason that we have extended the terms of reference for Sir Michael's inquiry into local government funding. In turn, we decided to postpone revaluation from 2007. We have recognised that to proceed with revaluation at this time would not be the right thing to do. The Bill, therefore, puts revaluation on hold, and I commend it to the House.

4.33 pm

Mr. Eric Pickles (Brentwood and Ongar) (Con): I beg to move, To leave out from "That" to the end of the Question, and to add instead thereof:

> "this House declines to give a Second Reading to the Council Tax (New Valuation Lists for England) Bill because the Bill merely delays rather than cancels the council tax revaluation, applies only to England and creates inequalities with other parts of the United Kingdom; and because the removal of the need for revaluation of domestic properties offers taxpayers no protection against the imposition of new higher council tax bands."

Were I the Minister, given the speculation in the Sunday newspapers about his position as regards the future leadership of his party and given the Chancellor's tolerance of such matters, I do not think that I would have used the words "young pretender" in this context.

However, on that brief note of solidarity with the right hon. Gentleman, I congratulate him, because only the last Blairite on the Government Benches could have delivered that speech with a straight face. It was nothing more than a panic attack—nothing more than the fear of wipeout at next May's elections. The Prime Minister's credibility is apparently at stake, and his credibility is so low that he fears the result that the electorate will produce in May.

Postponement is not cancellation. I hope that I am not doing the Minister an injustice, but, frankly, to describe the reason for the postponement as a success of local area arrangements strikes me as stretching credulity. There is little doubt that the right hon. Gentleman is regarded as the Prime Minister's plenipotentiary on earth. So let us just have a touch of reality. For the convenience of the House, I have managed to collect the reaction of the specialist press to the right hon. Gentleman's announcement.

I have here a very nice photograph of the right hon. Gentleman scratching his ear from the *Local Government Chronicle*, which says, "Miliband on the run. Funding reform delay as minister ducks his first tough decision." It continues:

> "The announcement was met with dismay and incredulity by many in local government, who said urgently needed reform on council tax has been sacrificed for political expediency."

In a comment piece, which is a bit tough but nevertheless I feel that my hon. Friends may want to hear it, Kerry Lorimer, says:

> "David Miliband was in prime ministerial mode, making up in expansive gestures what he lacked in expertise . . . Five months in the job, maybe it's time for the new boy to grow up."

That is a bit harsh, but I felt that I had to share it.

Mr. Redwood: I wonder whether the phrase is not so much "young pretender" as "Artful Dodger". Did my hon. Friend notice how none of the good points that he and other hon. Members made were answered by the Minister today? He is obviously on the run in a very serious way.

Mr. Pickles: Of course my right hon. Friend makes an excellent point, and the Minister is blushing as we speak.

Let us move on briefly to Tony Travers—a noted expert—who said:

> "There must now be a risk the reform of local government finance becomes the object of near-permanent official inquiry. This issue would have been pushed into the longest of the long grass."

Under a further headline, "Miliband baulks a funding decision", we read:

> "Mr. Miliband has baulked his first difficult fence as a cabinet minister."

We have an interesting piece from the right hon. Member for Greenwich and Woolwich (Mr. Raynsford) in which he said:

> "There is no case for postponing a review of the system, which is already 14 years old. It is getting increasingly out of date."

There is an editorial piece, "Kicked into touch again", which says:

> "Yet ministers have bottled-out of grasping the council funding nettle, and passed the buck to the next PM, presumably Gordon Brown or, judging by their date for the next revaluation . . . a Conservative."

Hugh Bayley (City of York) (Lab): Will the hon. Gentleman give way?

Mr. Pickles: I will give way to the hon. Gentleman as soon as I have finished giving this review of the papers, but it is coming to an artistic conclusion and we should not miss anything.

Another headline reads, "U-turn is bad news for hopes of reform". That is too hurtful to read out in public. Under the headline, "Revaluation is a ticking timebomb", the *Local Government Chronicle* says:

> "exclusive survey reveals a quarter of councils, of every type and political colour, will be in the capping zone next year."

It continues:

> "there is a limit to the pressure under which the system, already cracking, can be put—and it is now perilously close to collapse."

Finally, a headline says, "Local government in limbo as revaluation waits for Lyons." I have had a good look through all the press—

Hugh Bayley: Will the hon. Gentleman give way?

Mr. Pickles: No, no, I have not finished yet.

The only favourable comment that I could find is in the *Municipal Journal* from the directly elected mayor of Lewisham, and even that was reasonably lukewarm.

As the right hon. Gentleman has assured No. 10 that he can get revaluation away from all the problems, he cannot have been very pleased with the weekend's newspapers or this morning's or the decision by *The Sun* to call this new tax the patio tax.

Hugh Bayley: We are all capable of reading newspaper cuttings—in fact, I expect that most hon. Members who are attending this debate have already read through the newspapers on this topic—but will the hon. Gentleman tell the House whether he would have been happier if the Government had gone ahead with the revaluation?

Mr. Pickles: No, I am not in favour of the revaluation, and I cannot imagine, given all the fuss, why the hon. Gentleman could possibly have been deluded into believing that I would. I apologise to him for reading out those pieces, but I wanted to bring home to the right hon. Gentleman that no one thinks that his method makes any sense. Those who wanted a revaluation think that the Minister is not doing a good job and so do those who did not want one. He has managed to unite the nation in believing that he has made a bad decision.

We are not persuaded of the need for revaluation. The purpose of a revaluation is to correct grossly disproportionate movements of the housing market compared with the last revaluation, but house prices are currently converging relative to the last revaluation. As we argued when the council tax was introduced in 1992, a system of bandings means that there is no need for regular or frequent revaluations. The only reason why Labour wants to revalue and re-band the council tax is to tax the uplift in property values that has taken place since the early 1990s.

We oppose the plans for higher taxes on hard-working families and pensioners. The revaluation has already taken place in Wales, so we will move amendments in Committee to continue the transitional relief and thus stop further tax hikes next year, after the relief is phased out.

As the Minister has said, the Bill essentially does three things. It removes the requirement for a new valuation by 1 April 2007—we agree with that. It will take away the 10-year rule for revaluation, on which we agree with the right hon. Gentleman. Finally, it will empower the Secretary of State to determine when a revaluation should take place, with which we do not agree. As Labour Members will testify, the Library has produced an excellent brief that details the problems that have occurred because of revaluation in the past and all the problems due to the postponement of revaluation, especially. Given the nature of the council tax and the bandings, we think that the most sensible thing would be for a decision to be taken on the Floor of the House—by way of primary legislation—each time revaluation needs to takes place. That is important because such a decision should be taken not at the whim of the Secretary of State, but by Parliament.

Mr. Borrow: Will the hon. Gentleman give way?

Mr. Pickles: Of course I give way to the hon. Gentleman, who has some knowledge of the subject.

Mr. Borrow: I am one of those Labour Members who believes in regular revaluations, so I have some worries about the cancellation of the revaluation. It would thus be logical for me to vote for the Opposition's reasoned amendment. Does the hon. Gentleman want me to vote in favour of his amendment?

Mr. Pickles: I have always regarded myself as silver tongued. If I can persuade the hon. Gentleman to join me in the Lobby, perhaps we will be able to walk in arm in arm.

Dr. Alan Whitehead (Southampton, Test) (Lab): Just for the avoidance of doubt, will the hon. Gentleman refer the House to section 77 of the Local Government Act 2003, which specifically states that new valuation lists should be compiled and that there should be regular revaluations? If the reasoned amendment were accepted, that measure would be kept on the statute book. Does he think that allowing revaluation to proceed is the right course of action, or does he think something else? Perhaps it is time for a review of the process by which the Conservative party drafts its resolutions for the House.

Mr. Pickles: The hon. Gentleman makes a reasonable point. There was a limited way in which we could draft a reasoned amendment because the Bill is narrow. If we had tried to draft an reasoned amendment of the type that the hon. Gentleman seems to suggest, there would have been a strong possibility that Mr. Speaker

[Mr. Pickles]

would not have selected it for debate. It was important to us to table an reasoned amendment so that we could discuss such an important issue.

The essential problem is this: the council tax has increased by 76 per cent. under this Government and as a direct consequence, it has become deeply unpopular. That represents a complete reversal of the public's view since Labour first came to power.

Mr. Graham Stuart (Beverley and Holderness) (Con): I wonder whether my hon. Friend thinks that the Prime Minister decided to postpone the revaluation because he wanted not only to protect the future career of the Artful Dodger but, more importantly, to stop the Fagin of the Labour party, Gordon Brown, yet again using revaluation not for fiscal neutrality but as an excuse to raid the pockets of pensioners and hard-working householders across the country. That is why the Prime Minister went for it—not for any other reason.

Madam Deputy Speaker (Sylvia Heal): Order. I remind all hon. Members of the importance of using only parliamentary language in debate.

Mr. Pickles: My hon. Friend makes a powerful point and could have done so within the terms of debates in this House. I have no objection to saving the skin of the Minister of Communities and Local Government. We have great affection for him on the Conservative Benches and wish him well in his future career.

Robert Key (Salisbury) (Con): My hon. Friend is wholly right to point out that when the council tax was introduced it was received with some acclaim on both sides of the House, and we did not then hear such arguments from the Labour party. I was the Minister who had the misfortune of taking the legislation through the House with Michael Portillo. We specifically looked at how property could be revalued from time to time, and I remember an exchange in debate in the middle of the night between the right hon. Member for Sheffield, Brightside (Mr. Blunkett), who has just left the Government again, and my right hon. Friend, as he then was, about whether we should have inflatable balloons floating over people's back yards, which is no sillier a suggestion than those we have heard this weekend. This is not just a question of balancing function and who pays. The Minister of Communities and Local Government has forgotten that the whole point about whether local government finance is to succeed is where the balance lies between Treasury funding and the raising of tax locally. That is what the Government have failed to address.

Mr. Pickles: My hon. Friend comes to these matters with considerable knowledge and I entirely agree with his point about the balance of funding. If I am allowed to make a little progress, I shall come precisely to that point.

It is worth reminding the House that in 1998 the Command Paper, "Modern Government: In Touch with the People", examined the popularity of the council tax and in clear and unambiguous words endorsed the tax by saying:

> "The council tax is working well as a local tax. It has been widely accepted and is generally very well understood".

Yet, after seven short years, there is a very different public perception of the tax. That is best summed up by Sir Michael Lyons in his letter to stakeholders on 20 September, which stated:

> "Council Tax has suffered from problems relating to its rate of increase and perceived unfairness".

That is understandable when the Government cap councils that have increased council tax by a few pence a week and ignore others that have introduced increases many times that size. It is understandable when pensioners are being thrown into prison. It is understandable when a third of the increase in the basic state pension has been taken up in higher council tax for a typical pensioner.

Grant Shapps (Welwyn Hatfield) (Con): Is my hon. Friend familiar with another aspect of council tax—that students are not required to pay it? The Government helpfully provide a CBT1 form, which is returned by local authorities to the Office of the Deputy Prime Minister each year recording the number of properties in the hands of students, but because the reporting time is in the autumn, the actual number of student properties is not known until the following spring. Students are generally slow to return their council tax demands and to get an exemption form. As a result, areas such as mine miss out to the tune of £500,000 or £750,000 and face a further problem, which is surely why people are paying too much through their council tax.

Mr. Pickles: I congratulate my hon. Friend on his ingenuity in making an important local point—

The Minister for Local Government (Mr. Phil Woolas): Which is wrong.

Mr. Pickles: The hon. Gentleman says that my hon. Friend is wrong, but there are a number of indices of the way in which the council tax grant is developed and sometimes there is a significant time lag. If I were the Minister, I would not be so quick to dismiss that.

The Government's increased use of means-tested benefits and complex application forms has resulted in reduced take-up of council tax benefits, which means that more people on lower incomes are paying higher council taxes. Fewer than two in three eligible pensioners claim the council tax benefit to which they are entitled, compared with three out of four before Labour came to power. It is a terrible indictment of the Government that the take-up of benefit should drop so significantly under their care. The Government should feel ashamed of this unmet pensioner poverty.

The House deludes itself if it believes that revaluing property or adding further bands will cure the unpopularity of the council tax. The increase in the proportion of the tax taken from household budgets is a symptom of a desperate problem. The revenue generated by local authority's tax base has a direct effect on the size of the revenue support grant. Ring-fenced grants often distort the calls on the council tax—the point that my hon. Friend the Member for Salisbury (Robert Key) made so eloquently a few moments ago.

The Minister of Communities and Local Government was a Minister in the Department for Education and Skills when the passporting of school funding was introduced. That led to some authorities suffering a cut in funding for other services, and to many more receiving nothing for other services.

The Audit Commission became so worried about the rise in council tax levels that it produced a report. Thanks to the Audit Commission, we all know why council tax has risen since Labour came to power. The report outlines three main areas—first, the changes in the grant formula; secondly, the implementation of Government initiatives, often unfunded; and thirdly, national pay rates.

Each year the fiasco drags on, and each year it gets worse. In a document that the Government tried to suppress, entitled "Beyond the Black Hole—a time of opportunity and challenge", the Local Government Association states that there is

> "a £2.2 billion black hole in the funding for local government, equivalent to an increase of 10 per cent.—or around £100—a year in council tax bills".

I note from the *Financial Times* this morning that Ministers are taking the begging bowl round to find ways to reduce the council tax. It would be a wise thing to do, if they are. The bung in the settlement is equivalent to £1.4 billion. The right hon. Gentleman's political future depends on stretching that to £2.2 billion.

Hugh Bayley: The Opposition's motion states that their complaint is that the Government are delaying rather than cancelling the revaluation. Does that mean that the Conservatives would never have a revaluation in the future, and would allow council tax banding to become less and less related to people's ability to pay?

Mr. Pickles: The hon. Gentleman has considerable expertise in the matter, but he would have been advised to listen to what Members say in the House. I said that the purpose of a revaluation was to take care of distortions in the property market, and I demonstrated clearly that no distortion has taken place. By and large, over the past 10 years property values have realigned, and matters could be taken care of by adjusting the banding. That is an established fact.

The imbalance between central and local government funding grows, which will force Ministers towards crude and universal capping in the vain hope that public ignorance of—

Hugh Bayley *rose*—

Mr. Pickles: The hon. Gentleman will have to improve his interventions before he tempts me to give way.

Mr. Borrow: *rose*—

Mr. Pickles: I will make a little progress, if the hon. Gentleman will forgive me.

The public have rumbled the Government and have acquired out of necessity an understanding that most local authorities are just the messenger delivering the bad news of high bills. The stealthy postponement of the revaluation will not hide the true responsibility for Labour's favourite stealth tax.

Let us deal with the cost of the revaluation. During the debate a couple of weeks ago, I mentioned the rapid rise in the cost of the revaluation operation. Let me remind the House that the cost of the revaluation is spiralling out of control. In 2004, the Government estimated that the revaluation would cost £108 million. In July 2005, the cost hit £178 million, which is an increase of more than 60 per cent. Much of the £60 million that has already been spent has been lost because of the postponement, and it would be criminal to spend more.

Mr. Borrow *rose*—

Mr. Pickles: Why have costs spiralled so significantly? Given the examples of the Child Support Agency and identity cards, the Government are renowned for their inability to keep within estimates. Is this just another example of optimism over experience? In fairness to the Government, I think that the reasons are more complex than that and go to the very heart of the revaluation.

The revaluation is much more complex than that undertaken in 1992. The 1992 revaluation, which established the council tax, placed each house into one of eight valuation bands based on 1991 house prices, with the bands being determined by primary legislation. The banding of the individual properties commenced in January 1992, and the draft valuation lists were published in December 1992. In other words, valuers knew the banding structure when they conducted their assessments. They did not need to draw up a list of numerical valuations for each property and merely had to place each property in a band.

As the Valuation Tribunal Service notes to the Local Government Finance Act 1992 state:

> "It is important to remember that the legislation requires Listing Officers to place each dwelling within a Council Tax band and not to place a precise value on each dwelling".

Mr. Borrow: Will the hon. Gentleman give way?

Mr. Pickles: I have told the hon. Gentleman that I will give way. He must be patient.

The short-term expediency of pushing off all the unpleasant decisions into the long grass for Sir Michael Lyons means that that approach cannot be followed. No one knows how many bands there will be or where they will be located in the 2005 revaluation. As a result, the Valuation Office Agency decided that it had to calculate a numerical property value for every home, in order to place those homes in their appropriate bands later. The relevant internal note has been deposited in the Library:

> "Given the degree of uncertainty around the council tax bands in 2007, EVERY property will probably need a specific numeric valuation so, when the bandings are finally agreed, properties can be allocated their bandings quickly".

The note lays the blame firmly at the Government's door:

> "No decisions have yet been reached by the Government on whether, and if so what, revisions should be made to the level and number of council tax bands. Those decisions will be informed by the outcome of the review currently being undertaken by Sir Michael Lyons due to report by end of 2005".

[Mr. Pickles]

Since that note was written, the schedule for the Lyons report has slipped further back.

The revaluation will be more expensive, more intrusive and much more difficult to perform than the last one, when only 10 per cent. of houses were inspected and, in the valuation office's own words, the remaining houses were assessed, "at the desk". Furthermore, the number of dwelling house codes has jumped from 10 to 17.

Mr. Borrow: I am grateful to the hon. Gentleman for giving way. When valuations in the current valuation list for council tax are defended, a precise valuation based on purchase prices in the early part of the 1990s is used. Does the hon. Gentleman agree that there is no difference in effect between a revaluation before bands have been set in stone and a revaluation when bands have been agreed, which was the situation before the current valuation list?

Mr. Pickles: That is an interesting view, but the valuation office notes, which are extensive, do not mention it. Sadly, the notes do not agree with the hon. Gentleman.

Turning to the dwelling house codes, I took it from what the Minister of Communities and Local Government said earlier that the patio tax will be worked out in readiness for the revaluation.

The new dwelling house codes include: number of bedrooms; number of floors; lowest floor level; conservatory type and area; outbuildings; and a new system to count the number of garage spaces and parking spaces. They include the introduction of new value significant codes, which in January 2005 were expanded to cover 66 different property features, such as: balconies; near a golf course; in a conservation area; large garden; large patio; roof terrace; sea views and views of hills or lakes; and gated estates.

In other words, someone who has worked hard to manage and improve their home will be penalised and taxed more. The council tax of a low-paid agricultural worker living on their own in a modest home overlooking Lake Coniston will rocket. Pensioners who have retired to little bungalows by the sea had better watch out. Under new Labour, only the rich can afford to enjoy a view or a well-placed patio. The result is that the codes ensure that properties with these indicators are pushed into a higher council tax band. In short, the patio tax becomes a new window tax. As *The Sunday Telegraph* commented yesterday in its editorial entitled, "Pay per view homes",

> "The plan will allow ministers to increase council tax with a minimum of Parliamentary debate. It is true that they have not found a way of taxing happiness directly. But just give them time—they will."

We should be grateful for this important lesson in life under new Labour. As a gentle summer light caresses patios and plant pots around this sceptred isle, as hollyhocks and forget-me-nots bob in the warm breeze in this green and pleasant land, we should console ourselves with the thought that this is the clearest example of there being no such thing as a free view or a peaceful garden—all must be taxed and all pleasures must be stamped out.

That is the logical conclusion for a Government who have selected Northern Ireland as a guinea pig, with so-called discrete capital values that would make the council tax more progressive and target social needs. In plain English, council tax bills in Northern Ireland will soar. It has been selected for yet another experiment that involves a variation in the council tax—the death tax, whereby deferred local tax bills will be paid by pensioners. Vulnerable people must either forfeit their children's inheritance or face the prospect of bailiffs at the door. Only the Labour party could find ways to pursue poor people beyond the grave.

The *Local Government Chronicle* has described revaluation as "a ticking time bomb". All that the Government have done is to wind up the clock and adjust the hands. Revaluation and re-banding will still have a devastating effect. A disaster postponed is not a disaster averted. What seems like clever politics now will seem like cowardice a few years down the road.

5.3 pm

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): I regret to say that I cannot support the Second Reading of the Bill. Having said that, the speech by the hon. Member for Brentwood and Ongar (Mr. Pickles) was extraordinary. Before he got carried away in his flights of floral fantasy, he said that he agreed with the postponement of the revaluation and with the removal of the obligation to carry out revaluation on a regular 10-yearly cycle. I would have wholeheartedly agreed with him on both counts, but he does not appear to want my support.

Everyone who has considered this issue starts from the simple proposition that if we have a system of local government taxation based on local property values, those values must be revisited periodically. No one has argued credibly that the current values based on 1991 levels should remain the basis of council tax for ever more.

Mr. Curry: Is not it true that between 1.6 million and 1.8 million properties are revalued every year because they are sold?

Mr. Raynsford: The right hon. Gentleman rightly highlights that the existing framework provides for revaluation if a property's value has materially changed and it has been sold. However, that does not apply if the property remains in the hands of the existing owner. That is one of the many inherent anomalies in a system which has prolonged gaps between regular revaluations, and one of the strong arguments in favour of a regular cycle of revaluation. I was therefore especially disappointed to hear the hon. Member for Brentwood and Ongar opposing the provision of such a regular cycle.

Sir Paul Beresford: Does the right hon. Gentleman agree that, although the council tax is based, for collection purposes, on property, the valuation is required only for distribution of grant and tax?

Mr. Raynsford: The hon. Gentleman tries to lead me into territory that I shall probably cover when I reach a later part of my speech. I want to set out the principles that should inform a proper system of tax based on property values that allows for revaluation. I hope that the hon. Gentleman will bear with me for a moment.

The problem with the Government's position is that, although they say that they are postponing, not cancelling, revaluation, they have given no indication about when the postponed revaluation will take place. The date of 2007 was set for revaluation after a lengthy period of consultation. The Green Paper, "Modernising Local Government Finance", which was issued in autumn 2000, invited views on whether there should be provision for regular revaluations and, if so, how frequently. It was suggested that there might be six-yearly, eight-yearly or 10-yearly gaps between revaluations.

The 2001 local government White Paper, which I had the privilege of preparing and implementing, made it clear that respondents to the consultation overwhelmingly supported the principle of a fixed cycle. The White Paper announced the Government's conclusion that there should be a regular 10-yearly cycle of revaluation, with the first being based on 2005 values and taking effect from 2007. There was a logic behind that.

As my hon. Friend the Member for South Ribble (Mr. Borrow) pointed out—as a former valuer, he is experienced in such matters—the cycle for valuation must be co-ordinated with the current five-yearly cycle of business rates revaluations to avoid imposing unreasonable pressures on the staff of the Valuation Office Agency. It was therefore considered sensible to conduct the first revaluation of council tax as soon as possible after the completion of the 2005 business rates revaluation and well before that of 2010. That was the logic behind choosing 2007.

That was not only agreed through all the usual channels of Government but, because legislation was required to effect the decision, debated at length in 2003 during the passage of the Local Government Bill. The measure was passed, arrangements were made to begin the revaluation in 2005 and the Valuation Office Agency undertook a great deal of preparatory work. I understand that some £60 million of work had already been done before it was decided a couple of months ago to stop the process.

Mr. Hurd: Does the right hon. Gentleman accept that regional property price disparities are at the heart of the case for revaluation? If so, does he accept the evidence from the Halifax that those disparities have narrowed since 2001? Does he agree that, if the trend continues, the case for an expensive wholesale revaluation is critically undermined?

Mr. Raynsford: No, I do not. I shall deal with the evidence from the Halifax shortly. Regional trends, which are part of the picture, conceal many local variations, with both hot spots and cold spots in any one region. The proposition that regional price differentials might be narrowing does not obviate the need for revaluation because there will be considerable variations in property prices in every region.

Mr. Borrow: Does my right hon. Friend agree that, if there has been little change in relative property values, as the hon. Member for Brentwood and Ongar (Mr. Pickles) alleged, a revaluation would not lead to large increases in council tax for many people?

Mr. Raynsford: My hon. Friend is absolutely correct. He identifies one of the glaring inconsistencies in the Opposition's position.

If a carefully thought through Government policy that had been the subject of detailed consultation and legislation—and which, incidentally, had been defended robustly against opportunistic Opposition attacks—was now to be reversed, one might think that there would be either compelling evidence to justify the volte face or specific alternative arrangements for conducting the revaluation that the Government accept must happen at some stage. As we can see from the Bill, however, nothing has been put in the place of the current requirement for a revaluation in 2007 and subsequently on a 10-yearly cycle.

I know that my right hon. Friend the Minister of Communities and Local Government has acknowledged—and, indeed, rather celebrated—the fact that he has accomplished a U-turn on this issue. I have no problem with U-turns if they replace a poor policy with a better one, but I do have a problem with a U-turn that replaces a sensible policy with a void, a vacuum, an empty space in which a revaluation might happen at an unspecified future date, but only if the Secretary of State decides to hold one.

I have a serious problem with that strategy because, as we all know, politicians are traditionally wary of revaluations because they fear electoral unpopularity. That sentiment is not the preserve of any one party; over the years, all Governments have been reluctant to proceed with revaluations because of the possible backlash from the electorate, who are likely to be unhappy about them. It is fundamental that there should be a regular cycle of revaluations in statute, so that that process—which everyone recognises must take place in order to support a credible system of taxation based on property values—will not be postponed simply because of short-term political fears.

David Howarth (Cambridge) (LD): I agree about the need for revaluations in property-based tax systems, and about the fact that politicians are deeply unwilling for such revaluations to be carried out. Surely that argument supports the objection to having such a tax as the main local government tax.

Mr. Raynsford: No, it does not. If the hon. Gentleman had been listening carefully to me, he would understand that it provides a reason for ensuring that we have a regular cycle for revaluation, so that such temptations to delay can be resisted. The argument in favour of a council tax is that it is relatively simple to collect and difficult to evade, and that it meets with a high level of acceptance. There are huge problems with his party's preferred alternative of a local income tax, which is neither predictable nor easily collectable. It would also be very easy to evade, and it would be open to huge administrative costs. It would also place burdens on business and result in arbitrary consequences for households with two or more earners, who would find that they were clobbered. The hon. Gentleman will realise, when he gives a little more thought to the issue,

[Mr. Raynsford]

that the electorate roundly condemn his party's proposals as unworkable, as indeed are so many of the Liberal Democrats' proposals.

Mr. David Clelland (Tyne Bridge) (Lab): I am interested in the direction that this conversation is taking. Is my right hon. Friend aware that the Minister recently said that property-based taxes were introduced at a time when services—such as water, electricity and sewerage—were based on property, while services today, including education and social services, are based on people? Do the Minister's comments suggest that the reason for the delayed revaluation might be that, in the minds of Ministers, there might not be any need for a property tax in future?

Mr. Raynsford: I have listened carefully to the comments made by my ministerial Friends, and they have made it clear that they do not intend to move beyond the remit of the Lyons review, which is to consider changes to and reform of the council tax, but not a replacement for it. That was the remit given to Sir Michael Lyons, and that is the premise on which we are proceeding. If, in future, alternative plans are put forward, hon. Members will obviously wish to consider them very carefully, and with considerable scepticism. The experiences of previous attempts to change from a property-based tax to a person-based tax are not happy. The poll tax was one of the most unhappy experiences in the entire history of local government finance, and very few people would want to go back in that direction.

Mr. Stephen Crabb (Preseli Pembrokeshire) (Con): Will the right hon. Gentleman give way?

Mr. Raynsford: I would like to make some progress. I have just given way, and I do not want to take up too much more time. I hope that the hon. Gentleman will bear with me.

What are the consequences of the Bill? We know that the basis of the council tax—the 1991 values—will become increasingly remote from reality as we get further away from the current valuation date. Having to calculate notional 1991 values for every new property built is nonsense. As I mentioned in our previous debate on the subject, some areas of my constituency were entirely void industrial wastelands 15 years ago, and anything built there would have had no value at all, so, now, it is slightly odd to create notional 1991 values for properties built as a result of that area's regeneration. That pattern is replicated all over the country. In addition, as the former Minister responsible for local government, the right hon. Member for Skipton and Ripon (Mr. Curry), rightly highlighted, there are already provisions for revaluation of some properties where those properties change hands and there has been a material change in value. The anomalies will therefore get worse.

The overwhelming majority of properties, of course, have increased significantly in value since 1991—by some 216 per cent. on average, according to the Royal Institution of Chartered Surveyors. That is part of the problem. Many people who are not familiar with the arcane nature of the council tax process can easily be frightened into believing that because their property's value has increased dramatically over the past 14 years, they will be clobbered by revaluation. That is fuelled by unscrupulous Opposition scaremongering, of which we saw a great deal in the run-up to the general election, and of which we have heard a great deal more today. That does not help to foster a serious and rational debate about the proper system of finance for local government.

As the Government have made repeatedly clear from 2001 onwards, however, the purpose of revaluation is not to increase the council tax yield but simply to bring values up to date, so that the tax is based on modern values rather than values that are increasingly remote from reality. Were the bands to be increased in line with house price inflation since 1991, most households would find themselves in the same band as before, with no increased liability for council tax. I have seen no recent Government estimates for the numbers of households whose banding would either increase or decrease under a revaluation. My right hon. Friend the Minister of Communities and Local Government has assured me that no new Government estimates have been prepared for Ministers since the election. The only official figures are those prepared previously—before the April 2005 valuation date. I am a little surprised that new estimates have not been prepared to inform Ministers' decision to postpone the revaluation, but in the absence of up-to-date official figures, we can only go on the evidence produced by well-informed commentators such as the RICS and the Halifax building society. Both indicate that the majority of households would have remained in the same band as a result of revaluation, and also suggest that more households would have gained than would have lost.

Mr. Pickles: I want to ask the right hon. Gentleman a very straightforward question: if what he says is correct, what went so terribly wrong in Wales?

Mr. Raynsford: As we have debated frequently in the past, the situation in Wales was very different because there was an increase in yield there. The Government have always made it clear that there would be no increase in yield in England. In Wales, the yield has increased by some 8 or 9 per cent.—

David T.C. Davies *rose—*

Mr. Crabb *rose—*

Mr. Raynsford: I am trying to bring my remarks to an end, and the hon. Member for Brentwood and Ongar has led me into territory that has immediately provoked some of his hon. Friends. I will give way to the hon. Gentleman who was first to rise.

Madam Deputy Speaker: Order. May I remind Members that the Bill currently before the House has no reference to Wales? I can allow some reference to what happened, but I am mindful that this Bill is for England.

David T.C. Davies: I am grateful to you, Madam Deputy Speaker, for your advice. I merely wish to point out that Welsh Assembly Members supported revaluation on the basis of being told at the time that there would be no increase in yield. I warn Members of what I call the mother of Parliaments, here in London, that they could be making the same mistake.

Mr. Raynsford: There is no such intention in England. The commitment was to ensure a revaluation based on the current yield, with no increase in yield. In Wales, a number of changes were made: an additional band was added, which must had some impact on that process. It was therefore a very different scenario, and we should not assume that because there was an increase in Wales, there would be a similar increase in England. If the hon. Gentleman examines the figures, he will see the difference. As I said, the estimates produced by both the Halifax and the RICS show that a larger number of households are likely to gain from revaluation than to lose. I do not remember the precise figures, but about 33 per cent. of households in Wales lost and only about 8 per cent. gained. That is a very different scenario from the one that we envisage for England.

Mr. Hurd: Will the right hon. Gentleman give way?

Mr. Raynsford: I will give way once more, but it will be the last time. I really must make progress.

Mr. Hurd: I am puzzled by the right hon. Gentleman's suggestion that there may be more winners than losers. If that is the case, why are the Government running away from their decision?

Mr. Raynsford: I merely said that, in the absence of official figures, evidence from the RICS and the Halifax implied if a revaluation were conducted with no increase in yield—if house price values were simply uprated in line with average house price inflation since 1991—the overall impact would be neutral, but the number of households that would gain would be larger than the number of losers. As the figures show, that is because there would be rather more gainers in the lower house price bands, and a disproportionate number of losers in the higher bands.

That brings me to my final point. If those figures are valid, it appears that the Bill will be regressive. It will result in more households on lower incomes paying more than they should because of a failure to revalue, while those in higher income bands and occupying more highly priced properties, who would possibly have paid more because the value of their properties has risen, will be spared. I cannot support a measure which seems to me to have no logic and no principle behind it, and which will have a regressive impact. It saddens me to say this, but I will not be able to support the Government tonight.

5.21 pm

Sarah Teather (Brent, East) (LD): Remarkably, this is the only Bill to emerge from the Office of the Deputy Prime Minister in more than a year. We must assume that the Department has been very busy with other matters. If this is the total production of 9,000 staff and two Cabinet Ministers, we need to ask some serious questions about the use of resources. Let us face it: there is not much to the Bill. It proposes postponing revaluation for the present because the Government think that it might be politically unpopular. The tragedy is that, to cover that giant U-turn, they have also postponed Sir Michael Lyons's review of local government finance.

Is it not embarrassing for Ministers to present the Bill as the sole outcome of nearly three years of reviews of local government finance? The first review, back in 2003, recommended a review of a review. As far as I remember, the review of a review was supposed to evaluate revaluation. Now the Government have reviewed the review of the review evaluating revaluation until such time as they can review the review of the review's review to revalue.

I cannot help thinking that when the review of the review finally gets around to reviewing the review on revaluation, the Government's response will be to set up yet another review. I know that it is dangerous to rush into decisions, but this must be the most reviewed act of dithering that we have ever known.

Debates on issues such as this tend to attract quite a small crowd, and we usually see the same few faces. That means that those in the Chamber should understand better than anyone else that local government matters, and that local government finance matters. Yet today we shall spend hours arguing about the essentially technical issue of the date on which property values should be fixed for council tax purposes, rather than asking any of the more difficult questions. We should be asking how much tax should be raised locally, what taxes local government should have power to levy, and how much freedom local government should have to spend its own money. We shall discuss none of those issues in detail, however; we shall have the same fatuous debate that we have had before. We shall rehearse arguments that have already taken place.

I find the Conservatives' position bizarre. We have discussed many times before whether they want to cancel or postpone revaluation. In the course of a single speech, I heard two separate views. They have said that they want to postpone revaluation, but oppose the Bill in their amendment because it does not cancel revaluation. We will hear the same arguments again and again. The Government will try to make a virtue out of a U-turn, and will not commit themselves to anything in particular. That strikes me as a terribly wasted opportunity.

Mr. Borrow: Would the hon. Lady prefer the council tax revaluation to be postponed until the review of local authority funding is published, or would she prefer it to go ahead and then have the review of local government finance?

Sarah Teather: I shall answer that question during my speech. If the hon. Gentleman listens carefully, he will hear the answer.

What is there to say about this long-awaited Bill? Not a lot, actually. It does exactly what it says on the tin. It gives the Secretary of State the power to have a revaluation whenever he fancies it, instead of according to a fixed cycle. Hon. Members who want a revaluation, including the right hon. Member for Greenwich and Woolwich (Mr. Raynsford), are disappointed by that. The idea of a statutory cycle was, as the hon. Gentleman said, to remove the choice because, as everyone knows, if one gives politicians the decision there will be no

[Sarah Teather]

revaluation. Keith Parry's marvellous Library note for today's debate includes an historical note on postponements of rate revaluations going back to 1925, all with similarly dubious excuses. That point has been well made.

Originally, the Government set revaluation to occur after the 2005 general election because they did not want the fallout to affect their chances. Now there will not be a revaluation until after the next general election—because they do not want the fallout to affect their chances. Will there ever be a revaluation? Will the timing ever be right? Probably not, so we shall continue to have a tax that not only is inherently unfair but becomes increasingly arbitrary, based on property values that are 15, 20 or 25 years old.

Revaluation, as we have debated so many times here, leads to winners and losers. As we have seen in Wales, its effects are often unpleasant, unfair and untidy. No doubt we shall hear from Welsh Members about the impact on their constituents. The hardship felt by many who have gone up multiple bands is the reason that my Welsh colleagues have been leading calls to extend the transitional relief in Wales, so that the situation gets no worse. The problem with council tax is that the tax itself is fundamentally unfair and bears little relation to one's ability to pay, so the arbitrary nature of band shifts following revaluation is felt all the more keenly.

David T.C. Davies *rose*—

Sarah Teather: I mentioned the key word "Wales", so I must give way.

David T.C. Davies: The hon. Lady may be pleased to know that I am not going to talk about Wales. She said that the council tax is unfair in itself. Is not it the case that that simply was not an election issue, certainly not in 1999? It was not the council tax itself that was upsetting people, but the level of tax that they were paying.

Sarah Teather: I do not accept that. I was about to do what I do every time I debate this issue here and remind hon. Members how unfair council tax is. I could spell out again exactly how much better a local income tax would be but, as I said, it is always the same people in these debates and they have heard it all before.

I would like, therefore, to focus on the Bill's greatest sin: omission. The Bill does nothing to solve any of the problems that councils and council tax payers face. Local government is in charge of raising only about 25 per cent. of its money and, thanks to capping, it is not even fully in control of raising that 25 per cent. Hon. Members will remember with incredulity our debate in July, when, in a place that used to legislate for half the world, we were reduced to telling Aylesbury Vale district council what it could do with 4p per resident per week.

Because local government funds come in the form of handouts from central Government, the money comes with a host of qualifications, criteria, rules, regulations and restrictions. It is that relationship that damages accountability. It reduces local flexibility, undermines local responsibility, hinders longer-term planning and creates huge unfairness. It often leads to accusations, which are frequently unfair, that Ministers are using the power of the grant to favour their political heartlands. That mixture of central grant dependence, passporting, ring-fencing, targets and capping leads to the annual crisis in council tax rates, which began again just last week when the Local Government Association predicted a £2.2 billion black hole.

Dr. Whitehead: In a previous debate, the hon. Lady said that under her proposal for a local income tax there would be a substantial element of equalisation of central Government grant, and referred to the total amount that local income tax would raise. By simple arithmetic, the figure she gave would mean that the amount of equalisation grant that remained to be distributed would be roughly the same as it is at present. How, then, would the hon. Lady's vision of local government completely free from any grants from central Government come about?

Sarah Teather: First, we have always envisaged a two-stage process. We would need to scrap council tax and implement a local income tax. We want a shift between national income tax and local income tax, cutting national income tax and raising proportionately more locally. We would leave that to local discretion, but we would also localise business rates, which—

Madam Deputy Speaker: Order. I have allowed some digression but could we please now get back to the subject of the Bill, which is revaluation?

Sarah Teather: I was trying to avoid discussing the detail of local income tax, but hon. Members cannot resist it and we get drawn into these debates.

As I said, we have a huge black hole and we will go through the usual saga: posturing by the Government, visions by councils of their spending and concomitant headlines about cuts in social services. There will then be marches against council tax rises and finally a last-minute panic—

Madam Deputy Speaker: Order. I remind the hon. Lady that the Bill deals with revaluation and not local government finance in general. There can be some reference to that, but not at length.

Sarah Teather: I was trying to make a point about what the Bill omitted, but clearly we shall have to have that detailed debate elsewhere. My point is that this is a ridiculous waste of time and energy and that going through this saga is holding local government back from making decisions itself, which is vital. I am disappointed that the Bill does not include those matters because it is vital for improving public services that we have that kind of provision. We are easily distracted by revaluation, which we all know would only fuel the sense of outrage in its losers, who already hate the tax anyway.

The political implications of rocketing bills are easy to grasp. Certain Government members probably even revel in having made a barefaced U-turn on revaluation because it means that they can boast about their honesty in admitting a mistake. The Minister of Communities and Local Government, the right hon. Member for South Shields (Mr. Miliband), said at the time that the

Government were still moving forward—just in a completely different direction. Clearly, he is a great wit, but his position is of no help to those in local government who need to know what the Government are planning.

The bizarre argument that the Government are postponing Lyons and revaluation to allow Sir Michael Lyons to look at the issue in a more holistic way does not hold water. The date for revaluation has been set in stone since the last Local Government Act. Why did it take the Government two years to realise that voters live in houses?

Revaluation is basically a political sideshow. Postponing it does nothing to help pensioners lining up to go to prison because they cannot pay. Nor does it do anything to tackle the injustice of families on half the national average household income paying over £1,000 in council tax.

This has been a relatively short speech, but then this is a short Bill that aims low and achieves less. Frankly, there is not that much to say about it. If it is passed with no further reforms, we shall have the absurd situation of having a tax based on a poor guess at a home's value 15 years ago. But rejecting it, as the Conservatives are trying to do today, would be just as pointless, because revaluation would do nothing to make council tax fairer either. It would just make it slightly different. Frankly, neither option is appealing.

Mr. Kevan Jones (North Durham) (Lab): Will the hon. Lady give way?

Sarah Teather: No, I am about to finish.

This is rather like asking a vegetarian whether they would prefer steak or bacon. The Bill should be withdrawn and replaced with something sensible that tackles the system of local government finance. The Government will not do that, but we will when we win in 2009. So while we wait for the power to introduce something different, we see no point in having a revaluation. It would be a costly waste of money; as we have heard, £60 million has been wasted on it already. It would be a total waste of time, given that we intend, when we are in government, to scrap the tax anyway and replace it with local income tax.

I shall not go though all of the arguments again, because we have heard how much better a local income tax would be. We have heard also that we would localise business rates and make sure that local government has a proper system of finance. Even if hon. Members disagree with me about local income tax, they should agree that this whole revaluation fiasco is merely an excuse to defer once again the crucial question of a decent financial settlement for local government. Transforming local finance is key to transforming public services. We should not waste our energy fighting over revaluation just because it is an easy political game. We should invest our energies in solving the real problems: that the council tax is unfair, and that local government is held to ransom by the current funding system.

Every minute that we fritter away on revaluation is a minute that we do not spend trying to solve those underlying problems, so I think that I had better shut up and sit down.

5.35 pm

Mr. David S. Borrow (South Ribble) (Lab): In getting back to the subject of this Second Reading debate, I should begin by pointing out that, as a member of the Institute of Revenues Rating and Valuation, and of the Society of Clerks of Valuation Tribunals, I have some professional involvement in this area. I have certain predetermined views on local government finance.

I should also make it clear that I see some merit in the Government's argument for ensuring that revaluation is tied to a review of, and re-jigging of, local government finance; my real concern is the length of that delay. The history of any property tax shows that the longer revaluation is delayed, the more that tax is fundamentally undermined. There was a revaluation in the years immediately after the war, when the Inland Revenue was responsible for valuing the rates. There was another revaluation in 1956, and further revaluations in 1963 and 1973. By the end of the 1980s, after various Ministers delayed a further revaluation and following the experience in Scotland, it was impossible for the then Tory Government to have another one. We ended up with the poll tax.

Sir Paul Beresford: I am listening to the hon. Gentleman's opening shots with interest. He is comparing rates with council tax, but the situation is different. At the moment, valuation for council tax purposes is used for the distribution of grant and of the tax itself. So many of the arguments used earlier by the right hon. Member for Greenwich and Woolwich (Mr. Raynsford) actually support the positions of both the Government and of Conservative Front Benchers, so long as the proportions do not change dramatically.

Mr. Borrow: I shall deal with that point now. Let us contrast such revaluations with the revaluation of business rates. Since business rates were nationalised in 1990, we have stuck to five-yearly revaluations, which have been supported by all those affected. Their argument is not that because no big changes have occurred in a given five-year period, there should be no revaluation. Rather, the argument is that if comparatively small changes in relative values occur under a system of regular revaluations, the impact of each revaluation is not so massive, be it on businesses or those occupying domestic property. If we argue that we do not need a revaluation because—allegedly—there has not been a big change in relative property prices in the past 14 or 15 years, and if we have revaluations only when there is a massive change in the relative prices of property, the danger is that the impact will be huge, with a lot of winners and a lot of losers. Under such a system, it will become virtually impossible for a Government of any colour to proceed with that revaluation.

Mr. David Heath (Somerton and Frome) (LD): The hon. Gentleman is talking a great deal of sense. But I am concerned about the sanguine view that, because the majority of properties will stay in the same band—the point made by the right hon. Member for Greenwich and Woolwich (Mr. Raynsford)—which is inevitable, given that we are talking about an average, that is somehow all right, and that the winners and losers will somehow balance out. Is it not true that the

[Mr. David Heath]

winners will be concentrated in certain geographical areas and the losers in others? My part of the world, the west country, has experienced rapidly increasing property prices—a point that applies whether one is on a high or a low income. That is the basic unfairness.

Mr. Borrow: I come back to the experience of regular revaluations for business rates. When revaluations took place in the 1990s, some parts of the country experienced booms in property rents and certain classes of property had large increases in comparison with others. Provided that we have regular revaluations and some sort of transitional relief in place, we have a way of coping with the problem. We do not want to find ourselves in a position where we cannot have a revaluation because the change is so massive.

I remember looking into property values in central Liverpool in the early 1980s. At that time, rates were based on rental values of the early 1970s and many business properties in the area were attracting more in rates than in rent. At the same time, there were tenants in central London paying 10 or 20 times as much in rent as they were in rates. That reflected the change in the economy during the period. It was also reflected in changes in domestic property values, albeit to a lesser extent.

Another important problem with putting off property revaluations is that they have an impact on Government grants. The longer we delay revaluations, the longer it will be before Government grants reflect economic differences between one area and another. Liverpool got hammered in the 1980s with cuts in services and real financial problems. Had there been regular revaluations throughout the 1970s and 1980s, I suspect that Liverpool city council's budget position would have been much stronger in the 1980s because the revaluations would have reflected the recession in the city and would have fed through into the amount of Government grant awarded. We never did the revaluations, so that never happened.

I shall vote in the same Lobby as the Minister tonight, though I was tempted by the appeal of the hon. Member for Brentwood and Ongar (Mr. Pickles) to vote in his Lobby—until he spoke. I hope that when the Minister sums up, he will provide some reassurance that we are not talking about a long delay.

I want to restate a point that I made in an earlier intervention—that the reason for having a revaluation in 2007, as against a business rate revaluation in 2005, was to even out the work load of the Valuation Office Agency, the valuation tribunals and all those involved in the valuation of rating and council tax. The danger is that we could end up with a revaluation of council tax not in 2011 but in 2013—20 years after the first council tax valuation. It is important that the revaluation of council tax ties in with the reform of local government finance because of the revaluation's impact on the amount of Government grant. Those two aspects need to be tied together under a new regime, rather than introduced separately. The timing is crucial.

I want to comment on the views of Her Majesty's Opposition. On the one hand, they complain that domestic property prices have rocketed, with huge increases all over the place, so that a revaluation will mean some people paying a huge amount more. On the other hand, they say that there has been hardly any difference, so we do not need a revaluation. Both those arguments cannot be right. I have served on Standing Committees in which Conservative Front-Bench spokesmen have said that there should be regular revaluations. There is plenty of documentation in the Library about the occasions on which Tory Front Benchers have argued in favour of having regular revaluations. Indeed, the Front Benchers currently accept the need for them, albeit as long into the future as possible.

The danger is that if we continue to put off council tax revaluation, whoever is in power in five or 10 years' time will be tempted to do a Michael Heseltine and we shall end up with council tax being unsustainable, so that it has to be ditched completely and something else dreamed up in its place. Let us do it properly. I want some assurances from the Minister that the postponement will be a short and sensible one, not one born of political expediency.

5.44 pm

Mr. David Curry (Skipton and Ripon) (Con): This is a grubby little Bill that reflects a very English mess. If we build new houses—and the Deputy Prime Minister wishes to build very many new houses—we will all have to pretend that they were built in 1991 for the purpose of valuation and a fictional value will be associated with them. Let us suppose that I buy one of those houses and put on a conservatory and a granny annexe—although they are unlikely to be big enough to allow the latter addition—and, a couple of years later, I sell it. It will be revalued for council tax purposes and will probably go up a band. Let us suppose that the right hon. Member for Greenwich and Woolwich (Mr. Raynsford) lived next door and had decided to spend the rest of his life in his house, so he had added a conservatory, a granny annexe and an extremely well-appointed garden shed. He would pay less council tax, even though he had a much more valuable asset.

There are between 1.6 and 1.8 million house sales a year in Britain, or some 34,000 a week. Even allowing for sales of properties to which no substantive change has been made, a relatively high proportion of houses have been revalued—some more than once, depending on property turnover in the area—and that creates anomalies. Across the country, people ask, "Why on earth is he paying the same as I am? He has a much bigger house." My colleagues talk about the battles and the discontent that a revaluation would bring, but we should remember how much seething discontent can be caused by failing to have a revaluation and the continuation of the anomalies.

I know that you do not wish us to trespass beyond Offa's Dyke, Madam Deputy Speaker, but the situation in Wales is interesting. There was a revaluation in Wales because the Welsh authorities decided that they wanted to get more revenue out of the system. It was not revenue neutral, because they set out to make it into a tax-raising venture, which was very successful. However, one consequence of the present situation is that the council tax will come under increasing strain. Local government finance has a wonderful capacity to start as a dot on the horizon no bigger than a man's fist and grow to emerge as a subject of colossal emotive and totemic power. We have hit just such a rough patch in the last couple of years.

The Minister will say—I remember saying it myself and the right hon. Member for Greenwich and Woolwich also said it—that council tax yield is not the same as average council tax. Of course it is not, because more houses are built and houses are revalued, but it does provide a good rough indication of likely council tax increases. We are now destined to spend the next five or six years going through the same sequence of minatory arguments, including threats of capping and blaming the local authority. The silliest argument of all pretends that the amount of money a council raises has nothing to do with the nature of the property in its area, as though somehow there was a curious moral perversity in the fact that Westminster manages to raise more money than Burnley on the basis of its council tax stock.

More and more pressure will be felt because public expenditure is coming under strain and chickens are coming home to roost—as I forecast last year. There are reasons for a postponement for one year, and Sir Michael Lyons accepted that that was reasonable. For example, the changes in education funding and the introduction of three-year budgets make it reasonable to pause to see how all the bits will fit together. However, Ministers have suggested that we wait until there is no turbulence in house prices. What a wonderful notion. After all, the Chancellor of the Exchequer set up the Barker review to discuss why we had permanent turbulence in house prices. The link to structures is one of the most grotesque non sequiturs that I have come across, even from this Government. Ironically, we may have been living through a period when price disparities were closing to some extent. Select parts of my constituency are approaching the levels of the south, but as the hon. Member for Somerton and Frome (Mr. Heath) would say, the variation regionally, and even locally, can be very significant indeed.

Mr. Heath: The right hon. Gentleman was talking about houses that had changed hands or been improved, but there is the significant problem of, for example, an elderly lady living in Rose cottage in a desirable village in my constituency. She has never improved her house and never received any income, yet the price of her property would be hugely inflated over time simply because people with London salaries like the idea of living in Rose cottage in my constituency and are prepared to pay a large amount of money for an unimproved cottage. Is there an answer to that in the council tax framework?

Mr. Curry: From my reading of the Sunday papers, I understand that the Cotswolds are no longer what they used to be because all sorts of fashionable people who own large properties in London, which are no doubt at the top of the band, have gone there and opened up little bistros. One perfectly reasonable answer for a person who is asset-rich but cash-poor, which is the situation of that lady, would be to allow her to roll up her council tax into the final estate. There is nothing inherently unreasonable about that notion, and it is worth examining.

Sarah Teather: But some people, such as those who rent, have no assets to liquidise and for council tenants in particular there is no relation whatever to the worth of their property.

Mr. Curry: If we have a property-based tax, a remorseless logic follows from it, which is that properties must reflect market value, albeit with some delay. The hon. Lady went into review of review of review. I thought that there was a Liberal Democrat review of their local government finance policy, but it appears to have passed her by. The Liberal Democrats did comprehensively badly in the south-east of England and a significant explanation for that may be the amount that bills would have hit home for property owners in the region.

It is cloud cuckoo land to think that we will have a period of no turbulence. Of course, there is a period of minimum political turbulence coming up—roughly in 2007, funnily enough, just when the revaluation was timed to hit. A Government who usually have an unfailing eye for timing appear to have missed that. The real problem is that the Government have discovered that there will be losers. They do not like losers; we cannot have losers under a Labour Government. Everybody has to be a winner all the time at the coconut shy. However, it is possible to deal with that, as I shall say in a moment.

We are heading for conflict and much barren argument. Inevitably, old age pensioners, the canon or deacon of somewhere or other or belligerent elderly ladies will turn up at our surgeries—we wish that our agent could spot them in advance—all determined to set the world to rights. I wonder how much it will cost the taxpayer by the time they have gone through that long process, but they will manage to avoid paying fifty seven pounds, four shillings and threepence ha'penny, or whatever the amount happens to be.

There is a way through, however. It is not rocket science, although I hate to use such well-worn expressions; I do not do rocket science as anyone familiar with my difficulties in handling the video will know. The first solution would be to link revaluation and re-banding. They go together; they are the salt and pepper of the process. Secondly, it would be perfectly possible to limit changes to a single band. In my part of the world, which might be described as regionally depressed, there are none the less areas that might be described by the right hon. Member for Greenwich and Woolwich as hot spots—Harrogate is one of them. We could stop that; the process does not have to be too sophisticated. There could simply be a shift of one band.

I would add an upper band. Madonna has a predilection for large houses in London and large country estates. I find it charming that someone should wish to adopt the English way of life so comprehensively and expensively, but I see no reason why she should not pay an extra bob or two at the top of the band in London for that privilege. We could also add a lower band, to catch the trailer parks or areas in industrial east Lancashire that the hon. Member for South Ribble

[Mr. Curry]

(Mr. Borrow) will know about, where there is a long history of deprivation and empty property. It is possible to manage all those things.

The sensible thing is to drop all the fancy stuff. My hon. Friend the Member for Brentwood and Ongar (Mr. Pickles) was busy detailing all the sophisticated knobs and whistles that might be attached to the process. We should forget all that. The original valuation was simple, and we should keep the current one as simple as possible.

I want to return business rates to local government, with the proper safeguards. We only need to read the snappy little document put out by the ODPM to realise that when council tax was introduced in 1993–94 business rates represented 28 per cent. of local government revenue and council tax 21 per cent. However, the estimates for the current year are that the figures will be 21 per cent. for business rates and 25 per cent. for council tax. The position has been inverted. Business has had an easy ride over the past decade compared to council tax. It is possible to set up safeguards that would reassure business about abusive increases. Furthermore, we might just as well recognise the reality of education expenditure and take the education block back into central Government. That would pretty well solve the problem. We would have gone an enormously long way towards creating a sustainable council tax and we would have returned to local government a much wider range of local resources over which it had control.

The history of local government funding is dismal. It is a long tale of prevarication and delay. I once described the search for a sustainable local government funding system as like the search for the north-west passage. The problem was that first, it did not exist, and secondly, there was a terrible danger of getting stuck in the pack ice. The Government are stuck in the pack ice. If they are not careful, council tax protests, difficulty in funding public expenditure and the annual demand for some sort of bung to make things easier will cause the structure of the vessel to be crushed by the pack ice. The Government will find themselves in a wholly justified mess, which I shall rue from the point of view of my constituents but applaud in seeing the Government get their just deserts.

The worst thing is that it will be 2011 at the earliest before anything like a proper package can be introduced. There will be a long interregnum. There may be light at the end of the tunnel, but the light is entirely at the discretion of the Minister and it is a hell of a long tunnel. The light is faint and flickering and as the right hon. Member for Greenwich and Woolwich says, the Government have taken away a proposal for action and replaced it with a void. They have removed the prospect for any long-term action.

I am afraid that that is all of a piece with the Government's actions. We have backed away from a referendum on the European constitution. We have backed away from a sensible outcome for public sector pensions. We have backed away on local government funding. I just hope that the Government back away from their proposals on terrorism, the one thing that they should back away from, but we see that the Prime Minister intends to remain obdurate.

The Bill is silly. It will not get anybody out of a mess. The Government have exchanged what might have been a brief spurt of indignation for the certainty of five years of increasingly violent guerrilla warfare, which they cannot win and that will continue to gnaw away at them. It needs only one little old lady to chain herself to the proverbial railings, to turn up before the magistrates, and the Government will be right back in the syndrome. The issue is totemic. The Government cannot win because they have deliberately chosen not even to try.

5.58 pm

Graham Stringer (Manchester, Blackley) (Lab): My contribution will be short. When Albert Einstein wrote the general theory of relativity it was said that only three people in the world, including him, could understand it. Similar things were said when Isaac Newton wrote the "Principia". No such lavish claims have ever been made about the number of people who understand local government finance, although I suspect that over the years it has become so complicated—

David T.C. Davies *rose—*

Graham Stringer: The hon. Gentleman may completely understand local government finance, and I shall give way to him in a second.

Local government finance has become so complicated and difficult that I do not believe that even the gurus in the ODPM completely understand it. Now is the time, with the review of form and function, when the system could be simplified, and I shall deal with those points in a minute.

David T.C. Davies: I wonder whether the vast majority of the population's lack of comprehension explains why Ministers do not seem to accept responsibility for the fact that council tax increases are a direct response to central Government policies and have very little to do with local authorities' behaviour?

Graham Stringer: The hon. Gentleman makes his point aggressively, but when the council tax was set up by a Conservative Government after the failure of the poll tax, a large gearing effect was inherent in its structure because most of the money for local government came from central Government. The hon. Gentleman should not be quite so aggressive about a point that relates to the consequence of the Conservative Government's policies of 10 or 12 years ago.

The issue before the House is relative simple. In a sense, one could say that one agrees with it or does not agree with it. It is whether the revaluation of council tax should be deferred and the power handed over to the Secretary of State to determine whether that should happen. If that were all that was being asked of the House, the answer should be no. The right hon. Member for Skipton and Ripon (Mr. Curry) made a perfectly good point, as did two Labour Members, for regular revaluations. My hon. Friend the Member for South Ribble (Mr. Borrow) said that the longer the revaluation is left, the more a property-based tax is undermined. What surprises me about the debate is that Labour and Opposition Members think that that is necessarily a bad thing while the Lyons review is considering the functions and finance of local government. I do not necessarily think that it is a bad idea because the council tax was introduced in a panic after the Conservative party had politically assassinated a Prime Minister. The poll tax, which Conservatives introduced because they had failed to revalue the previous rating system, turned out to be probably the most unpopular tax that this country had seen in the previous 200 years.

The council tax itself was better than the poll tax—the community charge—but is it something that, 12 years on, Labour and Opposition Members should be going to the barricades to defend? I think not. That is why I will vote in the Lobby tonight with my hon. Friends who sit on the Front Bench. If we were simply asked whether giving the Secretary of State the power always to determine when a property-based tax should be revalued was a good thing, I would say that, on its own, it was not. However, in the light of the Lyons review of form and function, it is just about justifiable to look at the situation 12 years after the council tax was introduced, after many changes have been made in local government structures and when some are still in the pipeline.

I do not want to stray too far off the point—this relates to the Government's argument about why we should delay the revaluation—but at the bottom of the debate lies what we think local democracy's future is in this country. The simple answer, which is difficult to reach, is that local people in cities, towns and shires should be able to take decisions about the matters that they want to determine and that they can relate to, and they should be able to raise a lot of that tax locally themselves. We have got the balance wrong in this country, when only between 20 and 25 per cent. of tax is raised by the council tax, and when, if taxation is considered across the board, 2 or 3 per cent. of tax is the responsibility of local democracy.

David Taylor (North-West Leicestershire) (Lab/Co-op): My hon. Friend was a distinguished leader of one of the largest authorities in England before his election to the House. Is he satisfied about the direction of our local government policy? Local education authorities are being neutered. Social services are standing ready for absorption by the health service. Housing departments are being coerced into stock transfers. Are we living up to the ideal, which we espouse at election times, that we believe in local government? It seems difficult to judge, does it not?

Madam Deputy Speaker: Order. I am afraid that the Bill relates to the dates of revaluation of council tax.

Graham Stringer: Thank you for that guidance, Madam Deputy Speaker. I shall try, with your guidance in mind, to answer the question by relating it to the revaluation and the Lyons review of local government functions and finance. The reason for the delay is that if we want to comply with those principles—I share some of my hon. Friend's fears—the council tax, which was set up in response to the crisis of a Conservative Government, simply will not bear the weight of democracy.

We should also remember in considering the revaluation that although our constituents get very excited about the council tax going up—I understand why and there is some unfairness in the system—I suspect that the Labour party's communications and propaganda do not make enough of the fact that we are still paying 2.5 percentage points of our VAT more than we were paying before 1993 to pay for the mess of the poll tax previously. I use that figure to illustrate the difficulties in using council tax, with its imperfections, as a basic tax to sustain local democracy. People in the streets are not angry that we are paying 17.5 per cent. VAT, rather than 15 per cent., but they are genuinely concerned about council tax because it increases year on year and a bill drops through the door. When Lyons looks at that, people's perceptions must be taken into account.

Mr. David Jones (Clwyd, West) (Con): Does the hon. Gentleman accept, however, that the people of Wales are extremely angry that they are being singled out to pay higher rates of council tax than those of equivalent property owners in England?

Graham Stringer: I do not know whether the hon. Gentleman was in his place previously, but if he had listened to what my right hon. Friend the Member for Greenwich and Woolwich said in reply to a similar point, he would have heard him explain that the decision on council tax was taken on a different basis in Wales to raise extra money. That is not the Government's position. There is a difference, and we are not allowed to talk about that anyway, are we, Madam Deputy Speaker?

The other issue that we should consider in deferring the revaluation of council tax is its efficiency. People have been very careful and accurate to describe the council tax as a property-based tax. Of course, it is a property-based tax, but it also has an element, which is left over from some of the thoughts on the poll tax, that is related to the number of people in the household. People are entitled to a 25 per cent. discount if they live on their own. Although this might not be completely fair, I have collated two sets of statistics on the matter, which indicate that there is a problem with the council tax and its revaluation.

Some 3.5 million people are not on the electoral register. It is my contention—I have some evidence for this—that a large percentage of the people in my constituency who are not on the electoral register are avoiding paying council tax. When we consider the revaluation of council tax, it is important to know how many people pay it and how many others are ever likely to pay it. I have checked the situation regarding the houses in one of my inner-city wards. It turns out that there is a ratio of two women to one man, but if one walks around the streets of that polling district, one realises that the ratio is 50:50. The conclusion is fairly obvious: a certain degree of council tax evasion is going on, which the Electoral Commission has picked up through its study of how many people have not registered on the electoral register. If we are considering deferring the revaluation, we must look at the basic efficiency of the council tax. It is considerably more efficient than the poll tax, but not as efficient as the domestic rates were.

I know that you will not allow me to stray on to the functions of local government, Madam Deputy Speaker, but local government has shrunk. Parts of it

[Graham Stringer]

have been pushed into quangos such as learning and skills councils and regional development agencies—Conservative Members probably have a list of them. The Conservatives were responsible for some such quangos and this Government have been responsible for others. We must consider not only the weight of democracy that the council tax can support, which is not that much, but the democracy that it should support. Given the two contradictory problems of the inefficiency of the council tax and the fact that little of it is determined locally, and what I would like to see coming back to local government, I am happy to support a deferral of the revaluation of council tax because it will be no friend to that property-based tax. I hope that Lyons will understand such things and look at the problem thoroughly, instead of just taking instructions to say that we should strip so much out of local government and destroy more local democracy because that is all that council tax will bear.

The hon. Member for Brentwood and Ongar (Mr. Pickles) did some knockabout stuff at the beginning of the debate, which was understandable in a Second Reading debate—some of it was quite witty and funny. However, the Conservatives changed their policies on local democracy, which were disastrous in the late 1980s and 1990s, so all of us should try to reach a consensus on finance and function in local democracy. I say in all sincerity to Conservative Members that we should treat the deferral of the revaluation of council tax as a serious opportunity.

6.14 pm

Sir Paul Beresford (Mole Valley) (Con): We have heard several thoughtful speeches—the last two were good examples. It must be accepted that there is no outcry, with the possible exception of two Labour Members, in support of a national revaluation. However, my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) pointed out that there are local cries for revaluation, which I accept, so I thought that I would try some lateral thinking about that. My right hon. Friend and I used to take that approach in a little office down the road when we discussed such matters previously. Today, however, I want to use the reasoned amendment as a way to look for a slightly different approach.

Although the council tax is a property-based tax, we must remember that it is not actually based on property values in the same way as business rates or the domestic rates. The slightly different approach behind the council tax has two effects. Valuation is used to put properties into bands through which the tax is distributed locally. Importantly, especially for people in the south-east, such information is used by the Government in their assessment of ability to pay when grant is distributed, which has led to a dramatic shift of grant from the south-east to northern urban areas since the new system was introduced.

We should be able to think about a slightly different approach. It would be sensible enough to accept the Government's proposal to delay—perhaps completely—a national revaluation. However, we should also set the situation legally so that the Secretary of State could allow regional authorities—if we end up with regional authorities, heaven forbid—or at least the taxing authorities to reflect any dramatic changes that might occur in their areas. We could thus go for localised revaluation. I cite that specifically in response to the point made by my right hon. Friend the Member for Skipton and Ripon that there are areas—the Thames Gateway will probably be a classic example—in which huge amounts of building will occur, so revaluation due to the sale of such properties would obviously be appropriate, and perhaps necessary. That might mean that the value of the bands in such areas would shift.

The major effect of the council tax that we must consider is the fact that the Government mistakenly base ability to pay on the value of properties. That is why a national revaluation could have a dramatic effect on the south-east and London, while being positive for council tax payers in the north-east and the north in general. Using slightly lateral thinking to find a different approach, albeit perhaps from a rusty base, I think that we should be considering a different way of judging ability to pay.

An obvious approach would be for the Treasury to produce each year a borough-by-borough estimate of individuals' income throughout the country. That assessment could be a substitute for the valuation bands with which we currently judge ability to pay and grant distribution. Such an assessment should be complemented by a system to assess people's cost of living. Part of the cost of living, especially in London and the south-east, is dependent on the value of properties because of the size of their mortgages. That factor should be reflected when the grant from central Government is calculated, but it is not.

I support the Government in one aspect because the delay will create the opportunity for more radical thinking than Sir Michael Lyons would have been likely to achieve without the Bill. I support the reasoned amendment because we must move away from a national revaluation of properties that are not business properties because of the reasons that I have outlined. I especially support my Front Bench colleagues because I have deep concern, contrary to the view of my right hon. Friend the Member for Skipton and Ripon, about the proposal to create extra bands instead of changing the valuation of the existing bands, because that would shift dramatically the proportion of grant allocated throughout the country, which could cause damage.

So, I half welcome what the Government are saying but more particularly I welcome the approach taken in the amendment, because it gives us a chance—I suspect that the Government will not accept it—to come back with the product of a slightly deeper re-think than what my right hon. Friend the Member for Skipton and Ripon has described as a grubby little Bill.

6.20 pm

Ms Celia Barlow (Hove) (Lab): Members on both sides of the House are aware of the importance of a good relationship between people and their local authority. Like many Members here today, I seek improvements to the system that will not only enable a more efficient collection of funding and delivery of local services but strengthen the relationship between local councils and their stakeholders.

During this year's general election campaign, I read with interest and not a little disbelief the Opposition parties' proposals for collection and for reforming the council tax system. The Conservatives proposed the postponement of revaluation and promised simple council tax cuts which were unaffordable and would lead to an inevitable loss in service provision. The Liberal Democrats, who now say in the House that revaluation would be a waste of time, offered a local income tax system which would be expensive to run and would penalise hard-working people across the country. Two contrasting proposals—one irresponsible, the other unworkable.

David Howarth: If the local income tax system is unworkable, why does it work in Denmark and the United States?

Ms Barlow: The circumstances of the local income tax, as outlined in the Liberal Democrats' proposals, were unworkable.

The system is in need of reform. I am aware from correspondence and conversations with my constituents that a growing section of our population feels that a more equitable means of funding local government is needed—not just revaluation. That Opposition parties have been unable to capitalise on that sentiment for electoral gain demonstrates the sensitivity with which the electorate view this subject. People want real solutions based on considered inquiry.

Those points show that we can do better. Now is not the time for tinkering around the edges of council funding. We stand at the beginning of a new Parliament—time enough to investigate thoroughly the many ways forward, to listen to the needs and aspirations of all concerned parties, and to present to the people a bold, more equitable future for local government.

I have been contacted, as I know have a number of Members present, by the IsItFair campaign group. Its proposal to scrap local taxation and to replace it with higher centrally collected VAT and income tax would be a disastrous move in the wrong direction.

Madam Deputy Speaker: Order. May I remind the hon. Lady that we are asked to confine the debate today to the Bill before us, which is about the dates of revaluation of council tax rather than local government finance?

Ms Barlow: I thank you for your guidance, Madam Deputy Speaker. The challenge that we are faced with today is not just revaluation or re-banding but how to bring local councils closer to the people they serve.

Mark Pritchard (The Wrekin) (Con): The hon. Lady has clearly thought through her speech; it is a measured speech. I am interested in her comment about equity. Does she think that it is equitable that as a result of revaluation in Wales 33 per cent. more homes are paying more? Is she in favour of revaluation?

Ms Barlow: I understand from guidance from Madam Deputy Speaker that we are dealing with matters in England rather than in Wales.

In the south-east of England—

Madam Deputy Speaker: Order. May I clarify matters? A passing reference to Wales is acceptable. What cannot take place is a whole speech referring to Wales, because this Bill and revaluation do not affect Wales.

Ms Barlow: Thank you, Madam Deputy Speaker.

If I may return to England, in the south-east and in my local authority of Brighton and Hove, revaluation would have done little to redress inequalities without an accompanying restructuring of bands. According to housing statistics published by the Council of Mortgage Lenders and the Office of the Deputy Prime Minister, between 1992 and 2004 house prices in the south-east rocketed by 210 per cent., while average earnings of mortgage borrowers increased by only 93 per cent. Meanwhile, in the north-east of England, for example, house prices went up by 167 per cent. and earnings by 83 per cent. Therefore, the gap between house prices and earnings is widening across the south-east.

While it is increasingly difficult for younger people in my constituency to get on to the property ladder, there is great concern among older people about council tax increases. The burden of council tax is higher for pensioners than for many other households. The council tax benefit system is a great help for them, but many who are entitled to the benefit still do not claim, and most of those are pensioners. Therefore, we need to look at the operation of the council tax benefit system as well.

We need not just to revalue but fundamentally to rethink the way in which local government is funded. That is the only way to revolutionise people's relationship with their local council and to increase the effectiveness of local service delivery. Some good and imaginative work has already been done, adding greatly to the debate. I read with interest the paper written by my hon. Friend the Member for Southampton, Test (Dr. Whitehead), which outlines proposals showing the potential for local revenue collection. Some contributions add to the ongoing deliberations on the Labour Benches on how to be equitable with tax collection yet fair to economically vulnerable members of our communities—pensioners in particular. Unlike the opportunistic approaches demonstrated by some Opposition Members, those meaningful contributions demonstrate the potential for improving the relationship between people and their local councils, as opposed to driving a wedge still deeper.

I support the call of my hon. Friend the Member for South Ribble (Mr. Borrow) that if there is a revaluation it should not be too far in the future. However, I also voice my support for Sir Michael Lyons' review process, especially now that his remit has been extended to include the future of local government in a wider context. This is a one-off opportunity to look afresh at the situation and to offer the people of this country a bold new vision of local government and service delivery. That vision has the potential to be fair to the regions as well as to local communities, in addition to fostering a more equitable relationship between local councils and the communities that they serve.

6.27 pm

Mrs. Maria Miller (Basingstoke) (Con): I welcome this opportunity to speak about council tax, because the issue is causing immense concern in my constituency.

[Mrs. Maria Miller]

I speak for many Basingstoke families and pensioners who face staggering increases in council tax as a result of the actions of this Government. Those families and pensioners would face almost untenable costs if the Government implemented their intention to revalue, so I support scrapping revaluation in its entirety.

We are told that the proposal is revenue-neutral, but the actions towards householders in many other aspects of our lives suggest that the cynicism expressed from Opposition Members may be justified. If I may, I shall look at this issue from a slightly different angle—from that of our constituents. A house is a home where we raise our families and live our lives. If we are fortunate enough to own our own home, our families are offered a certain level of security. This Government are using our homes as another way to punish hard-working families for doing the best for their children and to punish pensioners in their retirement.

House price inflation does not deliver an additional income to householders. It does not put an additional pressure on local services, and as we have heard today the relative level of house prices has not changed regionally for a decade. Under this Government, house price inflation has been seen as an opportunity for an additional back-door tax on pensioners and hard-working families. Council tax revaluation is just the latest in a long line of such measures.

The Government are happy to recognise an increase in property values when it comes to council tax, but not when it comes to inheritance tax. They have continually failed to raise inheritance tax thresholds to reflect house price increases, and in the process have added about a £1 billion tax take to the Chancellor's coffers. Under Labour, stamp duty has tripled in my constituency, with the stamp duty bill for an average detached house being almost £4,000. In Basingstoke, stamp duty is slapped on even the average flat that would be within reach of a first-time buyer. One in three children aged 10 today will be able to own their own home in the future. Contrast that with the last Conservative Government, who helped 2 million people get on the housing ladder under right to buy. The Government have declared war on our home owners of the present and the future.

Delaying revaluation will leave the sword of Damocles hanging over the heads of pensioners and families who have already been penalised enough for doing the right thing, working hard to provide a safe and secure environment for themselves and their families. The Government have tried to paint a different picture and claim that revaluation will be revenue neutral, but that assertion has been blown out of the water by what has happened in Wales, as we have heard today.

Sir Paul Beresford: The trick with the Government's claim that revaluation will be revenue neutral is that nationally, it probably will be revenue neutral, but it will be to the disadvantage of my hon. Friend's constituents and to the advantage of those in the north because of the way in which the ability to pay assessment uses the shift within the banding. She is right. It is another case of the Government hiding the effects and leaving local government to take the blame.

Mrs. Miller: My hon. Friend makes an excellent point. In areas such as my constituency in north Hampshire, where we have seen house prices increase by 13 per cent. more than the regional average, we will be waiting for tax hikes of around £300 per household, taking the average council bill to well over £1,500, which many of my constituents cannot afford.

Mr. Brian Binley (Northampton, South) (Con): On the total tax take, as opposed to the vehicle for collecting tax, does my hon. Friend agree that the Government have deliberately forced up the total council tax take? Had they not done so, we would not have had anything like the recent problems with the collection system.

Mrs. Miller: My hon. Friend makes an excellent point. With council tax increases of over 70 per cent., it is not surprising that people are uncomfortable with the current situation.

If more evidence were needed—not that I think it is—that revenue neutral arguments can be less than honest, perhaps we should consider the business rate revaluation. The Government said that that was aimed not at changing the amount of money collected nationally, but at ensuring that individual rateable values reflected the changes that have taken place in property markets since the last revaluation in 2000—very much the arguments that have been rehearsed today.

However, the business revaluation hiked taxes on local firms by more than £1 billion a year across the country, pushing up average firms' bills by three times the rate of inflation. In Basingstoke, which is one of the most important hubs of business and enterprise in the south of England, the average bill paid by local firms has risen by 6 per cent. to over £16,000 a year, despite the Government's claims that the business rate revaluation would be revenue neutral. Almost 2 million businesses across England were sent revised business rates in April. That money will not be kept by local government, but will be snatched back by central Government. Higher taxes on local firms will damage the economy and increase the prices in our shops. Our experience to date is that re-banding is no revenue-neutral balancing exercise, as suggested by the Government today.

There are more deeply rooted reasons for the Government's climbdown on revaluation, which some of my hon. Friends have touched on. It is a symptom of a growing realisation of the crisis in local government finance. We have noted the fact that we are paying over 70 per cent. more in council tax under the Government, analogous to 3 per cent. on income tax. But those accountable to the voters at local government level have little control over council tax levels for which they are judged at the ballot box, despite what the Minister said in an Opposition day debate only a few weeks ago. The Government have in essence broken the link between taxation and representation, with 75 per cent. of local government spending coming from central Government and only 25 per cent. from local council tax payments.

For many councils, the cost of providing additional statutory services outstrips the funding that they receive from central Government. My constituency is in the county of Hampshire, designated excellent by the

Government for its levels of efficiency. I agree with that. Hampshire has achieved great savings over a number of years in response to the pressure under which it finds itself, but this year the sums simply do not add up. In 2006–07 the projections are that, after the Government have ring-fenced the revenue support grant into the new dedicated schools grant and removed the one-off grant support designed to keep council tax figures low in a general election year, Hampshire will see a 1.7 per cent. increase in Government grant, yet it needs an increase of 5.4 per cent. to finance the Government's local spending plans and maintain current levels of service. This means that my constituents are facing a further 8.4 per cent increase in council tax, on top of the vast rises in recent years under the Labour Government.

If the council is not allowed to put such an increase in place, the result will be cuts in services to the tune of £8 million, according to current projections. That would mean 130 fewer residential care places for elderly residents; 200 fewer day centre places for adults with physical, learning or mental health disabilities; 150 fewer children in full-time foster placements; and further backlogs in road maintenance, despite continued pressure from the South East England regional assembly to increase house building.

We are at the tipping point. The people of Hampshire, along with many thousands of other residents throughout the country, are paying more and getting less. Revaluation, whenever it came, would make the situation even worse. We heard earlier that the situation is particularly perilous for pensioners. In my constituency a third of their basic state pension is taken up by higher council tax payments, which is unacceptable.

We do not need the revaluation at any time. We need tangible support for pensioners, as I have mentioned before. I will continue to campaign for the 50 per cent. discount that I highlighted in the general election campaign, and for the reinstatement of the link between local taxation and local accountability. We must call a halt to the Government's war on home owners by stopping once and for all the measure being debated today.

6.38 pm

Dr. Alan Whitehead (Southampton, Test) (Lab): We have a rather bizarre debate. On the one hand, the Government are introducing a Bill to postpone revaluation, while stating that they want revaluation to take place. I hope that revaluation is postponed, rather than cancelled or kicked into the far-distant long grass, because it is an important part of continuing with a property-based tax. The Government are changing the 2003 Act in order to retain revaluation. The Opposition, on the other hand, have tabled a reasoned amendment opposing Second Reading, which would simply cause the revaluation to go ahead.

If Conservative Members vote for the Opposition amendment tonight, they will vote for revaluation. There is no point in their shaking their heads: if Labour Members decide to go home rather than vote in the Chamber tonight and the Conservatives by some mischance win the vote, the relevant section of the Local Government Finance Act 1992, as amended by the Local Government Act 2003, will stay in place and revaluation will go ahead. Furthermore, no one can stop revaluation going ahead in those circumstances because the provision is on the statute book.

Conservative Members must be careful. My party does not do this kind of thing, but if a "Focus" leaflet were produced stating, "Local Conservatives vote for revaluation", it would be perfectly fair. "Focus" leaflets are not always fair, but the example I have described would be. Conservative Members, who are looking rather glum, would be well advised to get their own statement out explaining the true reason why they voted for a revaluation that they do not want.

The Conservative party does not want revaluation—not now, not ever—and it has boxed itself in by stating that it will cancel it. The hon. Member for Brentwood and Ongar (Mr. Pickles) made an extremely strange comment to the effect that he does not mean "not ever", but, because property prices have converged, there is not a circumstance under which revaluation is necessary. If property prices were to deconverge, the Conservative party would presumably review its policy, but let us take its position on cancelling council tax revaluation as being fairly firm.

In its local government manifesto in spring 2004, the Conservative party said that it will not introduce any new or higher bandings, so it is boxed in on revaluation and the present bandings. It has said that banding would be the only way in which local government could raise money under a Conservative Government, because it will block taxes other than council tax from entering the local government arena. It also made it clear in its local government manifesto 2004 that it is against local income tax and any other form of transfer tax, so it favours one unchanged, unre-banded tax based on 1992 property values, which is a strange policy.

One of the problems with the Conservative policy of not re-banding is that, as other hon. Members have said, a council tax base that is not revalued will drift further and further away from actual property values over a period of time. The Conservative Opposition want to enter government with a tax that progressively bears less and less relation to the actual value of property. If one were cynical—as I have said, that is not my position—one would say that that policy would serve some people rather well, because, assuming that house prices continue to inflate, as taxes drift further and further away from real property values, so a larger and larger number of people will be in a band in which no one pays any more council tax, regardless of increases in property values. Perhaps the thinking is driven by the political party that people in those bands tend to support.

As a method of securing a flat tax that is unrelated to real value—we have heard about flat taxes in recent European elections—the Conservative proposition may be interesting, but in reality the situation is more complicated than that. Over a period of time, high property prices will mean not only that the highest band fails to differentiate between properties in certain parts of the country, but that different sets of flat taxes apply in different parts of the country, because property values will continue to rise at different rates.

Mark Pritchard: The logic of the hon. Gentleman's position seems to be that as people become more asset rich, the Government should say, "We want some of your assets." We have not heard Labour Front Benchers, Labour Back Benchers or Liberal Democrat Members discussing efficiency in public services and people having more through better spending. All we

[Mark Pritchard]

have heard is that the Government want to tax people more, if people's property increases in value. People pay enough tax as it is, including increasing sums of inheritance tax as property prices increase.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. Probably one of the reasons why we have not heard that argument is that it forms no part of the Bill. I hope that the hon. Member for Southampton, Test (Dr. Whitehead) will not go down that line.

Dr. Whitehead: I have no intention of going down that line, Mr. Deputy Speaker.

The Conservative party wants to keep the council tax in its original, unformed, half-baked, semi-organised form, which resulted from the panic in 1992 following the poll tax. The hon. Member for The Wrekin (Mark Pritchard) appears to be adding another string to the bow of that crude and unformed tax by saying that he is pleased that it does not seek to reflect the value of property. When the Conservative party introduced the council tax, however, it introduced bands to reflect the difference in property values.

Incidentally, the 1992 council tax legislation did not include a revaluation provision because it was widely believed at the time in Government circles that placing the bands on the statute book and maintaining council tax within them would remove the need for valuation, because property price movements would be absorbed by movements within the bands. Over time, that thinking has proved to be hopelessly and ridiculously off target.

The hon. Member for The Wrekin appears to be saying that revaluations should not take place within the council tax system. As properties rise in value, however, so council tax should levy a tax on a fair and equitable basis across the bands, reflecting property price increases. It is not a question of taking more money from particular houses; it is a question of taking the right amount of money from particular houses.

I shall illustrate the problem of the way bands work in different parts of the country by briefly considering two boroughs, one of which is in the south of England and is not ridiculously rich, and the other of which is in the north of England and is not especially deprived. An examination of which houses are in which bands illustrates my point.

The London borough of Merton has 8,391 properties in bands A and B and nearly 10,000 properties in the top three bands. The borough of Wakefield, which is 80 per cent. larger in terms of total number of properties, has 1,882 properties in the top three bands—a fraction of the number in a much smaller borough in London—and 97,000 properties in bands A and B.

The geographical differences in banding around the country are already enormous. Given that property prices are drifting upwards, if there was no revaluation that differential would remain in place and continue to widen. In the case of boroughs with a larger number of properties in the top bands, the number of properties that would jump into the top bands would be considerable, thereby creating a flat tax effect. As my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford) said, those in the lower bands would not gain any credit from that, because it is not possible to go below the lowest band. The flat tax effect works at the other end as well.

The consequences of the Conservatives' rather strange position can be clearly spelled out, but another party is involved in this debate—the Liberal Democrats.

Mr. Binley: I am becoming rather confused. Does the hon. Gentleman want the Government to proceed with revaluation earlier than they intend, or does he think that they should do it after the next election?

Dr. Whitehead: The hon. Gentleman will have to wait to hear my full exposition. To put him out of his misery temporarily, I am happy to say that there is a case for bringing a wider review of Government functions into a process of revaluation. We could therefore postpone revaluation for a limited period, but not do away with it completely. That is the contrast that I was seeking to make between the position of hon. Gentleman's party and that of my own, which I will of course support in the Lobby.

Sir Paul Beresford: There is a slight flaw in the hon. Gentleman's argument. The fact that the council tax banding system relies on valuations has an effect within a local area, the other effect being on the distribution of grant. If one changed the ability-to-pay aspect of the grant assessment, the argument of my hon. Friends on the Front Bench would stand.

Dr. Whitehead: The hon. Gentleman made some interesting and thoughtful remarks about maintaining the position of council tax as a prime tax for local government—there are many reasons why that should be so—without some of the toxic side effects that continue to be associated with it. However, his views contrast significantly with the official position of his Front Benchers, which is to do nothing whatsoever and keep council tax exactly as it is.

Interestingly, the Liberal Democrats propose to vote with the Government. I am delighted about that, but they are doing so from an entirely different perspective. In a debate that took place a little while ago, I suggested that the policy set out by the hon. Member for Brent, East (Sarah Teather) could be compared to Chairman Mao's great leap forward. In 1918, Lenin said that he supported the then Labour leader, Arthur Henderson, like a rope supports a hanging man. It seems that the Liberal Democrats plan to support the Government tonight because they do not want a revaluation in 2007, or ever. They want something entirely different—a local income tax.

We do not want a long discussion about local income tax because that is not what we are here for. However, it is widely recognised that it would be impossible for 434 billing authorities to attempt to collect a local income tax that is levied at a different rate from the national rate of income tax. Some people would be resident within the geographical area from which the tax is being levied, some would not be resident, and some would be sometimes resident and sometimes not.

Mr. Deputy Speaker: Order. The hon. Gentleman said that we do not want a long debate on local income tax. We do not want a short one either, as it is out of order.

Dr. Whitehead: Thank you, Mr. Deputy Speaker. I shall have to see my Liberal Democrat colleagues outside to finish that discussion. The hon. Member for Brent, East said that she wished for a restitution of local control to local government. A system for revaluing the council tax or any form of tax that would have to be collected nationally does not appear to be in line with restoring a great deal of local interest to local government.

Several hon. Members made thoughtful and interesting contributions on the central issue of what to do about local council tax in terms of revaluation and whether the tax works as a way of collecting moneys from local residents in order to pay for local services.

One of the conundrums that has bedevilled local government is that the tax demand thuds on the carpet in April in the form of a notification to pay. Many people perceive that it comes their way after they have paid all their other taxes. The hon. Member for Basingstoke (Mrs. Miller) reflected some of that feeling when she said that people believe that they have paid all their taxes when another demand appears. If, instead of collecting VAT from the general population as they made their purchases—

Mr. Deputy Speaker: Order. I sense that the hon. Gentleman is going astray again. The measure is about the postponement of revaluation in England and the hon. Gentleman must keep within the terms of what is—God knows—a short Bill.

Dr. Whitehead: I take your guidance, Mr. Deputy Speaker.

People's perception of council tax is important to deciding what we do about revaluation and banding. As Labour Front Benchers have said, deferring a decision about revaluation perhaps affords an opportunity to provide a wider context in a review of council tax revaluation and a wider debate about the purpose of local government.

The right hon. Member for Skipton and Ripon (Mr. Curry), who is unfortunately not in his place, made a thoughtful contribution. Although he would not put it in the same words, he suggested that there are methods of making council tax work relatively well. He also said, in contradistinction to Conservative Front-Bench Members, that that would entail revaluation. He said that several other things could be done to make council tax revaluation part of the process rather than, as several hon. Members have described it, an apparent obstacle to it.

Governments throughout history have been concerned with the effect on the winners and the losers of revaluation and have thought long and hard about the subject. The right hon. Member for Skipton and Ripon asked whether other things could be done to place the workings of council tax generally in the context of revaluation. Several ideas could be considered and I hope that, if the Bill is passed, my hon. Friends on the Front Bench will examine them in the context of the extended Lyons review, alongside revaluation.

John Bercow: If the hon. Gentleman were a lawyer and paid by the word, he would have made sufficient funds by now to retire. However, I am genuinely interested in his comments. What assessment has he made of schedule 7(52)(4) of the Local Government Act 2003? It is germane to our discussion because it relates directly to clause 1(7), on which, I know, he wants to focus.

Dr. Whitehead: The hon. Gentleman makes an important point, but if he examines those subsections carefully, he will find that, unlike his belief, they are not closely connected.

I was about to concur largely with the right hon. Member for Skipton and Ripon about making council tax work. That is an important element that we need to consider when we examine revaluation.

Much of the debate has been about bands, including whether we need new bands at the top or at the bottom, whether we should retain existing bands and whether revaluation, which would re-band properties, leads to higher council tax. Hon. Members have commented on the fact that, unlike in Wales, rebanding in England could be revenue neutral, if one provided for circumstances in which that could be achieved.

Mr. David Jones: The hon. Gentleman mentions revenue neutrality. However, is not it the case that revaluation was presented as revenue neutral to the Welsh Assembly?

Dr. Whitehead: It has already been suggested that we should not stray into matters that concern the Welsh Assembly. However, the revaluation in Wales did not proceed on the basis of a nil additional yield. Revaluation in the UK could be based on no additional yield.

Mrs. Maria Miller: It might be useful to remind the hon. Gentleman about the business rate revaluation, which was also supposed to be revenue neutral but was not. Perhaps he could make a few comments on that.

Dr. Whitehead: As the hon. Lady knows, the business rate revaluation has been based on its being followed by dampening mechanisms to take account of the differences in the way in which the rate works in various parts of the country. When there is a transition in value between various parts of the country, the dampening mechanism works to a better or lesser extent in different places to equalise as far as possible the effect of the revaluation over a period of time. However, if a dampening mechanism is introduced, it cannot necessarily ensure that there is no difference in yield because it works differently in different parts of the country, depending on the change that has occurred in the revaluation. A revaluation with a dampening mechanism cannot give a revenue-neutral, guaranteed yield in the way that the Government suggested could be done for council tax revaluation. I am sure that the hon. Lady has been greatly enlightened by what I have just said.

[Dr. Whitehead]

When we consider bands and whether we need new ones, I want to ask whether we need them at all. The previous Conservative Government introduced bands in the Local Government Finance Act 1992. They were prepared in something of a hurry, on the erroneous understanding that they would ultimately get rid of revaluation. I believe that a system of points would be a fairer and better method of valuing properties than the current bands system. We would not then have the worry about moving between bands.

Points would be given on the basis of a specific valuation. As we have heard, the Institute of Revenues Rating and Valuation has said that, if revaluation were to proceed, it would provide an individual valuation for each property. It would thus be relatively straightforward to move from individual valuation to a series of points rather than placing properties in a band. The total number of points that a local authority had would form the basis on which council tax could be levied. That would provide considerable certainty about the amount of money available for the local authority to levy council tax as part of its budget-making activity.

Such a system would also mean, if combined with a change in the way in which councils set their council tax, that there would be no gearing effect. If, for example, one were to introduce a marginally variable core grant at the beginning of the process, set the council tax on the basis of points rather than bands, then compensate at the end of the process, one would simply not have the gearing effect. The way in which the settlement was brought about would effectively remove much of the concern about that effect.

The right hon. Member for Skipton and Ripon and the hon. Member for Brent, East both mentioned proposals to localise the business rate. It has been suggested that that should happen because it would introduce a greater degree of autonomy to councils in terms of the decisions that they make about their finances. If there were no gearing effect, however, that would be of less significance. However, the right hon. Member for Skipton and Ripon rightly pointed out that since the business rate was introduced, with the intention that it should not be levied at above the rate of retail price inflation, the percentage of funding into the local government stream that the business rate has provided has gone down from about 27 per cent. to 22 per cent. If we had historically pitched the level of the business rate against increases in earnings rather than in prices, it would have been possible more or less to have kept up that proportion over a period of time. If we prospectively pitched the business rate against earnings rather than prices, it would re-equalise that proportion over time, so that it would continue to operate on a level basis, rather than falling continuously against the total proportion of moneys raised for local government and against the amount raised by council tax. That would resolve another problem.

There are a number of measures in the Lyons review—or associated with it—that the Government could consider in the context of revaluation, over and above whether we revalue or not, which would bring back a council tax whose operation was significantly refreshed. That is the potential prize that lies ahead of us, assuming that we consider that council tax should continue to be the main device whereby local tax is raised. If, as a result of this process, we achieve a council tax that reflects more marginally on people's concerns about the tax bill landing on the carpet, that relates more fairly in terms of its effects on the rise of property prices and to the actual amount that people pay, and that is in line with the way in which the business rate works, we will have done a good job, so far as temporarily suspending the revaluation is concerned. If the tax comes back refreshed in that way, the question of revaluation will play a part in the process but it will not form most of the process. That would be a positive outcome from a decision that people in some quarters are calling a U-turn, and it could result in something good for future local government.

7.14 pm

David Howarth (Cambridge) (LD): It is a great pleasure to follow the hon. Member for Southampton, Test (Dr. Whitehead). I agreed with many of the points that he made at the beginning of his speech. Sadly, I did not agree with what he said about local income tax, but it seems that we shall have to take up that debate on another occasion.

Two aspects of this debate are quite bizarre, one of which the hon. Gentleman mentioned. That was the fact that it seems very difficult for hon. Members to stick to the point of the debate. One reason for that is easily explained: it is difficult to separate valuation from the rest of local government finance. Some reference to those other matters is necessary in order to understand the decision that we face tonight.

The other point is fascinating, and relates to the internal debate on the two sides of the House. It became increasingly difficult to tell whether a speaker was speaking from the Conservative side of the debate or from the Government side. A serious point lies behind that difficulty as well. There are inherent difficulties with the council tax, and both sides are finding it difficult to come to terms with that. It is the most regressive major tax in the Government's taxation armoury. Indeed, it causes the whole taxation system to be regressive: the top 20 per cent. pay less tax overall than the bottom 20 per cent. of the income distribution. We all have constituents who face extraordinary council tax bills. I have one who has to pay 10 per cent. of his income in council tax, which is an extraordinary figure. This leads to the conclusion that we have reached, which is that the whole council tax system ought to be abolished and replaced by a different system.

My own position on the Bill is simple, and the hon. Member for Southampton, Test got close to identifying it. For me, revaluation is a pointless and expensive exercise that should be scrapped. It is pointless because the council tax is inherently unfair and should be replaced by a better tax, namely local income tax. It is expensive because it has already cost about £60 million and is likely to cost another £100 million, if not more. Those resources would be much better spent on almost any other aspect of local government expenditure. The Bill means that the Government will be in a position to call off this wasteful and pointless exercise, and I therefore support it in principle. I would, however, like to see some changes made to it in Committee, and I shall mention at least one of them later.

First, however, I want to challenge the Conservatives' position on the Bill, which is puzzling. Their amendment says that the House should decline to give the Bill a Second Reading because it does not cancel the council tax revaluation. However, as the hon. Member for Southampton, Test said, we all know that the Government will use the power that the Bill will grant to call off the 2007 revaluation. The current law is clear: there is an obligation to hold a revaluation in 2007 under the terms of the Local Government Act 2003. If the Bill were to be defeated tonight, therefore, that would remain the law and the 2007 revaluation would continue.

The Conservatives' position is puzzling in another way. I differ from the hon. Member for Southampton, Test, at this point, because the Second Reading debate of the Bill that became the Local Government Finance Act 1992 shows that it was always thought that revaluation would be necessary at some point under the council tax system. That Second Reading debate makes fascinating reading, and I recommend it to all hon. Members, especially for the remarks by Labour Members who were in favour of something called "fair rates"—a concept that seems to have disappeared completely—and for the views of the right hon. Member for Sheffield, Brightside (Mr. Blunkett) and the then Member for Dagenham, who held fascinating views on the invasion of privacy that would result from the introduction of the council tax valuation system.

Nevertheless, little was said in the 1991 debate about the revaluation issue, except in so far as Conservative Members said that the need for revaluation was a serious problem in the old rating system and would also be a problem in the fair rates system. That problem would not be eliminated under the council tax, however, but simply reduced. The then Secretary of State for Scotland, Mr. Ian Lang, in the debate on Tuesday 12 November 1991—a Second Reading debate that was held over two days, which I have yet to see in the House in my time, although perhaps it is not necessary for this Bill—stated:

> "The banding system irons out much of the effect of relative changes in property values within an area which, under the rating system, brought regular pressure for revaluation. The need for general revaluations is therefore much reduced. If, however, such a revaluation were required, say, 20 years hence, the same house in band D would probably remain a band D house, provided that its relative position within the range of property values had not changed so much as to take it outwith the new parameters for that band."—[*Official Report*, 12 November 1991; Vol. 198, c. 918.]

Council tax does not therefore eliminate the need for revaluation, but merely reduces it.

The then Conservative Government expected to have a revaluation in around 2011, only four years later than that provided for in the 2003 Bill. The puzzle in the Conservative position is that if clause 1 of the Bill that we are considering tonight had been included in the 1992 Act, no one would have turned a hair. It would have been perfectly compatible with the policy of the then Government. We have heard tonight that Conservative policy now is that there must be primary legislation every time a revaluation is suggested. No one said that in 1991. It strikes me as somewhat over the top to require primary legislation for what would in effect be a one-clause Bill, as opposed to a positive resolution of the House under the current arrangements.

Let me turn to the one aspect of the Bill that requires further attention. Hon. Members have referred to the difficulty that politicians have in bringing to fruition revaluations of property-based or near-property-based tax. The technical reasons for introducing such revaluations have been well explained, especially by the hon. Member for South Ribble (Mr. Borrow). They are related to divergence in property values. The relevant divergence is at the individual property level, not at the district or regional level. Those technical advantages of revaluation, however, are always outweighed by the political cost. Ministers of whatever party find it impossible to revalue without paying a very high political price.

John Hemming (Birmingham, Yardley) (LD): As an ex-leader of Cambridge city council, my hon. Friend will be aware that the political cost of the council tax has been substantial over time. Part of that has been caused by the continuation of the Conservative Government's policy of increasing council tax by more than inflation. At standard spending, in 1993–94 council tax was £492.66, and in 2002–03 it increased to £769.16. It then changed to the assumed national council tax, putatively £1,000.83, which has increased to £1,101.96. That is a 71.9 per cent. increase in council tax, while inflation has been 34 per cent.—

Mr. Deputy Speaker: Order. I cannot see how that has any relevance to the Bill.

David Howarth: Thank you, Mr. Deputy Speaker, for saving me from having to reply to my hon. Friend's intervention. I, too, found it difficult to see its relevance to the Bill, although he made a good point.

As I was saying, the problem with revaluation is that its technical merit is almost always outweighed by its political cost. As the hon. Member for Southampton, Test said, that does not bother those of us who are in favour of scrapping the entire system and replacing it with a completely different local government taxation system. In fact, it makes our case better. As the lack of revaluation makes council tax increasingly anomalous and unfair, more and more people will come to see the good sense of our alternative proposals. I suppose that one could say that we were following the rule of worse is better.

Tom Levitt (High Peak) (Lab): Does the hon. Gentleman recall that, in the last general election, the Liberals had a website into which people could tap numbers to find out whether they would be better or worse off under their local income tax? I have not met anyone who found that they would be worse off. The reason for that is not the goodness of the system but the crazy way in which the website worked. The website did not ask what band—

Mr. Deputy Speaker: Order. If the hon. Gentleman had been present for a larger part of the debate, he would realise that that remark is totally out of order.

David Howarth: Thank you, Mr. Deputy Speaker.

As I was saying, the problem with revaluation should bother the two parties in the House that are in favour of a property tax. The need for revaluation cannot be

[David Howarth]

denied by those who favour that sort of tax. It never has been denied from the Conservative Benches until recently. My problem with the Bill is that the proposed mechanism allows the Secretary of State a bare discretion to refuse to revalue in any particular year or for ever, so the political reasons for failing to revalue always outweigh the technical reasons. That lacks fundamental transparency.

I ask the Government to consider an amendment to the Bill that would do the following things. First, the Secretary of State should have a duty from time to time to consider whether he should use the power that the Bill grants him. Secondly, when considering whether to use the power, he should be under an obligation to give reasons as to why that power was not exercised in any particular year. Thirdly, those reasons should include an assessment of the variation in property values that has taken place since the previous revaluation. That would allow us all to see whether the Government's decision not to go for a revaluation on any particular occasion was justified technically or was merely following a political imperative. I would be interested to hear the Minister's response to that.

For the Liberal Democrats, the Bill is neither here nor there. We would never use the power that it grants—the power to revalue—because we would scrap the council tax system at the earliest possible opportunity. I support the Bill, but only because we would do away with the possibility of revaluation completely as part of a radical reform of local government taxation. The Bill forms one tiny part of what we will do if and when we come to power.

7.30 pm

Mr. David Burrowes (Enfield, Southgate) (Con): We have heard many opinions today, but there is one incontrovertible fact: people like living in my constituency. They live there until and after they retire; they live in the same houses from generation to generation. In the meantime, the value of their houses naturally increases, often at a rate that far exceeds any income that might enable them to buy their houses.

We often talk about value, and it is the subject of today's debate, but to many such people it is an abstract concept, becoming relevant only when they sell. We must be cautious about references to value and revaluation, which should be linked to ability to pay. Houses in my constituency are worth hundreds of thousands of pounds, but those values are not always linked to householders' ability to meet an increase in council tax. Many an ordinary family in my constituency with a high-value property is scrimping and saving to pay the mortgage, and may have a lower standard of living than those with less valuable houses. Similarly, hard-working constituents in council or social housing may live in high-value properties that are already affected by a high council tax valuation, and would be more affected by a revaluation. Those who will not profit from a sale will not benefit from an appreciating asset.

People on fixed incomes, such as those who lobbied me on behalf of the National Pensioners Convention, are particularly affected by council tax increases. As their life expectancy increases, there is the prospect of a fall in their standard of living over 30 years or more, primarily as a result of local taxation. That cannot be right, and the Bill cannot help them or alleviate their concern.

The main problem is that, under the Bill, revaluation would be at the behest, or the whim, of the Secretary of State. As the hon. Member for Cambridge (David Howarth) pointed out, there is a danger that it would be politically motivated rather than being related to equity. The primary concerns would be how taxes could be raised, and how votes could be gained. The Bill suggests a move into the political arena rather than an interest in what is best for my constituents—a proper, equitable tax.

Kali Mountford (Colne Valley) (Lab): The hon. Gentleman seems to be arguing against council tax in principle, rather than merely opposing the revaluation. With what would he replace it if there were to be no revaluation at any time? Does he favour a completely different system, such as that recommended by the Liberal Democrats? What would he tell those involved in the Lyons review about how he would reconcile his concern about ability to pay with the need for councils to pay for services?

Mr. Burrowes: I shall stick to the essence of the debate, which is not about my proposals but about the Government's proposal to put revaluation into the hands of the Secretary of State. However, at the end of my speech I shall mention some of the principles that I think should feature in the Lyons review.

The Government have form in relation to politically motivated acts relating to council tax. As a criminal solicitor, I am worried about the possibility that previous convictions will be admissible as evidence in trials, but that is not precluded in this case. The Government certainly have form in connection with the way in which they hand out grants under the distribution formula. In my constituency and elsewhere, we have seen the diversion of funds from London to the northern regions.

Tom Levitt: The hon. Gentleman may not know that I represent a Derbyshire seat. For 18 years, under a Conservative Government, we had the lowest grants in the country because the system was biased against us. I put it to the hon. Gentleman that the Government have merely corrected the balance and introduced a fair system. It has indeed caused funds to move from the south to the north, but that is because the grants were not going there under the Conservatives.

Mr. Deputy Speaker: Order. The debate is not about the level of Government grant; it is about whether the revaluation in England should be postponed.

Mr. Burrowes: I am grateful to you, Mr. Deputy Speaker. I am also grateful for the concession that funds have moved. The hon. Gentleman made my point for me: the Government have diverted funds, and have had political motives for the way in which they have dealt with tax.

We fear that a revaluation process in the hands of the Secretary of State will prevent proper parliamentary scrutiny. We fear that the Bill would allow statutory revaluation. Council tax would become a property tax rather than, as was originally intended, a combined property tax and service charge. That leads me to my concern about the principles of any future system of local taxation. The 73-year-old who ended up in prison because she was not willing to pay £53 in council tax said, quite properly—*perhaps this should be adopted by* many of us as a slogan—"People pay taxes. Bricks and mortar don't pay taxes."

The proposed revaluation process will take us towards a property tax. Our legislation should be based on accountability to people rather than property. We should support the amendment, which would prevent revaluation according to political whim.

7.37 pm

Mr. Brooks Newmark (Braintree) (Con): I shall try to be brief.

The hon. Member for Southampton, Test (Dr. Whitehead) made some excellent points, which were relevant to our own stance. Our stance is that we do not want to proceed with the revaluation, but my hon. Friend the Member for Basingstoke (Mrs. Miller) produced a twist on that. Our election manifesto focused largely on pensioners and old people. Conservative Members feel that re-banding, particularly for pensioners, is an extremely blunt instrument.

Many pensioners are asset-rich. They have sat in their houses for 20, 25 or 30 years and, often unbeknown to them, the asset value has increased. Unfortunately, however, those pensioners are also cash-poor. They are stuck in a difficult position. I fear that the re-banding will force many of them to move from the homes in which they have lived throughout their lives. We need to deal with that structural conundrum, which is why I oppose any re-banding at any time.

Let me deal with what was said by the hon. Member for Colne Valley (Kali Mountford) by quoting from a press release sent on 20 December from the Office of the Deputy Prime Minister. It announced that the Government intended to suspend the council tax revaluation and extend the scope of Sir Michael Lyons' inquiry, and stated

> "The additional work which Sir Michael will undertake will add value to the Government's own current work on a strategic view of the role and functions of local government, under its local vision programme."

I am sure that many Opposition Members cannot but agree that council tax increases since 1997 of up to 94 per cent. in my constituency are more an example of double-vision than local vision.

I go back to my original point. I was lucky enough to be approached by the IsItFair campaign. Last Wednesday, I had an opportunity to present to the House the campaign's petition. The concern of that campaign and the Braintree pensioners action group is not simply that the current system is unfair because of the way it affects pensioners in particular, but that they face a double whammy: re-banding would hurt many pensioners tremendously and ultimately force many of them to move home.

Tom Levitt: I am interested by what the hon. Gentleman says. He will be aware that pensioners can count the cost of their care in care homes against the value of their house and pay the cost at a subsequent date. Would he favour a similar system for council tax, whereby pensioners could run up a bill, as it were, and pay when their estate is realised?

Mr. Newmark: You make an interesting suggestion, *but my main concern—*

Tom Levitt: On a point of order, Mr. Deputy Speaker. The hon. Gentleman was referring to you. I think he meant me.

Mr. Deputy Speaker: I am grateful to the hon. Gentleman. I allow one slip, as has already occurred with another hon. Member, before I pile in, but I understand from what he says that I am being very lax and I will remember that.

Mr. Newmark: I accept your reprimand, Mr. Deputy Speaker.

The hon. Gentleman makes an excellent point on capital and how one may deal with the capital asset of one's house, but the primary desire of many of the pensioners to whom I have spoken is to avoid moving from their house and into a care home. I hope that the Government will reconsider the issue, because elderly people feel comfortable in familiar surroundings. Care homes are not necessarily, as we all understand, familiar surroundings. As I have said, re-banding pensioners' houses is a blunt instrument and will hurt many of the elderly in our country.

7.42 pm

David T.C. Davies (Monmouth) (Con): I am delighted to have the opportunity to support the Conservative amendment. I see nothing confusing about it at all. It draws attention to the inequalities that are being created across the United Kingdom and calls for revaluation to be completely abandoned. I have no problem with either of those two concepts.

I have seen at first hand how unequal things are becoming in my constituency of Monmouth. I heard the figure bandied around earlier of a 94 per cent. rise in one constituency. We would be very pleased if we had council tax rises of 94 per cent. over the past few years in my constituency. Someone else mentioned a rise of 74 per cent. There would be parties in the streets had our council tax rises been limited to 74 per cent. Prior to any re-banding in Monmouthshire, band D council taxes rose on average by well over 130 per cent. That is a truly shocking measure of the inequalities that are already being created before re-banding takes place. Obviously, therefore, I will speak against any form of re-banding.

The Minister earlier repeated the oft-made claim that council taxes have absolutely nothing to do with central Government. In a rather long speech, the hon. Member for Southampton, Test (Dr. Whitehead) made one point with which I fully agreed: few people seem to understand how local government funding works, and that seems to apply to Ministers, who state that central Government policies have nothing to do with it.

If a hypothetical local authority were run on a budget of £100 a year, around £80 would come from central Government in Westminster or, in Wales, from the

[David T.C. Davies]

Welsh Assembly; only £20 would be collected in council tax. Council tax simply tops up the money that local authorities receive from central Government.

If minor adjustments were made to the amount coming from central Government—let us say that, in our hypothetical council, the £80 became £78, a drop of less than 2 per cent.—council taxes would have to go up by 10 per cent., from £20 to £22, to make up the difference. That is the so-called gearing effect, which has caused disproportionate council tax rises in the past few years.

Mr. Mark Hendrick (Preston) (Lab/Co-op): The hon. Gentleman will be aware that since 1997, central Government funding has increased in real terms by 33 per cent. Is not the level of council tax—I speak as a former local councillor who served two terms of office—to a great extent due to what local councils themselves want to set it at?

Mr. Deputy Speaker: Order. I hope that the hon. Member for Monmouth (David T.C. Davies) will steer skilfully back within the terms of the Bill. I would not want him to go off course as a result of that intervention.

David T.C. Davies: I am deeply grateful for your guidance, Mr. Deputy Speaker. I will try to answer the hon. Gentleman's point in a moment in a way that I feel is relevant to the Bill.

I warn hon. Members that when re-banding was introduced in Wales, we were told that it would be fiscally neutral, just as hon. Members in this Chamber are being told that the re-banding exercise in England will be fiscally neutral. When Governments find that their estimates are not quite what they expected them to be, it is easy for them to manipulate local government funding to raise revenue directly for themselves. If hon. Members' experience is anything like the experience of those of us who live in Wales, they may find that their surgeries are full of people complaining about council tax rises of 130 per cent.

If we abandon revaluation for good, how will we overcome the problems that will result? To take the point made by the hon. Member for Preston (Mr. Hendrick), I think that there is a strong case for looking at the inflation that is occurring within local authorities. Local authority inflation is not at the same headline level as the inflation figures generally. He talks about 33 per cent. extra going into local authorities. I do not dispute that, but what has been the percentage increase in costs for local authorities? For example, a Government initiative such as the teachers work load agreement in Wales—there is an equivalent one in England—is not properly funded. The National Union of Teachers talked about a shortfall of £30 million or so in that alone. If the costs rise above the level that is given to local authorities, they will have to make up the shortfall by putting up council taxes.

Therefore, the first thing that we need to do is to set up an inquiry into how expensive it is to run a local authority, to take evidence from local government leaders and to ask them about the extra increases and burdens that they have and to what extent they are being funded by Government. There is a responsibility on Government not to announce any headline-grabbing initiatives unless they are prepared to fund them properly.

The second thing that all of us need to do, whether in Wales or England, is to look at the way in which the formula for local government funding operates. That again is easy to manipulate. In fact, it has been manipulated in a manner that I believe is completely unfair to the southern counties of England and to the rural areas of Wales.

When assessing deprivation, it is easy to look at the number of people on benefits, which is what the formula does. The formula should take into account average household incomes, because that is a much clearer way of defining deprivation than simply looking at the number of people of benefit. We all know of people working in agriculture, tourism or the service sector for the minimum wage. They are not taking home much money and their incomes are no better than they would be on benefit, but they are not counted as being deprived for the purposes of the formula.

Kali Mountford: The hon. Gentleman is making a cogent argument in favour of not going ahead with the revaluation now and to go ahead with the Lyons review. In looking at poverty indices, he should remember that there was a time when poverty was measured by the number of outside toilets in a constituency, which was not at all fair. Does he accept that looking at the number of people on benefit is at least a vast move forward from that point?

David T.C. Davies: That is a perfectly fair comment. I agree that it is an improvement, but we have the ability to look at average household incomes rather than the number of people on benefits. Perhaps an hon. Member could correct me if I am wrong, but I believe that the number of white goods in a household is one of the measures being looked at. That, too, is a fairly random way of trying to define deprivation.

It is not just in terms of deprivation where the formula is deeply flawed. Rurality is another important part of any formula. The more rural areas have higher costs; it costs more to do anything in rural areas. It costs more to collect the bins, and to send a lorry up and down the lanes of a rural area is more expensive than sending it past a few terraced houses. It costs more to maintain roads in rural areas, yet the formula in use at the moment reduces the emphasis given to rurality, which has had a deeply detrimental effect on those areas.

My final point on the formula—there are many discrepancies about which we could talk—is that information relating to the age profile of the population has been removed. Clearly, an increasing part of any local authority budget is the part spent on providing nursing and residential care. It is vital that any formula that we have takes full account of the numbers of people aged between 65 and 70 and the incremental increases right the way up to people in their nineties. Otherwise, areas with large elderly populations are also going to lose out.

I make two simple suggestions. The first is that we abandon the revaluation and, instead, set up a committee or a tsar, as the Government are fond of doing, to look into the way in which the formula is applied to different areas. The second is to ensure that extra costs on local authorities are fully funded by central Government. If we did that, we would still have a tax that was not perfect. I am slightly off-message with my political party on this issue; it is unusual for me to say that. I am not in favour of scrapping council tax. I do not think there was an issue with council tax until three or four years ago. Certainly, in 1999, when I fought an election for the Welsh Assembly, council tax did not feature anywhere in anyone's election literature.

It is not that I think the principle of council tax is unfair. It is the level at which it has been set. But I agree that, several years on, council tax has been manipulated to such an extent in England and Wales that I am not sure if we can continue with it. We may need to look at an alternative.

We have an opportunity today to do something positive. We cannot come up with a new system overnight, but we can ensure that the system that we have is fairer. The alternative is to go ahead with re-banding at some point and to end up with more homelessness, more debt, more bankruptcies and more people going to prison.

I urge Ministers and the Government to take responsibility for their policy and for council tax rises that are a direct result of their own policies. If they are not prepared to take responsibility, they will bear the responsibility at the next general election.

7.55 pm

Mr. Stephen Crabb (Preseli Pembrokeshire) (Con): This has been an interesting debate. Having heard Madam Deputy Speaker's clear and helpful guidance earlier, I intend to keep my remarks short and not stray too much into Welsh territory.

I wish to respond directly to some of the comments of Labour Members, but first I should point out that the Welsh experience is relevant. The decision to postpone council tax revaluation in England was described by a Minister as a huge, vaulting, 180° U-turn, and that full-on U-turn is embodied in the Bill. I accept that one of the motivations for that U-turn might be to have a much wider-ranging inquiry led by Sir Michael Lyons.

I believe also that the Government are conscious of the political difficulties that could be caused and, with one eye on the experience in Wales, they will know of the resentment and anger that was caused by a botched council tax revaluation. The Government clearly want to avoid such political difficulties.

The right hon. Member for Greenwich and Woolwich (Mr. Raynsford), unfortunately, is not in his place but I enjoyed his speech. I learned a lot, although I did not agree with everything he said. He referred to the Welsh experience of revaluation and explained why he will not be voting alongside his colleagues this evening. He made a strong defence of the principle of revaluation and gave assurances that the English and Welsh contexts were different.

The right hon. Gentleman tried to make the point that, in Wales, the purpose of revaluation was almost to raise money, but that flies very much in the face of explicit assurances given at the time by Labour Ministers in the Welsh Assembly—the right hon. Gentleman's colleagues—who promised that it would be revenue-neutral and was not aimed at increasing the overall yield.

Likewise, the right hon. Gentleman referred to the number of winners and losers in the revaluation process and his figures were correct. The proportion of losers in Wales was 33 per cent. of households, with 8 per cent. being winners. Again, contrary to what he seemed to be suggesting, that is at odds with the assurances given by Labour Assembly Ministers at the time, who promised that there would be as many winners as losers. They talked about roughly 50 per cent. of households staying within the same band, with 25 per cent. of bills going up and 25 per cent. going down. I caution hon. Members who hear assurances that revaluation can be revenue neutral; the experience in Wales suggests that perhaps it will not be.

Tom Levitt: Why does the hon. Gentleman think that the number of people whose property valuation went up or down equates to whether the proposal was revenue neutral? Surely if 10 per cent. were big winners and 30 per cent. small losers it could still be revenue neutral. He has not given us the figures.

Mr. Crabb: Ministers in the Assembly have now conceded that the overall tax take has increased and rather than there being a 4 per cent increase in council tax take in 2005–06, the increase was actually nearer 10 per cent.

Mr. Roger Williams (Brecon and Radnorshire) (LD): The hon. Gentleman is making an interesting point and he is correct in terms of the numbers of winners and losers in Wales. However, there has been confusion between revaluation and re-banding, which is what happened in Wales. Re-banding did not take into account the bigger increases resulting from the revaluation and, as a result, there were rather more losers than winners.

Mr. Crabb: The hon. Gentleman makes a good point. The Royal Institution of Chartered Surveyors pointed out that had re-banding in Wales been undertaken in accordance with house price inflation, there would have been a much fairer outcome.

The right hon. Member for Greenwich and Woolwich spoke about public acceptance of council tax and reiterated his faith in the high level of public acceptance of it. The acceptance of council tax in Wales has taken a serious knock as a result of the revaluation and Members on both sides should be aware that if such a revaluation went ahead in England, along anything like the lines of Wales, public confidence in council tax will be damaged.

7.59 pm

Mr. David Jones (Clwyd, West) (Con): This has been an interesting and lengthy debate and I do not propose to detain Members longer than is necessary, but it is important to point out what has happened in Wales. Although I appreciate that, given the terms of this Bill, I am not entitled to stray too much into Welsh territory,

[Mr. David Jones]

I should nevertheless make it clear that the revaluation process in Wales indicates what might happen in England, should it take place there.

It has been suggested by Labour Members that the difference between the revaluation envisaged for England and that which took place in Wales is that the former would be revenue-neutral. As my hon. Friend the Member for Preseli Pembrokeshire (Mr. Crabb) pointed out, however, assurances were given by Welsh Assembly Ministers that the Welsh revaluation would also be revenue-neutral. In fact, the Assembly's Finance Minister said:

> "I emphasise that revaluation is not a euphemism for increasing council tax."

Well, the experience in Wales is that there was an increase in council tax, and as my hon. Friend pointed out, the tax take increased by more than 9 per cent. post-valuation.

As the hon. Member for Brecon and Radnorshire (Mr. Williams) pointed out, the Welsh experience was exacerbated by re-banding, but the outcome of the re-banding-revaluation exercise in Wales is that for many people on fixed incomes, particularly retired people, the annual council tax demand has become an object of dread. In one ward in my constituency, for example, some 40 per cent. of homes have been re-banded upwards. The proposal that we are discussing today is based on the Welsh experience. The Welsh have undoubtedly been used as guinea pigs, and the hard fact is that the Government have seen what has happened in Wales and do not like the consequences. They fear the political consequences in England.

The hon. Member for Manchester, Blackley (Graham Stringer) pointed out that people have not been manning the barricades. They certainly have not been doing so in Colwyn bay—

Mr. Hendrick: Before this year's general election, did not the leader of the hon. Gentleman's party say that if the Conservatives won that election, they would not examine the issue of revaluing properties for council tax purposes in their first term in office? So the leader of the Conservatives accepted that point, as well as our leadership.

Mr. Jones: That is certainly the case so far as England is concerned, but of course, my party's amendment is founded inter alia on the reasoning that should this exercise proceed, inequality would be created between England and Wales. Real pain is being felt in Wales, and it is exacerbated by resentment at other parts of the country being let off the hook by the Government.

We have heard much today about the Lyons inquiry. It is certainly extremely important, but in his evidence to the Welsh Assembly's Local Government and Public Services Committee earlier this year, Sir Michael said:

> "I will say a little about the Welsh experience. This will not give you any comfort, but it is of great benefit to me that you went further forward. We have learned important lessons from that",

in the English context, of course. He said that

> "we are able, and, indeed, need—based on your experience in Wales—to do much more exhaustive modelling of the impacts before the bands are set. All of those things are absolutely fixed and understood, and are a result of having learned from your experience."

Well, fine. I am sure that the people of Wales are delighted to have performed such sterling service to Sir Michael and his interminable inquiry.

Mr. Hendrick: Is the hon. Gentleman saying that what this Government have done with the council tax in Wales is similar to what the previous Conservative Government did with the poll tax in Scotland?

Mr. Jones: What I would say is that the fact that the people of Colwyn bay are not manning the barricades is a tribute to the self-restraint for which, of course, my nation is known. But as I said, real pain is being felt in my country.

John Bercow: Does my hon. Friend agree that neither revaluation nor the proposed Lyons inquiry does anything to address the question of the simplification of local government finance? That is an important issue when one considers that local government finance is often thought broadly analogous to the Schleswig-Holstein question, to which, it was said, only three people ever knew the answer. One of them went mad, the second died and the third forgot what the answer was.

Mr. Jones: Absolutely, and the longer that this debate continues, the more inclined I am to agree.

The fact is that this Bill potentially creates great inequalities between the constituent parts of the United Kingdom. The Government could, if they wished, intervene, with the assistance of their colleagues in the Assembly, to ensure that revaluation in Wales is reversed. But that will not happen. Wales will continue to pay more. If this Bill is enacted, let the Government remember that for their own political advantage, they have saved the skin of English council tax payers and let Welsh ones twist in the wind.

8.6 pm

Sir Peter Soulsby (Leicester, South) (Lab): I had the privilege of leading Leicester city council for some 17 years. It has been said that that is longer than a life sentence, and at times it certainly felt like it. But in that capacity my city and I survived the rating system, the savage revenue and capital cuts of the early 1980s, and the rate capping and attendant confrontations that took place in what was a pretty painful period. We also survived the poll tax and the disastrous disruption and confrontation that it caused in our city, as it did elsewhere. We are now surviving the council tax and the attendant capping.

It is with mixed feelings that I speak on this Bill, because I do not know that many of my constituents are likely to benefit from a revaluation, were one to take place. I realise that there are many different predictions about the possible outcome of such a revaluation, but it seems that my constituents and others in Leicester have suffered from the fact that house prices have risen less significantly there than elsewhere. So there is perhaps some benefit in revaluation, but set against that is the obvious pain that would be caused to those whose revaluation moved in a less favourable direction.

Far outweighing any of those considerations is the enormous benefit that is to be gained from a thorough review of the functions and the funding method of local government. I am enormously heartened by what the Minister said in introducing this debate about the Government's commitment to devolution and decentralisation in respect of local government. The Lyons review provides a unique opportunity to look at local government root and branch, and to consider not just its funding but ways of ensuring that its future is healthier than the preceding decades have been.

On balance, I very much favour the deferment of any revaluation, and I look forward to a radical reform of the finance and functions of local government.

Mark Pritchard: The hon. Gentleman mentions his support for deferment. Does that support extend to supporting Government Front Benchers in their apparent desire to abolish local education authorities to reduce future council tax bills?

Sir Peter Soulsby: As I understand the proposals in the White Paper, the Government envisage a new role for local education authorities. I do have some concerns about what that role might be. However, I look forward to a vigorous debate over the White Paper to ensure that local education authorities continue to play a vital role on behalf of local people who elect them to serve their local communities. I look forward to vigorous debate, but I do not envisage that the White Paper will end local government's vital involvement in local education.

Tom Levitt: Conservative Members have got the history wrong, as I recall that it was the Conservative party, from Nicholas Ridley onwards, that went into elections with a policy of abolishing local education authorities. We need to say categorically—

Mr. Deputy Speaker: Order. I have heard quite enough to realise that we are now moving into a debate on the future of local education authorities. However, that is most certainly a debate for the future, not for now.

Sir Peter Soulsby: Thank you, Mr. Deputy Speaker. That was precisely the point that I was making.

I welcome the Minister's commitment, in introducing the debate, to a continued role for a property tax in the funding of local government. I welcome it because a property tax is predictable, collectable and just—albeit sometimes a rough justice. I urge Ministers to pass the message back to the Lyons review about the vital need for a much wider range of sources of funding for local government. A property tax undoubtedly has its place, but we need a wider range of sources so that the funding that local government receives from central Government becomes a diminishing proportion of its total expenditure. It is certainly not healthy for local government to depend, as it increasingly has in recent years, on central Government funding. That is not healthy for local democracy, so we need a much higher proportion of local government funds to be raised locally if we are to increase the accountability of local government to local people.

Mr. Hendrick: In achieving that aim, would it be sensible to review the role of the uniform business rate and its contribution to local government?

Mr. Deputy Speaker: Order. I hope that the hon. Gentleman will not go too far down that road in his reply. We are debating a Bill about the postponement of the revaluation of properties in England, and we should stick as closely to that subject as we possibly can.

Sir Peter Soulsby: I shall certainly take your advice, Mr. Deputy Speaker, and stick to the matter in hand—except to acknowledge that I agree with my hon. Friend's point.

If, as I hope will be the case, the Bill is successfully enacted, I hope that the Government will recognise that the postponement reinforces the need for them to look into the inequities of the present system of support for local government and will acknowledge that certain issues must be dealt with in the interim period before the Lyons review. I hope that they will reflect on how the area cost adjustment works at present and how its funding should be restricted to authorities that experience higher-than-average wage pressures. I hope that they will look carefully into how resource equalisation works and the need for the current system to keep pace with reality. Full resource equalisation needs to take place every three years. I also hope that the Minister will look into the way in which daytime visitors are factored into the present arrangements, as the present estimates are long out of date, being based on a survey that took place some 15 years ago. We should bring the system truly up to date and make it truly more realistic.

I heard Liberal Democrat Members argue earlier in the debate—as we expect them to do—in favour of local income tax. I know that there is a general view within local government that such a local income tax would be uncollectable, expensive, confusing and, most particularly, a burden on employers. At least, however, Liberal Democrat Members are consistent in their views. I also heard Conservative Members argue powerfully for opposing revaluation. In doing so, however, they were asking the House to support an amendment that, if approved, would have the effect of providing just such a revaluation as they purported to oppose this evening.

Adam Afriyie (Windsor) (Con): It seems to me that in the Local Government Act 2003, the Government were clear about their commitment to the principle of revaluation in England. If that revaluation were to be revenue neutral, what possible reason can the hon. Gentleman provide for the Government's U-turn on the issue, as they now want to postpone an early revaluation?

Sir Peter Soulsby: I would give the same reason that Ministers have already given—that we have a unique opportunity to review the role and functions of local government, not just the method of financing it. I greatly welcome that opportunity. As I said earlier, I have spent a large proportion of my adult life engaged in local government and over that time I have seen how local government has become thoroughly demoralised by the apparent diminution of its ability to influence what happens on the ground in our local communities and by the increase in central Government control over the same period. That is why I welcome the opportunity provided by the Lyons inquiry of having a thorough, root-and-branch review of what local government does and how it is financed and funded. I thoroughly

[Sir Peter Soulsby]

welcome the fact that the Government have taken a turn in policy on that matter and now support a thorough review.

I have suggested that I have some mixed feelings, but, on balance, I greatly favour the Bill that is before us today. I shall certainly vote in favour of postponing revaluation and I look forward to a renewal of local government and local democracy, which is promised as part of the review. I ask the Minister, however, to give an assurance that, in the intervening period, he and his colleagues will continue to try to find some solutions to the inequities in the current formula that underpins Government funding.

8.17 pm

Tom Levitt (High Peak) (Lab): I, too, rise to support the Bill and I hope that it will not spend too long in Committee. As a two-clause Bill, I suspect that there is little chance of that; nevertheless, I believe that the Bill is sensible, timely and appropriate. I say that as one who, before coming to this place, has had experience as a parish councillor, a district councillor and a county councillor.

The reasons for the delay in the revaluation are, as I say, sensible. They are not about avoiding a meltdown in the council tax system, because I do not believe that that was imminent, but about providing an opportunity to review the entire local government structure. Speaking as one who trained in physiology for my degree many years ago, I fully understand the relationship between structure and function. In fact, as far as local government is concerned, we cannot separate the two any more than we could in biological mechanisms in my earlier physiological study.

It is also necessary to avoid too many changes. That might sound odd in view of the record over recent years, but if we were to have a revaluation followed by a change in the council tax system—either to another property-based system or to a local income tax system, perish the thought, or to some new as yet unthought-of imaginative system for relating the delivery of local services to the ability of local communities to afford them—that change would be big enough in itself for local authorities, the central Government and the House to cope with. To have a revaluation going on at the same time as we are preparing for that would not be the most sensible use of our time and would militate against the measures proposed in the Bill.

My hon. Friend the Member for Leicester, South (Sir Peter Soulsby) was in danger of underselling himself as a respected leader of his council. He certainly made some good appointments in his time, not least one of my relatives—although I hasten to add that that was long before I knew him. However, I agree with him that the decision to widen the remit of the Lyons review is at the heart of the reason for the delay in revaluation.

I was not able to be here for the earlier part of the debate, but I have been fascinated by what I have heard. For example, I would like to know why the hon. Member for Cambridge (David Howarth), who is unfortunately not in his place, thinks that we should prejudge the outcome of a review of the whole function and structure of local government by saying that a local income tax is the only solution to all of local government's problems. I do not agree, and any solution has to be seen in the context of the new role for local government and the new functions that we anticipate it will take on.

Mark Pritchard: The hon. Gentleman mentioned pre-emption. I suggest that he should not pre-empt the Lyons inquiry by ruling out a local income tax.

Tom Levitt: Well, we must wait and see what the Lyons inquiry says. In the highly unlikely situation that it decides that a local income tax would be sensible, we would have to consider it properly. However, the problem with the local income tax is that the areas with the greatest need are also those where incomes are lowest. Therefore, a local income tax would raise the least money in those areas and be less able to meet the needs of that community.

Mr. Borrow: Does my hon. Friend agree that when reputable bodies have recommended that a local income tax would be viable—the Layfield commission in the 1970s is a classic example—it has always been alongside a property-based tax, not as a substitute for it?

Tom Levitt: The issue has been looked at many times over the years. Ever since the rating system was introduced, we have had a property-based tax and no one yet has put forward a serious proposition—I am clearly ruling out the Liberal Democrats—for local income tax to replace completely the property-based tax.

Ms Barlow: Does my hon. Friend agree that keeping a link between local providers and local income is an essential part of maintaining the link between stakeholders and local government?

Tom Levitt: I am coming to that point. It is true that we need such a link and I would not favour a situation in which 100 per cent. of local government services were funded by central Government. At the moment, the link is a little tenuous, because only £1 in every £5 that local authorities spend is raised locally. Although I shall not develop the point, I refer to the discussion that almost took place in the contribution by my hon. Friend the Member for Leicester, South about the future of business rates and their redemocratisation, which we should certainly consider.

Several Conservative Members have said that they oppose all revaluation, but it was only in April—at the height of a general election campaign—that the temporary, soon to be ex-Leader of the Opposition said that the delay in revaluation would be for "the first Parliament". That is what he told Sky television, and that implies a delay, not a cancellation.

Mr. Woolas: My hon. Friend is making an intelligent and considered speech. Does he agree that the effect of the Opposition's amendment, were it to be carried, would not be to cancel revaluation, but to ensure that the Local Government Act 2003 took effect and that revaluation took place in 2007?

Tom Levitt: I do not like having to try to explain, let alone defend, Opposition policies, and I am sure that the cleverest minds in the ODPM have advised my hon. Friend that that is the case. I am happy to take his word for it.

It is not so long since Conservative party policy was to have a revaluation every five years, which would have meant constant change. People would not only have waited for their council tax bill to fall through their letter box every spring, but for their quinquennial revaluation, and that would have been very disturbing for those who have to pay their council tax out of a fixed income—who were mentioned, almost tearfully, by Conservative Back Benchers. Those people are largely pensioners, who were reduced to poverty in record numbers by the last Conservative Government and who would have borne the brunt of the £2.5 billion cut in local authority services that the Conservatives proposed at the last general election. So I do not need the crocodile tears of Conservative Back Benchers to plead the case for people on fixed incomes.

Mr. Woolas: I hope that my hon. Friend will accept my assurance that if pensioners are unable to pay their tax, they do not face imprisonment as punishment. It is only those who are unwilling to pay who face such a punitive measure, and there have been only two examples in the past 12 months.

Tom Levitt: I am grateful to my hon. Friend for that intervention. When he winds up, I may raise with him the issue that I raised with the hon. Member for Braintree (Mr. Newmark) about the holding of council tax debts against the asset value of a property.

We have to look at the structure and function of local government together, which is why the Lyons review is important and must be given proper consideration. We need a big melting pot, with all sorts of ideas thrown in. Whatever comes out, we need to take time to consider the recommendations.

Local authorities are changing their function, partly as a matter of evolution and partly because their relationship with central Government has changed. What I call silo services, such as housing, planning, social services and education—the vertical arrangement of services—belong to the local authorities of the past. I am looking much more to local authorities taking a horizontal or co-ordinating role in those services, not only alongside providers from the local authority family but, through local strategic partnerships and local area agreements, bringing in other service providers.

Kali Mountford *rose—*

Mr. Deputy Speaker: Order. Before the hon. Member for High Peak (Tom Levitt) gives way, I want to steer him much closer to the confines of the Bill. He is starting to essay a much wider point and he must know that he is out of order.

Tom Levitt: I am grateful to you, Mr. Deputy Speaker. Structure and funding are so intertwined that it is impossible to divorce funding from what councils are expected to do, but I shall obey your strictures. I give way to my hon. Friend the Member for Colne Valley (Kali Mountford).

Kali Mountford: I shall try to make sure that my question is in order, Mr. Deputy Speaker.

Would not it be useful to consider what my hon. Friend the Member for High Peak (Mr. Levitt) said about structure and function, to ensure that the partnerships he mentioned become a wider reality across all services so that the silos to which he referred do not exist?

Tom Levitt: I feel an Adjournment debate coming on—for another occasion—on the subject of strategic partnerships and silos. I dare not take up my hon. Friend's sensible suggestion.

Mr. Hendrick: Perhaps I can help my hon. Friend in bringing us back to discussion of revaluation. One of the Opposition parties wanted to cut the budget by £2.6 billion and would have increased council tax bills by 11 per cent., while the other would have increased payments through local income tax to about £260 per couple per year. Are not their crocodile tears simply to hide their proposals?

Tom Levitt: I could not have put it better myself. In my area, where the majority of properties are in band D or below, we would have been real losers under the Liberals' local income tax policies.

I want to offer my hon. Friend the Minister for Local Government a few more ideas, as he takes forward the Bill and associated processes, including the Lyons review. We should look at the idea of funding police authorities separately from the local authority process, especially if we move to regional police authorities. There is something to be said for giving 100 per cent. national funding to such local authorities. They must be flexible in their deployment, however. Although police forces may move towards regionalisation at the higher level, they are also moving towards neighbourhood policing at the local level. I expect to see such trends throughout local government services.

Andrew Gwynne (Denton and Reddish) (Lab): I am pleased that my hon. Friend made that important point. Does he acknowledge that the precept system for raising finance for police and fire authorities and other countywide structures is often confusing for many council tax payers? That needs to be addressed by the Lyons review as part of the overall picture—

Mr. Deputy Speaker: Order. We are not debating the Lyons review. We are debating the Bill, so I hope that the hon. Member for High Peak will not go back to that territory.

Tom Levitt: I shall follow your advice, Mr. Deputy Speaker, and cross out much of what I have left to say.

I want to take up the point that my hon. Friend the Member for Leicester, South made about property-based taxation. It is predictable and collectable, and there is a rough justice about it. As my hon. Friend the Member for South Ribble (Mr. Borrow) said, we shall probably continue to have a property-based taxation system, simply because it is easier to understand in relation to local services. As my hon. Friend the Member for Hove (Ms Barlow) said, the system must be transparent. There must be some sort of local collection for local services. Accountability and effective delivery of services must be related to that local funding. Although council tax accounts only for one pound in every five of

[Tom Levitt]

local government spending, it gives local authorities flexibility on the margins, to focus their services on local needs.

My hon. Friend the Member for Leicester, South also referred to day-time visitors. As the Member representing much of the Peak national park, where there are 22 million visitors a year, I saw cash registers ringing as he spoke.

From my history books, I remember that in America people talked about no taxation without representation. In the context of this debate, we are saying that we must have a local funding system, but that there must be confidence in it. That is why we cannot separate structure and function. That is why the delay is absolutely right, to give us time to consider the Lyons review; and that is why, after due consideration, we will come up with a funding system that is effective, accountable, local and just.

8.34 pm

Kali Mountford (Colne Valley) (Lab): When I first heard the proposal to delay the revaluation of council tax, I admit I felt some dismay. If we are to carry on with council tax, revaluation is a necessary part of that system, given that house prices are rising erratically, with prices in areas differing from one another, not just regionally, but in my constituency, where a house that sold for £60,000 two years ago was sold for £148,000 last week. There has been a similar increase in the value of similar houses in that village, so what fear is there from revaluation overall? Very simply, the fear is that if we do not take time to take stock of how we raise local funds and make local democracy count, we will face some difficulties. I could not support the Bill if it did not run alongside proposals to consider the way that we fund councils overall.

I have a small degree of experience: when I was a chair of finance, I had to consider exactly those issues in the context of the moneys that we raised for the local area. At that time, about 50 per cent. of revenues were raised directly from the local population, and the other 50 per cent. came from the revenue that we got directly from the Government. Of course, such revenues are not the total amount that a council spends. We must also consider the grant, direct funding and capital systems, all of which must be applied for. Under the previous Government, such applications were made in terms of a huge, competitive arena, with one council set against another. I am not convinced therefore by Conservative Members' arguments that the council tax system, which they set up, has now become so inherently flawed that revaluation should never be necessary. That is a ludicrous, ridiculous argument. If we carry on with council tax, revaluation is an essential part of the system; otherwise the existing inequities will not only persist, but broaden.

Ms Barlow: Would my hon. Friend consider something that the Opposition have perhaps suggested: regional revaluation? Can she find a place for that in the future?

Kali Mountford: My hon. Friend suggests an interesting and innovative idea that has not yet been tried by our country. Other countries have regional systems. I can imagine hearing Conservative Members immediately crying foul over Europe, where that system is popular. They would immediately start to say that such a system was a precursor to the federalisation of the European Union—

Madam Deputy Speaker (Sylvia Heal): Order. I sincerely hope that the hon. Lady is not going down the route of Europe and federalisation. Back to the Bill, please.

Kali Mountford: I am grateful to you for your guidance, Madam Deputy Speaker, but this just shows that no legislation stands in isolation from any other issue or from comparisons with what happens elsewhere. I suggest that there is a lot for us to learn from what happens in other places and that there are some innovative ideas to consider. If we are to go along with the Government on the proposal to delay the revaluation, dare I venture to suggest, Madam Deputy Speaker, that it only makes sense to consider the suggestions made by my hon. Friends and other hon. Members?

A consensus across the House suggests that some people have not been well served by the council tax. A lot has been made of people on pensions, but they are not the only people on fixed incomes or the only ones who have faced difficulties. Of course, if we consider the number of people who do not pay council tax because of their fixed incomes, that takes away a tranche of the argument about revaluation, because revaluation is nonsense if no council tax is paid, so why worry about it? I venture to suggest, however, that some people are about to fall off the edge of benefits.

It makes sense to ensure that we look at a system that has longevity. The council tax system, which was introduced by Conservative Members who suddenly seem to hate it, has had some longevity, but not enough. If we are to have stability in the system, we must take account of such things as how people deal with their benefits, how they build family income and how they deal with family expenditure.

The idea proposed by Liberal Democrat Members does not provide all the answers. We have not heard how they would deal with people on fixed incomes if we were to adopt a local income tax system. We do not know how they would deal with the complexities of raising money throughout the country, maintain a democratic element in the system, or ensure that that system would address all the inequities about which we have heard.

I would not throw out the idea entirely, however. The Lyons review should examine such a system. I do not want to go on and on about the Lyons review because we have already been told that the subject of the debate is quite narrow, but given that we are buying ourselves some time—that is the only way in which I can cope with the Bill—it would be sensible at least to consider the proposal. The system has inherent problems, and I think that the hon. Member for Somerton and Frome (Mr. Heath) acknowledges that, because he seems to be nodding at me. It would not deal with such matters as local accountability and people on fixed or low incomes. How would we ensure that such people would not have to pay more than they already do?

Andrew Gwynne: Does my hon. Friend agree that one of the inequities of the current council tax system is the fact that two identical houses can be in different bands if one was valued in 1991 and the other was subsequently sold on and thus re-banded? Does that not make a mockery of the Opposition's stance of ruling out any kind of re-banding or revaluation for ever?

Kali Mountford: It certainly does, but my hon. Friend must be careful because he might steer me into something of a rebellious mood if he reminds me of the terrible inequities that exist because we have not had the courage to go ahead with a revaluation, which I seriously believe to be necessary. Such inequities exist in my constituency and I am worried about them. What does my hon. Friend the Minister for Local Government think might come out of this period of reflection when people such as me realise that there are inequities in our constituencies and want to ensure that we will either go ahead with a revaluation at some point, or replace the system with something that works better?

Mr. Borrow: Does my hon. Friend share my worry that a long delay before a council tax revaluation will exaggerate the inequalities that already exist? Does she agree that given the link with Government grant, the longer we put off revaluation, the longer the amount of grant that goes to each local authority will not reflect the economic success or failure of each locality?

Kali Mountford: My hon. Friend makes his point well and I share his concern. That is why I have difficulties with the Bill. I can go along with the Bill at all only because we are considering it in the context of what we can do in the long term. I hope that my hon. Friend the Minister will indicate that if we do not move away from the current council tax system, there will be a revaluation at some point, because otherwise the relationship among local people, their local authorities and the Government will become fractured to such an extent that it will no longer make sense.

A huge amount of council tax capping has taken place under both Conservative and Labour Governments. There is a strong argument that that should not happen and that if a local authority chooses to tax people into oblivion, the local electorate should be able to deal with that at the ballot box. However, I see such authorities being protected. I had to cope with the then Thatcher Government, and one year I had to deal with £43 million of cuts out of the council tax—

Madam Deputy Speaker: Order. May I remind the hon. Lady that we are discussing a Bill about revaluation?

Kali Mountford: I take your strictures, Madam Deputy Speaker. That unpleasant trip down memory lane did not do me much good in any event.

Tom Levitt: My hon. Friend talked in the early part of her speech with typical compassion for those on fixed incomes and on benefits. Does she agree that, whether or not revaluation takes place, it is important under whatever system of local taxation that we push ever harder to increase the take-up of council tax benefit for those who are entitled to it? Perhaps there should be a regulation to stipulate that that should be given more prominence on council tax demands.

Kali Mountford: My hon. Friend is right. Take-up does not just need to be given prominence on council tax demands; there are many places where we could encourage take-up not just of council tax benefit but of other benefits. He makes a good point, because this Bill has no relevance to those who should not be paying council tax. I agree with him that that is right, but even if we take that out of the equation we still have a responsibility to all those on fixed low incomes who are none the less just outside the remit of benefits and have huge problems. I venture to suggest that people have huge problems under today's system.

Everyone would think from Conservative Members' speeches that revaluation means only an increase in council tax for everybody concerned. That is not at all the case. As one area goes up in value, another goes down. People on fixed incomes who are just outside council tax benefit rates are suffering disproportionately, and my concern is for those people. We are talking about those who are not wealthy, who live in a property that, as against other properties, has not risen in value at the same rate. Therefore, in terms of property as a proportion of income, those people are much worse off. That seems a good reason for carrying on with revaluation. If we continue with council tax as it is now, we must look carefully at such matters. We cannot escape our responsibility to those people.

I shall go along with the Minister for today's purposes.

Julie Morgan (Cardiff, North) (Lab): Does my hon. Friend agree that there might be a case for support for council tax payment as an automatic tax credit, rather than as a welfare benefit?

Kali Mountford: That is an interesting proposal—

Madam Deputy Speaker: Order. I would not want the hon. Lady to be tempted down that route, interesting though it may be.

Kali Mountford: May I just acknowledge the inventiveness and compassion of my hon. Friend's proposal? I hope that Ministers will listen to it. If they do so, I for one shall be listening very carefully alongside them.

My hon. Friend points out the difficulties that we face with the council tax system, especially if we do not go ahead with revaluation. As she pointed out when she referred to credit, the present system has pitfalls, whereas a credit-based system is a gentler slope that allows people more flexibility in their arrangements and more fairness. That is what concerns me about not going ahead with revaluation. For some, not going ahead with revaluation may be a boon. They may think, "Hip, hip hooray! I will not have to spend more." There are others, however, who may not yet have realised that they would have been spending less. The only way that the council tax can work is if some fairness is built into the system.

[Kali Mountford]

We may think that the only way in which a system can work is if the value of property reflects at least in part the amount of money available to a family, but that is not true, as we all know. I see Liberal Democrats sniggering; they think that the answer is to go for some local income tax, but I do not think that that is perfect either.

Mr. Borrow *rose—*

Tom Levitt *rose—*

Kali Mountford: I give way to my hon. Friend the Member for South Ribble (Mr. Borrow).

Mr. Borrow: Does my hon. Friend agree that there is no truly perfect form of tax? The art of local government is to have a good basket of taxes that overall leads to as much fairness as possible. A property tax should be part of that basket of taxes.

Kali Mountford: I agree, but I would be careful that the basket was not so full of promise that it became overly complex.

Tom Levitt: Just before the previous intervention, I could sense that Madam Deputy Speaker may have wanted to bring my hon. Friend back to the straight and narrow. As the debate has raised so many interesting side issues, which are in fact at the heart of the debate, will my hon. Friend join me in asking Mr. Speaker whether we can have a debate of an hour and a half in Westminster Hall to discuss these matters?

Madam Deputy Speaker: Order. The two hon. Members may wish to discuss that outside the Chamber. Right now, I want hon. Members to discuss the Bill.

Kali Mountford: Were we to do as my hon. Friend suggests, I am sure half the House would be in Westminster Hall with us and the place would be full. The funding of local democracy is so complex that it is important to all of us, especially those of us who care about the neediest in our communities. If the debate serves any purpose, it is to remind us who we are here to serve. Through the relationship that we should have with our colleagues in local government, we should make sure that the services available are paid for properly, and that people who cannot afford to pay are not forced to pay more than they need to. They will be forced to pay more than necessary if we do not examine closely the proposed revaluation of properties.

I mentioned earlier that one house in the village where I live has escalated in value from £60,000 to £148,000 in just two years.

Mr. Charles Walker (Broxbourne) (Con): Does the hon. Lady accept that all the other houses in that road would have gone up in value too, give or take a few thousand pounds? That is not unique to her constituency. She has said it before, as well.

Kali Mountford: I am dreadfully sorry. I was not aware that I was in "Just a Minute". I was about to address the point that the hon. Gentleman makes. The value of the village has risen, as the value of the house has risen. In a village 2 miles further on, which does not have the same attractive postcode, does not have film crews up and down its lanes every day and does not attract the same tourism, property prices have levelled off and started to descend. Although the houses are of the same type, there is a huge difference in property values between the two villages, and between the amount that those families should pay and can afford to pay. It does not reflect their family income and how they deal with it. That is why, if I am to support the Government tonight, it is on the basis that we consider how the system in future will protect those constituents and make sure that the poorest pay fairly and appropriately, but no more than they have to pay. If the Lyons review does not come up with something—

Mr. Lindsay Hoyle (Chorley) (Lab): My hon. Friend makes a valid point. She mentioned alternatives. One alternative is an income tax to replace council tax, as other parties may suggest. Does she agree that that would place a burden on the poorest council tax payers, and that it is the wealthiest who would benefit? That is a danger, and it is why we must get this right tonight.

Kali Mountford: That is precisely the problem. Opposition Members have not missed that point. There is a flaw in the suggestion, but let us all try to achieve consensus across the House. It is clear from the debate that Members from all the main parties recognise the difficulties. We need to reach a consensus on the solution. If we cannot do that, it makes sense to use council tax as it should be and to go ahead with revaluation.

Mr. Hoyle: My hon. Friend has been very generous with her time. Buildings do not move, and people will always pay a tax on their property. In the past, people refused to accept a personal tax and preferred to return to a tax on property. The danger is that people who do not work in this country and who get paid abroad, for example, airline pilots and people who work on ships—

Madam Deputy Speaker: Order. We are now going [illegible] wide of the Bill before the House.

Kali Mountford: My hon. Friend has said that we need a system that provides stability, which is a point that I made earlier, and property taxes provide an element of stability. If stability derives from the facts that property is fixed and does not move and that those people who own property owe a responsibility to the community where their property is located, we must make sure that the system properly recognises property values. As long as the system reflects property values and locations and provides stability, we cannot escape the need for revaluation.

The Government must return to revaluation at some point, because they cannot escape it for ever. As long as it is politically expedient for Conservative Members to say that delaying revaluation will save people from a huge hike in council tax in the short term, the political danger exists of not protecting those people who would do rather better out of revaluation than has been suggested in tonight's debate.

Sir Peter Soulsby: Does my hon. Friend agree that the problem with council tax is the imbalance between the funding that it provides at a local level and central Government funding? She has provided an example of a council that receives more than 80 per cent. of its funding from central Government and less than 20 per cent. of its funding from council tax. Does she accept that, where that imbalance exists, comparatively small changes in central Government funding have disproportionately large effects on local council tax? Does she accept that that situation is unhealthy—

Madam Deputy Speaker: Order. That is a very lengthy intervention, and I am not sure whether it is appropriate.

Kali Mountford: I shall try to use some ingenuity, Madam Deputy Speaker, to ensure that it is appropriate.

Earlier, an Opposition Member discussed his dissatisfaction with the gearing effect in the current system. The proportion of funding that is raised locally is the essence of local democracy, and when I was a chair of finance, it was about 50:50. I recently met a former Cabinet member from those days—I will not mention his name to save his blushes—who said that he wished that he had not moved in the same direction as the Tory party, because he now sees the problems caused by breaking the link between the effects of local decisions and the amount of money raised locally. As long as local democracy is supported by a cushion, decisions will be made centrally rather than locally, which is a danger.

My hon. Friend the Member for Chorley (Mr. Hoyle) has discussed property taxes and stability. As long as we continue to relate council tax to property, an element of stability will be required in order to uphold the very democracy that we are discussing. As I have said—I have said this so many times that I am sure that my hon. Friend the Member for Chorley must have heard me—an element of revaluation is required, otherwise the system will continue to be nonsense.

Ms Barlow: Does my hon. Friend agree that one of most important aspects of revaluation, should it come, will be transparency? Transparency between stakeholders and local councils is one of the most important aspects of local government democracy.

Kali Mountford: My hon. Friend is right. The stakeholders are council tax payers, who need to know why they are paying the amount that they are and what it is going towards. They should be able to find that out from the local authority's annual report. However, what is often invisible in the council tax process is the amount of money that comes in from central Government, not only to the local authority but directly to services. That has been happening a lot more in recent years. For example, money is going directly to schools—

Madam Deputy Speaker: Order. Hon. Members are once again trespassing wide of the mark. We are narrowly considering revaluation.

Kali Mountford: I apologise, Madam Deputy Speaker. The point that I was inadequately trying to make is that there are many ways in which we can raise a council tax. The element that is dependent on property, and therefore on its revaluation, makes up only a small part of that. The transparency of the transaction must be absolutely clear, but in the context of transparency about all such matters.

Mr. Hoyle: Revaluation happens across the board, especially where there is a shire district, a district, a parish and then police rates on top, and it is important that council tax payers understand it. Does my hon. Friend agree that they should be given better information?

Kali Mountford: Absolutely. If and when we reach the point where revaluation is necessary, people should be given full information about the effects of not having it—not only on the family concerned but on the amount of money available for all those services. The gearing effect, which Conservative Members acknowledged, is particularly pronounced when it comes to the police and fire services, where a precept is built upon it. It can be made to sound as though not revaluing will have a disproportionate effect on the amount that is raised locally for those services. People will say, "I'm not prepared to pay a 74 per cent. increase", not realising that the burden on an individual family is not 74 per cent. of the total council tax payable but 74 per cent. of a certain part of it. The effect on the family's budget is small compared with what some Members have suggested.

If that stability is to persist, and if it is to be based on property, we have to be honest about what that means to people. We cannot go on basing it on the current valuations ad infinitum, otherwise in the long term we might as well pluck a figure out of the air and say, "This is the amount we will all pay", with no more reasoning behind it than that.

We will do ourselves and the country a disservice if we do not engage with the Lyons review properly, are not transparent about what we do, and do not use this opportunity to look at the relationships between local government and national Government, and the population whom we are here to serve and all the services that we decide to provide. We need to look again at the moneys that we raise from property and accept that under that system revaluation will continue to be necessary.

9.4 pm

Rob Marris (Wolverhampton, South-West) (Lab): Revaluation is a classic example of something that lasts longer than one expects. That often applies, although not necessarily to a pint of beer. We should consider the history of revaluation because it has always been a problem in this country.

The official Opposition's reasoned amendment decries the fact that Second Reading would merely delay rather than cancel council tax revaluation. We have a mixed and often unfortunate history of revaluation being delayed for too long. I am pleased that the Bill provides for a delay—I shall explain the reason shortly—but I urge my hon. Friend the Minister for Local Government and the Department not to delay for too long.

The Rating and Valuation Act 1925 provided for five-yearly revaluations of properties for rating purposes in England and Wales, but they kept getting

[Rob Marris]

postponed. A revaluation was managed nine years later in 1934 and one was due to start in 1938 but was postponed for two years. Of course, in 1939, the war began and one could not conduct a revaluation during a war, especially as so many properties no longer existed. However, we were back on track with the Local Government Act 1948 and revaluation was supposed to take place in April 1952. As the Library points out, that was rather ambitious and it was postponed until 1953 by ministerial order. The provisions in the Bill for ministerial order to delay revaluations should not therefore surprise hon. Members. It has been done in the past.

The 1956 revaluation was partial because residential property was assessed—believe it or not—on its value in 1939, before the second world war.

Mr. Woolas: I commend my hon. Friend for his research. He referred in passing to the decision in 1955. We know from the revelation in Harold Macmillan's diaries that, at the first Cabinet meeting under Eden's premiership, it was decided to set the election date before the forthcoming revaluation. Perhaps that explains why revaluation goes to the heart of the Conservative's party difficulties, given that history repeated itself in the late 1980s.

Rob Marris: I am shocked that any Government would play around with revaluation for party political purposes. However, that is the sort of history that the Conservative party has. I referred to 1956, not 1955, but I believe that the Government managed to string matters out until April 1963. Revaluations can get delayed for too long. I understand why, for the reasons that my hon. Friend the Member for Colne Valley (Kali Mountford) outlined so eloquently, there should be some deferral, but I urge my hon. Friend the Minister for Local Government to heed history and not delay revaluation for too long.

Dr. Whitehead: Does my hon. Friend accept that, on the occasions that he mentioned, the trajectory of the index of house price increases was substantially lower than in recent years? The possibility of putting off a revaluation for some time did not therefore have the distorting effect of more recent years. Does he believe that that was a factor in previous revaluation deferments?

Rob Marris: I agree. My hon. Friend anticipates one of the points that was at the top of my list. We are in the current position partly because of the way in which house prices have increased and our prosperous economy under the Government. I shall not give all the economic statistics—I am sure that you would not allow that, Madam Deputy Speaker—but when we discuss banding and revaluation, we need to bear it in mind that one of the reasons for public disquiet about that and the beginning of a public debate—I hope that the deferral for which the measure provides will encourage that debate—is prosperity and rising house prices.

Mr. Borrow: Does my hon. Friend agree that some lessons can be learned from the success of the revaluations of business rates? Since 1990, they have stuck to a five-yearly sequence. The Government should aim for the same success with council tax and the regularity of its revaluation.

Rob Marris: I certainly agree that we can learn from what has happened with business rates, and the House needs to discuss business rates as part of this overall package. We could also learn from what happened in Scotland. The Opposition's amendment tonight decries the fact that the revaluation applies only to England. In Scotland, revaluations have taken place fairly frequently: in 1961, 1966, 1971, 1978 and 1985. They did not take place after 1985, because the poll tax was then introduced, initially in Scotland, without great success either there or in England and Wales. So, yes, we should defer the revaluation in England, but we should certainly not cancel it.

I disagree with the Opposition's amendment. They dislike the Bill because it applies only to England, but I think that it is absolutely right that we should defer the revaluation in England. Scotland and Wales have their own Parliament and National Assembly respectively, and they should be able to do this at a different pace. In Wales, part of the problem was that the revaluation was carried out following a 129 per cent. increase in house prices since the previous one, which brings us back to the point made by my hon. Friend the Member for Southampton, Test (Dr. Whitehead) about house prices putting pressure on us, in terms of the public debate on this issue.

This debate is being held at the same time as Sir Michael Lyons' review. Being a west midlander like me, you, Madam Deputy Speaker, might almost remember Mike Lyons when he was in short trousers. His first major job, as I am sure all right hon. and hon. Members know, was chief executive of Wolverhampton metropolitan borough council, as it was then called. Of course, it is now Wolverhampton city council. Sir Michael Lyons—as I must now learn to call him—is a man with a great track record. I can quite understand why a deferral of the revaluation would be important while the Government are having that investigation carried out, and why such a deferral—as set out in the Bill, and as decried by the Opposition—would be a good thing. I am sure that Sir Michael's review will be very thorough, and very illuminating for us.

We need a public debate on this issue. My hon. Friend the Member for Colne Valley spoke eloquently about the need for public information. There are an awful lot of people, including some in this Chamber, who do not understand the concept of a measure being revenue neutral. A re-banding exercise can be a problem, but if it is set against a series of revenue neutral measures—which is what I hope would happen in England, although it did not happen in Wales—it can even out the discrepancies that have built up due to differential house price rises. Prices in some areas will go up more than others. For example, prices in Stourbridge might go up more than those in Wolverhampton, causing things to get out of kilter. A revenue neutral revaluation would therefore be absolutely right. However, it takes a while to explain the concept of revenue neutrality to people, many of whom, because of many years of underinvestment in education by the Conservatives, are fairly innumerate. We need to have that kind of public debate.

Mr. Hoyle: My hon. Friend has rightly identified the issue, which is the fear factor among the public. One of the biggest worries that people have is about their council tax. After what has happened under previous Governments, there is a real fear that a revaluation would simply mean an increase, but it could be revenue neutral. Does my hon. Friend agree?

Rob Marris: I certainly do. Such fear is often a fear of the unknown. It is sometimes whipped up by the Opposition parties, and sometimes by the situation being mis-explained by the media, although sometimes it is properly explained by the media. With that fear comes a fear of revaluation per se. The Bill would defer, but not, I hope, cancel the revaluation. I think that it would eventually happen by means of a statutory instrument; my hon. Friend the Minister will correct me if I have misread the process outlined in this very lengthy Bill. I think that an order would be brought before the House and dealt with under the affirmative resolution procedure. The issues would, therefore, come back before the House, and I hope that they will do so, fairly speedily after the conclusion of the Lyons review. As I have said, I want a deferral, not a cancellation.

According to their reasoned amendment, the Conservatives want a cancellation, almost for ever. That seems very strange. I was talking about the history of these revaluations, and I am open to being corrected at any point, but I do not think that there has been a revaluation in Ireland since about 1834.

Mr. Borrow: My hon. Friend has mentioned the Conservative party's amendment and the fact that it calls for a cancellation. Is he aware that if we decided to vote for the Conservative amendment, we would ensure a 2007 revaluation of council tax?

Rob Marris: I am aware of that, because of the intervention made earlier by my hon. Friend the Minister. I do not know whether that was clear to the Opposition when they introduced the amendment, or whether they got it round the neck—to use the vernacular—as they often do, but no doubt we will be told in the wind-ups.

Dr. Whitehead: My hon. Friend was making an interesting point about the possibility of revenue neutrality of revaluation in principle. Does he accept that the introduction of the council tax in 1992, with the bands and proportion of total revenue that it raised, instituted the gearing effect about which we have heard this evening? Is he aware of methods by which the gearing effect could be neutralised, in terms of the order in which council tax is determined as a result of the council's budget-setting process. Will he urge the Lyons inquiry to consider that, along with the question of revaluation?

Madam Deputy Speaker: Order. That is very lengthy for an intervention.

Rob Marris: And if I were to stray too far into what the Lyons inquiry ought to do, Madam Deputy Speaker, you would say that I was going too wide of the point. As ever, my hon. Friend makes a valid point, as he did in his lengthy and interesting contribution to the debate earlier. He is much more numerically adept than I am. We might have to encounter gearing as a problem.

Under the Bill, revaluation would be deferred but not done away with. While I want a deferral, I do not want it to be deferred into the mists of time. A revaluation will address the question of differential house price rises. When house prices rise in different adjacent parts of a constituency, city or rural area, those who have seen an above-average increase in the value of their houses pay lower council tax than they would if a revaluation had taken place. Correspondingly, those whose houses have risen in value by less than the average, assuming a revenue-neutral system, would pay more council tax than they should. That happens to some extent in the current system, but the longer a deferral continues, the more pronounced that unfair trend becomes. Of course, it favours those who have done best out of rising house prices in the booming economy under this Labour Government. The discrepancies and unfairness therefore get worse the longer a revaluation is deferred. Consequently, as I said to my hon. Friend the Minister, while I support a deferral of the revaluation pending the outcome of the Lyons inquiry, I do not want it deferred too long.

I think that council tax is a good tax. There are problems with it, and I am glad that the review is going on. My hon. Friend the Member for South Ribble (Mr. Borrow), in an intervention on my hon. Friend the Member for Colne Valley, said that there is no perfect tax. Arguably, death duties are a perfect tax, because one pays them only when one is dead. Council tax is quite useful because it is on a house that one cannot move—I do not know the collection rate in your area, Madam Deputy Speaker, but in mine it is about 97 per cent., so it is important to bear that in mind in terms of revaluation. We need to consider what revenues might be brought in, but we also need a sound system that by and large works well, even though there are difficulties.

I want to stress again the need for better information to accompany the deferred valuation, as mentioned by my hon. Friends the Members for Colne Valley and for South Ribble, so that people can understand the system as fully as possible and that we can have a properly informed debate.

The Liberal Democrats went into the last general election saying that they would replace council tax with a local income tax. That is an entirely honourable and understandable position, although they may now have resiled from it, but we need to debate it properly if we are to consider revaluation in the context of an alternative to council tax.

The amendment says that

> "removal of the need for revaluation of domestic properties offers taxpayers no protection against the imposition of new higher council tax bands."

That shows that the Opposition have a different view of what a revenue-neutral revaluation might constitute. It suggests that the six Members who tabled the amendment do not understand the system that we have, let alone what it might be turned into. No doubt the Opposition Member who winds up the debate will explain that I have misunderstood, and that those who

[Rob Marris]

tabled the amendment understand the mathematics and simply take a different political view, but the wording suggests otherwise, which is deeply worrying.

I am sure that the Liberal Democrats understand how the system works and take a different view—if they have a view at the moment. I would not talk about that now even if I were allowed to. It seems, however, that Her Majesty's loyal Opposition do not understand the system that we have, but have nevertheless tabled an amendment suggesting that we decline to give a Second Reading to a Bill deferring revaluation because of all the nasty things that they think would happen in the event of such a revaluation. Let us leave aside the point made by my hon. Friend the Member for South Ribble, who echoed my hon. Friend the Minister in saying that the Opposition did not appear to realise that if the Bill were not give a Second Reading, revaluation would go ahead. The Opposition seem to be telling us that the Government have got it all wrong, but it is they who have got it all wrong, because they do not understand the present system.

9.22 pm

Mr. Robert Syms (Poole) (Con): We have had a good debate, featuring many ex-Ministers and many future Ministers, as well as Members with great experience of local government. It has been such a good debate that many people rushed in at the end to make their own speeches. They must have been terribly impressed by the earlier contributions of Members on both sides of the House.

I want to concentrate on what has been said by Back Benchers. The right hon. Member for Greenwich and Woolwich (Mr. Raynsford) made an interesting and honest speech, stating candidly that he thought the revaluation should go ahead. The speech will bear some rereading, as it contained some interesting comments aimed at Ministers. The hon. Member for South Ribble (Mr. Borrow) demonstrated his experience with the Valuation Office Agency and made some interesting points, particularly about the cycle of revaluation between council tax and the unified business rate. I think that many people took his speech on board.

My right hon. Friend the Member for Skipton and Ripon (Mr. Curry) made a typically thoughtful and independent-minded speech. Much of it was not party policy, so I will not go into the details, but he made a good point about the balance of funding between council tax and the unified business rate. No doubt the Lyons review will have to take account of that.

The hon. Member for Manchester, Blackley (Graham Stringer) showed his experience of local government, as a former leader of Manchester city council. He said that the council tax had been born out of the difficulties of the poll tax in earlier years. I have some sympathy with his view. It is rather like blaming Napoleon for the introduction of income tax: taxes are normally introduced as a result of crises rather than serene weather and careful thought.

My hon. Friend the Member for Mole Valley (Sir Paul Beresford), a former Minister and someone who knows a great deal about these matters, spoke of his concerns and of how he thought council tax ought to be varied. His speech, too, was not party policy, so I shall pass on to the hon. Member for Hove (Ms Barlow), who made a characteristically good speech and dealt extremely well with a Liberal Democrat intervention about local income tax.

My hon. Friend the Member for Basingstoke (Mrs. Miller) was an eloquent defender of her constituents. She spoke of the increase in council tax in her area, and of all the pressures that must be borne by a growth area with additional housing such as Basingstoke and other parts of Hampshire.

The hon. Member for Southampton, Test (Dr. Whitehead) again showed his experience of local government. He took us from Merton to Wakefield—it was a long, long, long journey, but eventually we got there. The hon. Member for Cambridge (David Howarth) again showed his local government experience and provided a history lesson about the 1992 Act that introduced council tax.

My hon. Friend the Member for Enfield, Southgate (Mr. Burrowes) made the valuable point that, if the value of one's house is high, that does not necessarily mean that one is able to pay, and made a plea on behalf of his constituents that ability to pay should be taken into account. My hon. Friend the Member for Braintree (Mr. Newmark) made a similar point, echoing the concerns of his constituents in Essex.

The debate got even better because 100 per cent. of the Welsh Conservative party contributed to it, which is unusual, bearing in mind that this is an English Bill, but it shows the salience of the council tax issue for our neighbours in Wales, who have just been through a revaluation. There is no doubt that the Government considered some of the outcomes of the revaluation in Wales before they determined what to do.

My hon. Friend the Member for Monmouth (David T.C. Davies) talked about the concerns about revaluation and the hefty rises in his constituency. My hon. Friend the Member for Preseli Pembrokeshire (Mr. Crabb) said that assurances were given to the Welsh Assembly that the process would be revenue neutral and it was not. My hon. Friend the Member for Clwyd, West (Mr. Jones) echoed the concerns about the revaluation in Wales. He talked about the rising anger and the 9 per cent. uplift in the yield post revaluation.

The hon. Member for Leicester, South (Sir Peter Soulsby) again showed his experience as a leader of Leicester city council and talked eloquently and concisely about his concerns. He did not want the revaluation to be put off for too long, but talked a great deal about function and funding and supported the Government's review and the Lyons review.

The hon. Member for High Peak (Tom Levitt) came in and did a reasonable job of keeping the debate going. The hon. Member for Colne Valley (Kali Mountford) did extremely well to speak for well over 30 minutes and, on the whole, to keep in order. The hon. Member for Wolverhampton, South-West (Rob Marris) showed the benefits of the Library brief, taking us into the history of revaluation. He made the salient point that revaluation, whether under the rates system or the council tax system, has always meant Governments of all political colours facing difficult choices and they do not always make the right one. I am sure that as he made an eloquent speech and made some good points, he will soon get a well-deserved promotion to the Government.

The debate is of the Government's own making. Revaluation was not part of the 1992 Act, but the Government decided in July 2001 to revalue council tax on 1 April 2007. That was in the Local Government Act 2003, for which many Labour Members voted. Conservative Members voted for a reasoned amendment. I had the pleasure of serving on the Committee that considered the Bill. The fact that the Government have changed their minds and are accusing all sorts of people on the Opposition Benches of changing their minds has a lot to do with the fact that they decided to go down that political avenue and have now thought better of it.

We heard a lot about kicking issues into touch and about panic attacks. It is probably sensible for the Minister to put off revaluation because the salience of the council tax issue is high and increasing. The Welsh experience is a useful one. The Royal Institution of Chartered Surveyors estimates that, if we had the same uplift following the English revaluation as occurred in Wales, that would mean £2 billion extra in council tax, and that council tax for 7 million out of 21 million council tax payers would go up. Those are big figures, which have no doubt concerned the Government and were one of the reasons why they decided to kick the issue into touch.

Revaluation itself is a costly exercise. In 2004, the cost was estimated at £108 million and, in 2005, at £178 million. We got so far as to spend nearly £60 million, of which £45 million, we heard, was spent on software. I am not sure that we received an answer about the value of the software if the revaluation is put off, and I hope that the Minister will reassure us on that.

We heard that the Valuation Office Agency has taken on nearly 1,400 staff to deal with revaluation, many of whom will be on short-term contracts. We have not heard very much about the cost of those appointments. The Government said that there would be savings and, of course, there will be savings, but there will be further costs to come from shortening the contracts of 1,400 staff.

The hon. Member for South Ribble said that, within the cycle, it would be possible to use those staff and others to undertake a revaluation of council tax and then to get back to the cycle for the revaluation of the uniform business rate. However, the whole thing is now out of synch.

Rob Marris: Is the hon. Gentleman as surprised as I am that paragraph 10 of the explanatory note says that

"The Regulatory Impact Unit has confirmed that no Regulatory Impact Assessment is required"?

Mr. Syms: I am surprised.

Council tax is an important issue because a lot of people feel that the basis of its funding and the distribution between the various regions of the UK is not fair. The gearing effect, about which we have heard much today, means that it is difficult for local authorities to keep the rate of increase in council tax down to the rate of inflation. As we have heard, since 1997 council tax has increased by well over 76 per cent., which is why the issue is particularly salient politically. No doubt that is why we have ended up with a Bill to put off the revaluation.

The Opposition are concerned because the Government have some form in terms of the way in which they distribute grants. Over the past eight years, we have been concerned about how money is redistributed to the various regions, which is one of the reasons why we want to show our displeasure in a vote tonight. We are concerned about the impact on many areas in terms of grants.

The other concern is that the Government have taken powers to change the bands, and to introduce more bands, to make council tax more progressive, which can be done by altering the various elements in a revaluation. If we have a revaluation and new bands are introduced at that point, we will have a very different tax from that introduced in 1993. There are concerns about the way in which the process will be dealt with and we need reassurances about a transitional relief scheme. When there are winners and losers, it is important to offset the increases for a period so that people become used to the new rate.

The Sunday newspapers referred to the Valuation Office Agency's computers, particularly the various codes being put in to value housing. My hon. Friend the Member for Brentwood and Ongar (Mr. Pickles) went into detail about the issues of concern raised by *The Sunday Telegraph* and there is concern about the amount of information going into computer software and how it will be used to vary particular bands.

If we get to a situation where a view across a golf course or over the sea, or the condition of people's patios and gardens, starts to play a role in council tax, people will be suspicious that revaluation will not be a neutral exercise but will instead raise a great deal of money. Those concerns need to be addressed. There is concern over council tax and over the distribution of grant.

Mr. Borrow: Will the hon. Gentleman clarify the position of the Conservative party? Is it in favour of a 2007 revaluation? If not, why has it tabled an amendment that would have the effect of ensuring that a 2007 revaluation takes place?—*[Interruption.]*

Mr. Syms: Labour Members doubtless fought very hard in their constituencies during the election, but our position in that election was that we opposed revaluation for the first term of a Conservative Government. Unfortunately, we did not win, but our position remains perfectly clear: we are opposed to revaluation. We want to make clear our displeasure at the direction of Government policy, particularly given that many of our constituents are concerned about grant distribution, banding and the question of a more progressive council tax. Many other such issues concern my hon. Friends, and we wish to register our displeasure at the way in which the Government have conducted their policy.

Tom Levitt: The hon. Gentleman is describing a most extraordinary position. In effect, he is saying that he is relying on losing the vote at 10 o'clock in order to maintain his policy.

Mr. Syms: I am always hopeful when I go into the Division Lobby, but heads would doubtless roll—probably not mine—if we won this evening's vote.

[Mr. Syms]

The council tax is an issue that concerns many of our constituents. Many petitions on the council tax have been handed into this House by various campaigns, and many people are asset rich but income poor. The salience of this issue has increased, and Government policies in recent years have led many to believe that the council tax is becoming a stealth tax. We will register our disappointment at the direction of Government policy in recent years. I ask my right hon. and hon. Friends to support our amendment.

9.37 pm

The Minister for Local Government (Mr. Phil Woolas): What a letting of the cat out of the bag we have witnessed this evening! With all due respect to Her Majesty and her relationship with her Loyal Opposition, I would ask for my money back. The once-great Conservative party has been reduced to something of a pickle. The amendment before us in the name of the right hon. and learned Gentleman the Leader of the Opposition is worth quoting:

> "That this House declines to give a Second Reading to the Council Tax (New Valuation Lists for England) Bill because the Bill merely delays rather than cancels the council tax revaluation".

That is a consistent position—since 7 April. Of course, were the amendment accepted, revaluation would be reintroduced with effect from 1 April 2007.

Although this point has been made several times today, let me emphasise that the Conservatives' strategy since their U-turn in the spring has been to scaremonger. That campaign has been based—another Conservative Member also let the cat out of the bag in this respect—on exploiting the fear of many, especially pensioners and the low paid, that because the value of their house has increased, it follows that a banding increase will take place. Nothing could be further from the truth.

Several hon. Members *rose*—

Mr. Woolas: The Conservatives should listen to the argument. They get very excited about revaluation. It brought an end to their Prime Minister, Mrs. Thatcher, and they know the damage that that caused them.

The second myth that has been perpetuated, and which was repeated in some of last weekend's newspapers in a rehashed story from some dim and distant period during the summer recess, is the amazing revelation that—surprise, surprise—in valuing a property, valuers take on board the attributes of that property. Well, blow me down, the number of bedrooms is taken into account in the valuation of a property. Presumably, whether a property has a swimming pool, a conservatory, an attic or a golden garden shed will also be taken account in the valuation. Of course, the valuation office also takes into account certain attributes that work in the opposite, negative direction. If a property is located in front of a chemical works, for example, the house price may well go down—goodness me! If the front of a house has a bad view, the value of the property may go down. As I say, Madam Deputy Speaker, blow me down with a feather!

Her Majesty's loyal Opposition, who are fighting among themselves over the election of a new leader, based on the premise that they must have credible policies, have tabled an amendment before the House, the effect of which would be the precise opposite of what they have argued. The party's spokespersons have repeatedly said over the years that we cannot have a property tax without a revaluation, but they are now telling the House that we must have a property tax without any revaluation. That is not so much a U-turn—at least we are honest about ours—as a double U-turn.

Let me remind the House that, in opening the debate for the Conservatives, the hon. Member for Brentwood and Ongar (Mr. Pickles) said, first, that he agreed with the postponement. That is what he said and that is what the Bill does. Secondly, he agreed that we should not have a 10-year limit in terms of the revaluation cycle. Thirdly, he said that his only problem was with the secondary legislation, to which I shall return in a few moments.

But the Opposition have tabled an amendment that would have the effect of going ahead with revaluation, though they agree with the postponement. They are going to the country saying that they want to put forward credible policies, yet they obviously do not have them. I suspect that the amendment before us was written in the Whips Office. In the rush to get away last Thursday, the Whips realised that they had to amend the motion on the Opposition day debate that they called, and I suspect that today's amendment was written in haste. I also suspect that the words used at the Dispatch Box in today's debate will feature in many a local election leaflet drawn up by my party as we approach next May. They are quite probably already in a "Focus" leaflet and on their way out.

The hon. Member for Brentwood and Ongar, repeating something that he read in the newspapers this weekend, said that we are introducing a tax on views, but valuation officers have always taken the attributes of a property into account.

Mr. Borrow *rose*—

Mr. Woolas: Here we have an expert to confirm my point of view.

Mr. Borrow: Did my hon. Friend see the photographs in the newspapers over the last few days of a fairly modest bungalow—in Dorset, I believe—that was up for sale for about £1 million? The bungalow looked similar to many properties in my constituency and, doubtless, in my hon. Friend's constituency. Does he believe that all those properties should be in the same tax band?

Mr. Woolas: My hon. Friend, who is an acknowledged expert in valuation, makes a valid point, which brings me on to the next myth that the Conservatives have been trying to peddle—the idea that somehow or other, one's council tax band is based on an absolute and not a relative value. Many hon. Members will be familiar with the differences in house, flat and apartment prices between Westminster and their own constituencies. Are we to say that council tax should be based on absolute and not relative prices? I do not think so, yet that is the rather cynical myth that was perpetuated by the Conservative party in the run-up to the general election. It explains their U-turn of spring this year and it explains why they are now in a complete mess in respect of one of the most important domestic policy issues that we face.

I shall reply to some of the other points that have been made in what has been a very interesting debate. The hon. Member for Brentwood and Ongar said that it was an established fact that prices have aligned across the country. He also repeated what he has said elsewhere that the variations in price would mean that revaluation would cause chaos. Both statements cannot be true. Either prices have aligned, which would mean no turbulence would be caused by revaluation, or we would need revaluation because prices have not aligned. Which is it? I suspect that the answer depends on which camp one is talking to, and it will be interesting to see the result.

The Conservatives also suggested that Northern Ireland was a guinea pig. That is another urban myth and completely misunderstands the point that Northern Ireland is moving from a rental to a capital base for its property tax. One does not hear the Conservatives' point made by Members from Northern Ireland, and I suspect that it is made for entirely political reasons.

The hon. Gentleman also claimed that council tax benefit take-up has declined during this Government's term. Well, I agree, but I find the answer as to why in *The Mail on Sunday*.

Rob Marris: It cannot be true then.

Mr. Woolas: Well, it was in the financial pages. On 6 November, not 24 hours ago, it was stated that rising wages and lower unemployment have lifted more than 600,000 households out of the net for council tax benefit. So people are better off under a Labour Government and are less dependent on benefits.

Mr. Pickles: The Minister would do well to listen carefully to what Members say. My point was not about numbers, but about eligibility. The numbers show that those who are eligible are not claiming.

Mr. Woolas: I did listen to the hon. Gentleman closely, and that is why I referred to the article in *The Mail on Sunday* before I referred to the proportion claiming and I shall put on record the position regarding council tax benefit. Nobody in this country is being sent to jail because they cannot afford their council tax. Judges do not do that. The only circumstances in which one can be imprisoned for not paying one's council tax is if one is unwilling to pay it. There have been two such cases in the past year—Alfred Ridley and Sylvia Hardy. Opposition Members are trying to whip up a storm on the back of the IsItFair campaign and, in my view, they are exploiting people. Through their scaremongering, they are scaring people, many of them low paid and vulnerable. The Government will not allow that to happen.

The income of pensioners has risen immeasurably under this Government—

Mr. Philip Hammond (Runnymede and Weybridge) (Con): Some £200!

Mr. Woolas: The £200 extra help with the council tax was opposed by the Opposition. Pensioners in receipt of the guaranteed pension credit get a 100 per cent. rebate of council tax. Of course, it is our policy to improve take-up and I join with the hon. Member for Brentwood and Ongar in making that point. I hope that he will join our campaign, in a non-partisan manner, to encourage take-up of the benefit by pensioners by explaining its advantages. But I would wager that not many people in receipt of, or entitled to, council tax benefit cross the door of the hon. Gentleman.

Mr. Pickles: That is outrageous.

Mr. Woolas: If I had the time I should like to enter into a debate on the workings of council tax benefit, as it clearly covers—

Madam Deputy Speaker: Order. The hon. Gentleman may like to enter that debate, but he will not be allowed to do so while we are discussing the Bill.

Mr. Woolas: Thank you, Madam Deputy Speaker, for your firm chairing of this important debate. I emphasise the point that I would like to enter such a debate, but I understand why it is not possible.

My right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford) made a characteristically well-informed and authoritative speech and argued against postponement of the revaluation. I again point out, to reassure him and my hon. Friend the Member for Colne Valley (Kali Mountford) who also spoke on the matter, that the Bill is a postponement not a cancellation. It may give Members further reassurance to know that the Government could have taken the option to propose simply to cancel the legislation in the Local Government 2003 Act, which amended the Local Government Finance Act 1992. We chose not to do that but to include in our Bill the commitment to introduce revaluation at the appropriate time, following the Lyons review. I hope that my right hon. Friend the Member for Greenwich and Woolwich will accept that reassurance.

Mr. Raynsford: I am grateful to my hon. Friend, but can he tell the House when he and the Government envisage that power being used? The point has been made clearly during the debate that, due to the need to avoid a clash with the valuation for business rates, 2010 is not possible, but 2011 and the period immediately afterwards would be. Is my hon. Friend prepared to give us an undertaking that the Government will proceed with a revaluation on that timetable?

Mr. Woolas: My right hon. Friend makes an important point. The investment in the Valuation Office Agency—the computerisation, entering information and ongoing work—means that it can give me assurances that it will have the capacity to ensure that those revaluations can take place, if necessary, should Parliament decide on a concurrent timetable. The problem that my right hon. Friend raised is being solved—*[Interruption.]*

Madam Deputy Speaker: Order. Far too many extraneous conversations are going on in the Chamber.

Mr. Woolas: It may be helpful if I remind the House of the words of my right hon. Friend the Minister of

[Mr. Woolas]

Communities and Local Government at the beginning of the debate. He outlined our commitment to local government, our belief that it is at the heart of national life and that it has a unique role—

Mr. Curry: Will the hon. Gentleman give way?

Mr. Woolas: In just one second.[HON. MEMBERS: "Give way."] Members might have let me finish my sentence, but I shall of course give way to the distinguished former Minister, if only to remind the House that the right hon. Gentleman spoke against his Front-Bench policy.

Mr. Curry: The right hon. Member for Greenwich and Woolwich (Mr. Raynsford) did not ask the Minister whether he had the capacity to carry out a revaluation; he asked him whether he had the intention to order a revaluation in 2011. What is the answer?

Mr. Woolas: The right hon. Gentleman made a learned speech earlier and I think—

Mr. Malcolm Moss (North-East Cambridgeshire) (Con): Answer the question.

Mr. Woolas: The hon. Gentleman must listen and be patient.

As the right hon. Member for Skipton and Ripon will know, because he has read the Bill, it proposes that the powers for legislation for revaluation be given to the Secretary of State with the proviso that the House, through affirmative resolution, has the opportunity to debate the matter. Rightly so. That should give him the commitment that he is looking for, but the strategy outlined by the Government and in the comments made by my right hon. Friend the Minister of Communities and Local Government ensures that there is the opportunity to review local government's role and functions. Taking on board the important new work that has been done specifically under local area agreements, the three-year local government finance settlement and the certainty and stability needed for all involved requires a serious review of the local government's role and functions. That review is being undertaken on our behalf by Sir Michael Lyons, and I am sure that many hon. Members on both sides of the House have and will contribute to that important debate. *[Interruption.]*

Madam Deputy Speaker: Order. Once again, I appeal to the House to come to order. Some Members have been here listening to the debate throughout. Will those who have just come in have the courtesy to allow the Minister to continue?

Mr. Woolas: Thank you very much, Madam Deputy Speaker.

Mr. Curry: We are all familiar with the fact that the House may agree or disagree with a Minister's proposition, but the House does not do so on the basis of some existential musing: it does so because a Minister asks it to do so. Does the Minister intend to ask the House to proceed with a revaluation in the time scale mentioned by the right hon. Member for Greenwich and Woolwich?

Mr. Woolas: As the statement of 20 September and as my right hon. Friend has made clear, our policy is to ensure that, following Sir Michael Lyons's review, at the right time—we have said that we do not believe that that will be in the lifetime of this Parliament—we will introduce in the House proposals for revaluation, and that is why on several occasions at the Dispatch Box my right hon. Friend and I have been able to reassure those who take the right hon. Gentleman's point of view that this is a postponement, not a cancellation of revaluation.

Mr. Borrow: My hon. Friend has been generous in giving way. May I try to help him on this point yet again? Many hon. Members wish to be reassured about whether he recognises that the longer the current council tax list continues without a revaluation, the more that list becomes unstable and unsustainable.

Mr. Woolas: My hon. Friend made that point in the debate. Of course, the answer depends on what happens to house prices. If he is asking whether the Government's policy is to support a property tax on the basis of valuation, the answer is, of course, yes—unlike the Conservative party's policy of supporting property tax without a revaluation, which seems wholly untenable.

Hon. Members have argued in the debate that there is no need for revaluation. They argue that relative house price movements across the country during the past 10 years are such that the revaluation is unnecessary. They would cancel revaluation, rather than postponing it. However, during the debate of 19 October, when the hon. Member for Upminster (Angela Watkinson) was challenged by my hon. Friend the Member for Sheffield, Attercliffe (Mr. Betts) to say whether the Conservatives would ever revalue, the response was, "We never say never". We look forward to receiving the Opposition's support for the Bill when it returns to the House after its consideration in Committee because it provides exactly the kind of flexibility that their policy appears to call for.

Finally, I should remind the House that in the past eight years, the Government have provided a 33 per cent. real-terms increase in Government grant, which compares with a 7 per cent. real-terms reduction in the last four years of the previous Government. Last year was the eighth successive year in which the Government provided local government overall with an increase in total Government grant that was above inflation, and it was the third year in which we were able to guarantee increases for all local authorities at least in line with inflation. One would have thought that the Conservative party would be interested in balancing the books, not scaring the pensioners of this country.

Question put, That the amendment be made:—

The House proceeded to a Division, and MADAM DEPUTY SPEAKER *having directed that the doors be locked*—

Madam Deputy Speaker: Order. There has been a mistake in the timing on the clock. Doorkeepers, please unlock the doors.

Whereupon the doors were unlocked.

The House having divided: Ayes 166, Noes 338.

Division No. 79] **[10.00 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Field, Mr. Mark
Forth, rh Mr. Eric
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Robinson, Mr. Peter
Rosindell, Andrew
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Michael Fabricant and
Mr. Crispin Blunt

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Allen, Mr. Graham
Anderson, Mr. David
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Browne, Mr. Jeremy
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cable, Dr. Vincent
Cairns, David
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davey, Mr. Edward
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Dunwoody, Mrs. Gwyneth
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Farron, Tim
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil

Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Holmes, Paul
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Howarth, David
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Lamb, Norman
Lammy, Mr. David
Laxton, Mr. Bob
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meacher, rh Mr. Michael
Meale, Mr. Alan
Michael, rh Alun
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Ryan, Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Tami, Mark
Taylor, Ms Dari
Taylor, David
Teather, Sarah
Thomas, Mr. Gareth
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Winnick, Mr. David
Winterton, Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Noes:
Mr. Ian Cawsey and
Mr. Tom Watson

Question accordingly negatived.

Main Question put forthwith, pursuant to Standing Order No. 62 (Amendment on second or third reading) and agreed to.

Bill accordingly read a Second time.

COUNCIL TAX (NEW VALUATION LISTS FOR ENGLAND) BILL (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Standing Order No. 83A(6) (Programme motions),

That the following provisions shall apply to the Council Tax (New Valuation Lists for England) Bill:

Committal

1. The Bill shall be committed to a Standing Committee.

Proceedings in Standing Committee

2. Proceedings in the Standing Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 17th November 2005.

3. The Standing Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.—*[Mr. Watts.]*

The House divided: Ayes 334, Noes 166.

Division No. 80] **[10.17pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Allen, Mr. Graham
Anderson, Mr. David
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Browne, Mr. Jeremy
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cable, Dr. Vincent
Cairns, David
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Campbell, Mr. Ronnie
Carmichael, Mr. Alistair
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davey, Mr. Edward
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Farron, Tim
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Holmes, Paul
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Howarth, David
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Lamb, Norman
Lammy, Mr. David
Laxton, Mr. Bob
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meacher, rh Mr. Michael
Meale, Mr. Alan
Michael, rh Alun
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, James
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Ryan, Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad

Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Tami, Mark
Taylor, Ms Dari
Taylor, David
Teather, Sarah
Thomas, Mr. Gareth
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Winnick, Mr. David
Winterton, Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Ian Cawsey and
Mr. Tom Watson

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Butterfill, Sir John
Campbell, Mr. Gregory
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Field, Mr. Mark
Forth, rh Mr. Eric
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Robinson, Mr. Peter
Rosindell, Andrew
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Noes:
Michael Fabricant and
Mr. Crispin Blunt

Question accordingly agreed to.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

Constitutional Law

That the draft Water Services etc. (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005, which was laid before this House on 10th October, be approved.—*[Mr. Watts.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (Standing Committees on Delegated Legislation),

European Union Arms Exports

That this House takes note of the Unnumbered Explanatory Memorandum dated 4th July 2005 from the Foreign and Commonwealth Office on the Common Position Defining Rules Governing the Control of Exports of Military Technology and

Equipment; and agrees with the Government that the Common Position will be an improvement to EU arms control.—*[Mr. Watts.]*

Question agreed to.

PETITIONS

IsItFair Campaign

10.31 pm

Mr. Robert Syms (Poole) (Con): I wish to present a petition of the IsItFair council tax campaign, consisting of 401 signatures collected by Mrs. Barbara Brown of Poole, which raises real concern about the level of council tax.

To the House of Commons.

The Petition of the IsItFair council tax protest campaign declares:

That the year-on-year, inflation-busting increases in Council Tax are causing hardship to many and take no account of ability to pay; further, that the proposed property revaluation and re-banding exercise will make an already flawed system even worse.

The Petitioners therefore request that the House of Commons votes to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a system that is free from any geographical or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.

And the Petitioners remain, etc.

To lie upon the Table.

10.32 pm

Mr. Malcolm Moss (North-East Cambridgeshire) (Con): It is my privilege to present a petition on behalf of my constituents, a list of names collected by Mr. C. Perrin of March, a town in my constituency. It is part of the IsItFair council tax protest campaign. I do not necessarily agree with the campaign's conclusions, but I certainly agree with the thrust of the campaign, which is that this Government have used council tax as a means of stealth taxing huge swaths of our population who can hardly afford the levels of council tax that are now being charged. I personally do not agree with the idea behind the petition, which is completely to remove council tax and replace it with an alternative, which I suppose would have to be income tax. I believe that a property-based tax is a sensible way forward, and it would not take a massive injection of Government money from general taxation, including income tax, to bring the levels of council tax down to a more manageable level.

The Petitioners therefore request that the House of Commons votes to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a system that is free from any geographical or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.

To lie upon the Table.

10.34 pm

Philip Davies (Shipley) (Con): I, too, have great pleasure in presenting a petition that has been collected by my constituent, Mr. Perry, in Burley in Wharfedale, which is a lovely part of my constituency. The signatures that he has collected have all come from Burley in Wharfedale. This petition is also part of the IsItFair council tax protest campaign.

The Petitioners declare:

That the year-on-year, inflation-busting increases in Council Tax are causing hardship to many and take no account of ability to pay; further, that the proposed property revaluation and re-banding exercise will make an already flawed system even worse.

The Petitioners therefore request that the House of Commons votes to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a system that is free from any geographical or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.

And the Petitioners remain, etc.

To lie upon the Table.

Surbiton Hospital

10.35 pm

Mr. Edward Davey (Kingston and Surbiton) (LD): I have the privilege to present to the House of Commons a petition on behalf of more than 7,000 of my constituents in Surbiton and across the royal borough of Kingston upon Thames, collected through the good offices of the *Surrey Comet*, its editor Sean Duggan and assistant editor Colin O'Toole.

The petition declares:

That widespread public opposition exists to the current proposals from Kingston Primary Care Trust to move in-patients and out-patients from the site of Surbiton Hospital and that there has been no public consultation on whether to move in-patients.

The Petitioners therefore request that the House of Commons urges the Secretary of State for Health to intervene to halt the planned axing of services at Surbiton Hospital and to prevent any major changes at the hospital until there has been full public consultation.

The Petitioners further request that this House of Commons urges the Secretary of State for Health to ensure that any redevelopment on the site should be used to improve, not reduce, the provision of health services at Surbiton Hospital.

And the Petitioners remain, etc.

To lie upon the Table.

IsItFair Campaign

10.37 pm

Bob Spink (Castle Point) (Con): I wish to present a petition compiled by Mrs. Vile and others who live in Hadleigh. The petition forms part of the IsItFair campaign. It is supported by the Royal British Legion, which represents those who made this country great, to whom we should listen, particularly this week as we approach 11 November.

The council tax is pernicious and regressive. It has risen by 130 per cent. since I entered Parliament, while inflation has risen by only 38 per cent. The council tax needs reform. It is an unacceptable burden on my constituents, particularly the elderly and those on small, fixed and tightly indexed incomes. Like IsItFair, I call on the Government and all local councillors to hold the

[Bob Spink]

council tax increase to the rate of inflation and not a penny more, although I disagree with the detailed reform proposals set out by IsItFair.

The petition states:

The Petitioners therefore request that the House of Commons votes to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a system that is free from any geographical or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.

And the Petitioners remain, etc.

To lie upon the Table.

Crime (Middlesbrough)

Motion made, and Question proposed, That this House do now adjourn.—[Mr. Watts.]

10.38 pm

Dr. Ashok Kumar (Middlesbrough, South and East Cleveland) (Lab): First, may I put on record my great thanks to the Speaker for granting me this debate?

I want to bring to the attention of the House the work of Middlesbrough borough council, its elected mayor, Ray Mallon, and the Safer Middlesbrough partnership to cut crime and make the town a safer place. First, I want to praise the efforts of the men and women of Cleveland police, and the force's chief constable, Sean Price, who has made a great contribution to ensuring that the council's plans have succeeded and provided great leadership.

The success of the initiative would not, of course, have occurred without the Government, who have provided resources, financial support and strong commitment from the top. They have given a strong commitment to tackling crime and law and order problems, and have assisted the local authority and the partnership to deliver results.

I naturally want to say a little about the respect agenda which the Prime Minister has led from the front. Middlesbrough, like every urban area, has experienced problems of crime and the rise of the yob culture, but it has actively developed a strategy of policies on the ground rooted in a firm determination to take back the streets and estate from the yobs and petty criminals.

I must declare an interest. I am a very good friend of the mayor, Ray Mallon, and I respect and admire the leadership that he has given our town. Since his election, he has become a national figure. Many Government and Opposition Front Benchers visit his office regularly. It has also been visited by Lord Falconer, the Lord Chancellor, by the Secretary of State for Northern Ireland and Wales, by the Minister of Communities and Local Government and, of course, by the Leader of Her Majesty's Opposition. Both candidates for the Conservative party leadership have visited Ray Mallon and sought his counsel, and the great and the good of the Labour party establishment also visit and seek his support. He commands a great deal of respect at national level, and he too leads from the front.

When Ray Mallon ran for office, he made it clear that tackling crime and disorder was one of his top priorities. He has delivered on that pledge, and the success of his approach is reflected in the fact that on the tough urban beat of Middlesbrough, crime has fallen by 20 per cent. since he became mayor. His first act, which he performed only months after taking office, was to launch an initiative called "Raising Hope". Raising hopes and expectations of an effective crackdown on crime, bad manners and loutish behaviour was and is the key priority for everyone in the town.

I know that directly from my constituency postbag, and also from the comments of people whom I meet in the streets, in their workplaces and at a series of coffee mornings that I hold throughout my constituency. For them, knowing that action is being taken to tackle crime and antisocial behaviour is the key to the hope of a better quality of life. "Raising Hope" is truly a partnership approach, based on Ray Mallon's appreciation of the realities of policing in areas where the louts have established a dominant foothold. It is an intelligence-led approach, and the police share data and information on a daily basis. They work with other control agencies, notably the council and its street-warden service, but also local businesses, retailers, pubs and clubs and schools. Their approach links the panda car with the CCTV operator, the school head fighting truancy with the mobile truant patrols in the town centre, and the street warden with the local shop. Above all, it links all those agencies in a relationship with the people and communities of the town.

Mayor Mallon's philosophy is holistic. To him, a clean, safe environment is one in which crime and antisocial behaviour are driven to the margins. To him, a confident community is one that knows it can report vandals and petty criminals to the authorities, who will listen to their concerns and take action against those who are reported. He also recognises that inequalities and divisions in local society, between rich and poor, young and old and black and white, create an environment in which crime and intolerance can flourish. He argues for the need to rebuild a 19th century industrial town as a new city fit for the 21st century, a city with new businesses, new jobs, new forms of leisure and consumption and clean, swift, efficient transport rising from the foundations of the old. Although all those priorities are ends in themselves, they all play a key role in crime eradication and in making Middlesbrough a truly safe community.

Ray Mallon has used the legislation provided by successive Government Acts and initiatives to structure his approach. Crucial legislation for him was the Crime and Disorder Act 1998 from the Home Office and the Office of the Deputy Prime Minister's Local Government Act 2003. Combining the crime-fighting powers conferred on councils and elected mayors by that legislation, he was able to weave together an all-embracing culture in the council and, crucially, outside it.

Ray Mallon has told me of his frustration with those agencies that publish glossy mission statements and strategy documents and then retire from activity. Those agencies are convinced that, by merely drawing up those documents, they have fulfilled their obligations to their stakeholders and clients. He has told me that he feels that that is one key reason why there is so much cynicism among the general public over the effectiveness of crime-busting measures.

In order to sell his mission to the people of Middlesbrough, Ray Mallon embarked on a comprehensive road show engaging in debate and discussion with people across the town. I have been present with him at many of those events and he in turn has been prepared to assist me when I have held similar "meet the people" sessions in the part of Middlesbrough that lies in my constituency.

Ray Mallon takes a personal interest in listening to the people on the front line of local government. Too many councillors, he argues, relate only to chief executives, policy officers and departmental heads. He listens to people in local government such as street wardens, road sweepers, toilet attendants, lollipop ladies and home carers, who seldom, if ever, get to meet their councillors face to face to give their views on the service that they provide and how it could be improved. Mayor Mallon regularly drops in at depots and offices to hear what those employees say and he believes that it has paid dividends.

Mayor Mallon also recognises that many of the problems facing local communities suffering from crime and antisocial behaviour come from the activities of local young people. He and his cabinet, most notably Councillor Barry Coppinger, the council's lead member for community security, see diversionary activity as the key to peeling youngsters off the road to crime.

The local drug scene is an example. The headlines talk of crack and heroin. Sadly, crack and heroin abuse does exist in our community. Indeed, much of that abuse contributes to the basic motivation of most of the muggings and burglaries that take place across Middlesbrough. A crack or heroin addict needs constantly to replenish his or her high and usually it is someone else's money, handbag or cash till that becomes the target. That is why the crackdown on hard drugs is central for both Cleveland police and the council's community wardens.

However, far more common than hard drugs is the use of so-called recreational drugs for Saturday night fever—mainly ecstasy and other amphetamines. The council's drug strategy reflects that division. The strategy and council staff back Cleveland police 100 per cent. in their "get a dealer a day" campaign and in their work of identifying, targeting and then raiding crack and heroin dens, but they also run education programmes across schools, youth clubs and colleges, alerting youngsters to the dangers posed by the abuse of recreational drugs and to what that abuse can lead to.

Youth activity and empowerment is central to the council. A small sum spent on a youth centre in an informal setting on an estate, or a minor shift of moneys from the mainstream education budget to a special diversionary scheme run at a street level can bring great rewards. It can pay valuable dividends for the future and can be achieved easily and effortlessly if the will is there.

The alternative, of course, is to do nothing. That may safeguard the sanctity of a local council's or school's budget in the short term, but will cost society heavily in the years to come. It can cost heavily as antisocial behaviour or teenage deviancy becomes the modus operandi of sub-criminal and criminal behaviour in early adulthood. That is why the need to ensure the success of the respect agenda is so vital.

We have to remember that we all pay a price for allowing criminality to flourish unchecked. There is the human price wreaked on the powerless and vulnerable by the activities of the thugs and the hooligans, and the physical price of constantly having to resource an ever-expanding police and community security budget, let alone the price of running an effective offender management service and the Prison Service.

For the respect agenda to take root and flourish, and for it be accepted for real by a jaded public, it has to be seen as part of an all-embracing and holistic programme that is a core part of the life of the community and

[Dr. Ashok Kumar]

adopted by all agencies as central to their work. What has been achieved in Middlesbrough shows the way to roll out the respect agenda across the streets, towns and cities of the United Kingdom. I invite my hon. Friend the Minister to Middlesbrough where he can see for himself what we have been able to achieve.

What I have articulated today is a real programme for raising the hopes of our people and improving their quality of life. I am sure that my hon. Friend will return from Middlesbrough with a great deal of information that he can use for the subsequent respect agenda.

10.52 pm

The Parliamentary Under-Secretary of State for the Home Department (Paul Goggins): I begin by congratulating my hon. Friend the Member for Middlesbrough, South and East Cleveland (Dr. Kumar) on securing this debate. Tackling local crime is an important issue for all right hon. and hon. Members and I am glad that he had the opportunity to air his views. I pay tribute to his personal role in bearing down on criminality in his constituency.

My hon. Friend kindly invited me to come to Middlesbrough to see some of these things for myself. I paid a private visit to his constituency as recently as last Saturday; sadly, it was to attend the funeral of a very dear friend of mine, David Boyes. I hope to return in happier times.

I am grateful to my hon. Friend for his forthright and considered assessment of the current position on crime and disorder in Middlesbrough. He attributed considerable credit to the elected mayor and it was encouraging to hear his observation that the residents of Middlesbrough are pleased with the progress that is being made. The local crime and disorder reduction partnership is making a real difference and I am pleased to join my hon. Friend in praising the local police. I was particularly pleased to hear him emphasise the way in which the agencies in the Middlesbrough area are working well together and making the best use of the available resources.

This debate comes at a very opportune time as the crime and disorder reduction partnership in Middlesbrough has undergone a number of changes recently. It is now in a better position to deliver its ambitious target of reducing crime by over 20 per cent. by 2008. Such a target is not an end in itself but, if achieved, will have a considerable impact on the safety and confidence of my hon. Friend's constituents.

I will comment in more detail on the situation in Middlesbrough in a moment, but first, I should like to set the context by saying one or two things about the Government's overall strategy for reducing crime and the progress that we are making.

Although it is true that our constituents remain understandably worried about crime and still perceive it as one of the main issues that the Government need to address, in fact, crime in England and Wales has been falling dramatically over the past decade. Since 1997, overall crime as measured by the British crime survey is down by 35 per cent., with particularly significant reductions in domestic burglary and vehicle crime. According to the BCS, violent crime has reduced by 34 per cent. in the same period.

However, such progress is meaningful only if it is translated from percentages into something practical and real at local level that enables local communities to feel safer and to be more secure. I am very grateful to my hon. Friend for explaining how this strategy applies in a challenging urban area such as Middlesbrough, which experiences a wide range of crime-related problems. I am certainly pleased to hear positive feedback about how crime and disorder is being tackled in Middlesbrough, and how the local community's concerns are being taken fully into account.

As I said at the beginning, this is a good time to talk about crime and disorder in Middlesbrough. This year, the Audit Commission found evidence that fear of crime in Middlesbrough appears to be reducing—a feeling supported by recent significant reductions in vehicle crime and robbery. Acquisitive crime—such crime is often associated with drug misuse, as my hon. Friend said—has also reduced significantly overall, pointing to the success of programmes and initiatives such as the drug interventions programme, which is targeted at drug misusers caught in the criminal justice system, and the prolific and priority offenders programme. The latter is targeted at those who commit a disproportionate amount of crime and disorder in our communities.

This progress was noted during self-assessment of the prolific offenders scheme that was recently conducted in collaboration with the Government office for the north-east. The scheme was particularly strong in areas such as performance management and establishing good practice. The interim evaluation report on the national prolific offenders strategy, which was published just a couple of weeks ago, suggests that the scheme may be having a positive impact on re-offending among this hard core group. I will follow the progress of the Middlesbrough scheme with great interest following this debate. Some other partnerships in the area are also having a positive impact. For example, the Cleveland local criminal justice board is bringing agencies together to ensure, for example, that a larger number of offenders are brought to justice, and that greater community confidence can be built throughout the local area.

Following the 2004 crime and disorder audit in Middlesbrough, extensive consultation took place involving community organisations, businesses and other stakeholders, in order to help set out the local strategy for the period 2005–08. Respondents were asked about their main priorities for the partnership to tackle, and the following five themes were identified as being of greatest concern: antisocial behaviour, misuse of drugs, house burglary, robbery and mugging, and street violence. As a result of this consultation, the Safer Middlesbrough partnership has agreed an ambitious 20.1 per cent. crime reduction target for the period 2005–08. This target includes a reduction in common assault and wounding of 30 per cent. The partnership has been restructured to integrate drug and crime issues fully under a new chair and a new executive. Although the partnership faces a period of change, local people have every reason to be positive about the changes that have been made, which should ensure that the right structures are in place to deliver the area's crime reduction target.

Other welcome developments include the introduction of four problem-solving groups to cover the whole of Middlesbrough, in alignment with the community policing areas. The partnership is also implementing initiatives to address drug and alcohol-related violent crime.

I would also like to commend the partnership agencies in Middlesbrough for their success in tackling antisocial behaviour, using a range of effective tactics, such as antisocial behaviour orders and dispersal orders, to make the streets and neighbourhoods safer. My hon. Friend mentioned and laid great emphasis on the respect agenda, which is being led from the centre and right across government, introducing a range of practical measures to deal with disorder and change the culture so that we can remove fear and enable people to feel safer in their own homes and on their streets. My hon. Friend was quite right to emphasise that it is the poor and the vulnerable who suffer most when people show disrespect in our local communities. Dealing with the problem is very much a matter of social justice.

In support of those improvements, Government investment in Middlesbrough is increasing. During the current year, the Safer Middlesbrough partnership will receive a total of £345,220 from the Home Office element of the safer stronger communities fund. That will be used to help achieve the agreed crime reduction targets as well as local priorities and includes £25,000 specifically to tackle antisocial behaviour.

Greg Clark (Tunbridge Wells) (Con): The Minister rightly makes great play of the importance of reducing drug offending, especially among young people, but does he accept that in order to get young people off drugs, they have to go through a period of rehabilitation? However, there is currently only one place in rehab for every 10 juvenile drug addicts, so will he clarify how he intends to deal with that problem, not just in Middlesbrough but throughout the country more widely?

Paul Goggins: I would be happy to make a few remarks that I intended to make in any event about drug misusers, particularly young people, and how best to deal with them. The best way to get them off drugs is to prevent them from getting into drugs in the first place. That can help enormously and result in fewer victims of crime around the areas where they steal in order to fund their drug habits. Of course, residential rehabilitation can form an important part of a drug programme for a young person, as for an adult, but we need a range of programmes and interventions to make the difference.

The drug interventions programme is now developing well—not just in Middlesbrough but across the country—and I can tell the hon. Gentleman that in June this year, 2,000 drug misusing offenders came into treatment. That is well on the way to our target of getting 1,000 such offenders into treatment every week by 2008. Of course, once we have got people into treatment, we need to keep them in it to ensure that we reap the full impact—a change in their behaviour. Some of the signs are very encouraging. I attended an event earlier this evening and noted that people at the front line of drug services are developing better ways of ensuring that people stay in treatment. That can change their lives and ensure that they resort to fewer crimes in the future.

I and my hon. Friend have spoken positively about what is taking place locally and nationally, but there is no room for complacency at either local or national level and we recognise the disproportionate impact that crimes of violence can have on the confidence and well-being of a victim and in the wider community. That is why we introduced the Violent Crime Reduction Bill to give the police and local communities the powers that they need to tackle guns, knives and alcohol-related violence. There are a range of measures in the Bill with which my hon. Friend will be familiar.

We want to give the police and the courts new powers to tackle violent criminals and ensure that they are effectively punished. We want to crack down on imitation firearms and misuse of air guns. We want to raise to 18 the minimum age at which people can buy a knife. We want to give the police powers to require licensed pubs or clubs to search for weapons on entry, and to empower head teachers to search pupils for knives.

I hope that my hon. Friend will agree that the action that we are taking, the policies that I have described and the figures that I provided earlier all represent a significant achievement. Such achievements are often down to those people who work together at the local level to deliver services that can make a difference.

Perhaps most important is that the risk of being a victim of crime is now a quarter lower than it was in 1997, which means that 3.3 million fewer people are falling victim to crime. That encourages greater confidence in our communities, helping people to feel safer as fewer neighbours, friends and family members experience the trauma of burglary or robbery. We are also getting a firmer grip on antisocial behaviour and a combination of legislation and strong partnership is working to make our streets and communities safer. As my hon. Friend said, we have set up the respect task force to drive that agenda further forward.

We are working with our partners—the police, crime and disorder reduction partnerships, the correctional services and many others—to develop a wide-ranging strategy focused on several areas. First, we want to prevent and deter first-time offending, through interventions that deal with the causes of crime and divert young people in particular away from trouble. Secondly, the prolific and other priority offenders strategy targets those who commit most offences. We have plans to reduce the opportunities for crime, including making cars that are harder to steal, designing houses that are more difficult to burgle, creating environments that are safer, and—crucially—giving greater support to victims and witnesses. So much of what the Government have done in recent years has tried to redress the imbalance in the criminal justice system and make it much more in favour of the victims and witnesses of crime, not those who commit crime.

To complement those plans, we have record numbers not only of police officers, but police support staff, who are trained to carry out specific roles so that police officers can be freed up to protect the public by patrolling the streets where the public want to see them. We now have more than 6,300 community support

[Paul Goggins]

officers in England and Wales and we are on target to have 24,000—as promised in our election manifesto—by 2008. Community support officers and neighbourhood wardens, also mentioned by my hon. Friend, have increased the visibility of the police family by reassuring the community and preventing crime. The introduction of CSOs was one of the main planks of our first round of police reform—a process that we are continuing, in consultation with the police service and its partners.

As I hope this debate has made clear, the Government have placed crime and disorder at the heart of our programme of reform. We are now seeing the results, not least in my hon. Friend's constituency. The Government are committed to building on our reforms and to continue to drive down crime and the fear of crime across our communities, including those represented by my hon. Friend.

Question put and agreed to.

Adjourned accordingly at eight minutes past Eleven o'clock.

House of Commons

Tuesday 8 November 2005

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PRIVATE BUSINESS

COMMITTEE OF SELECTION

Ordered,

That Mr. Patrick McLoughlin be discharged from the Committee of Selection and Mr. John Randall be added to the Committee—[*Mr. Roy.*]

Oral Answers to Questions

TRANSPORT

Overcrowded Trains

1. **Mr. Michael Jack** (Fylde) (Con): What steps he plans to take to reduce train overcrowding in the north-west of England. [25394]

The Secretary of State for Transport (Mr. Alistair Darling): Next year will see the introduction of 51 new trains on the TransPennine Express franchise at a cost of £250 million. Northern Rail has a franchise commitment to review fleet deployment each year to minimise overcrowding. The Department will continue to work closely to secure improvements in services in the light of increasing rail patronage in the north-west.

Mr. Jack: In the light of the Secretary of State's positive answer, may I ask him to add to his shopping list of new capacity the ability for Virgin Cross Country services operating through the north-west to ease their overcrowding, through the use of the six non-operational Midland Mainline Meridian trains? Will he also discuss with Northern Rail the opportunities it may have for a little modest capacity investment in services around Manchester? Will he assure me that an investment appraisal of those projects will be carried out?

Mr. Darling: I am hopeful that a solution will be found to the problem of the trains that are currently not being used. They were originally ordered to serve a different route. As for routes into Manchester and Leeds, some of the new trains introduced by TransPennine Express will increase capacity, especially at peak hours. As the right hon. Gentleman will know, two or three weeks ago I announced changes in franchises, which will mostly affect Midland and Central train services but will also affect the Virgin Cross Country service.

We want to ensure that we can increase capacity when that is necessary. The review of the Northern Rail franchise, which we said would be carried out two years into the franchise, should prove helpful. It is encouraging that more and more people are using the trains now that we have put some of the difficulties of the past few years behind us.

Mr. Lindsay Hoyle (Chorley) (Lab): My right hon. Friend is right to point out that the number of people using public transport is increasing in the north-west, but there is a problem. What can my right hon. Friend do to alleviate the difficulties on the line between Blackpool and Manchester Victoria and Manchester Piccadilly? It is dangerous because the trains are always so overcrowded, and that is not acceptable. Either there should be more trains, or the trains should be longer.

Mr. Darling: As I said a moment ago, improvements are planned for the train service in the north-west generally, but I am aware of some of the difficulties affecting trains to Manchester Piccadilly. I visited the station recently, and I know that the problem of access to two platforms in particular has existed for some time. I hope that Network Rail and the train operating companies can sort something out, because if we can encourage people to use trains rather than cars, that must benefit everyone in the north-west.

Peter Viggers (Gosport) (Con): One of the causes of train overcrowding in the north-west, as in the rest of the country, is the problem with leaves on the line. It may sound amusing, but it causes delays costing Network Rail millions of pounds. Will the Secretary of State encourage Network Rail to proceed with its experiments involving a company in my constituency, Laserthor? I have given him notice of this question.

Mr. Darling: The hon. Gentleman is right. Leaves on the line may be a subject for mirth in the newspapers, but three years ago there was a series of bad delays because of a sudden leaf fall. I am bound to say that the train companies were not terribly well prepared, and the delays lasted for a week to 10 days. Since then Network Rail has removed undergrowth from near the lines, and there has been much more investment in equipment to clear them, including laser jets. That has reduced the delays caused by leaves on the line.

It is encouraging to note that because a number of measures have been taken, trains are much more reliable than they were, particularly in the autumn, when leaf fall causes delays. I hope that the trains are equally prepared for the coming winter, whatever it happens to bring.

Jim Dobbin (Heywood and Middleton) (Lab/Co-op): About 20 million passengers are trying to use transport infrastructure in the Greater Manchester system that does not have the necessary capacity. The north-west rail campaign is highlighting the congestion around the Manchester hub. There may well be a short-term and a long-term solution, and I should be interested to hear how the Secretary of State intends to improve the situation in both the short and the long term.

Mr. Darling: I have already listed some of the short-term improvements that will be made, and, as I have said, some of the new trains that will be introduced under the TransPennine Express franchise will provide additional peak-time capacity on the route to Manchester. As for the longer term, my hon. Friend knows that I was in Manchester a couple of weeks ago. On that occasion I had some useful discussions with the passenger transport executive about what we could do to improve transport in Manchester generally. That will include improvements in bus services, light rail and heavy rail, as well as road improvements.

If Greater Manchester is to continue to be one of the top 50 cities in which people choose to invest across Europe, we must have a transport system that backs it up. That applies to other areas as well. We have suffered from decades of under-investment in transport, and the consequences are there for all to see. Over the past few years, we have doubled transport spending. Now we need to ensure that that level of spending is maintained and not cut, so that we can establish a transport infrastructure that helps people to travel around Greater Manchester and other areas.

Tom Brake (Carshalton and Wallington) (LD): In recent months, the Secretary of State has referred frequently to fast rail and to double-decker trains, which could play a part in reducing train overcrowding in the north-west. Can he confirm how the Chancellor will fund these proposals, how much funding is available, and whether—as the man widely touted to be the Chancellor's successor—his heart will really be in arguing for this investment?

Mr. Darling: Let me deal with the more serious of those points. *[Interruption.]* The hon. Gentleman is a Liberal Democrat, so I have to give him credence for having one serious point. Transport spending has doubled in the past few years and as the hon. Gentleman will know, the Government set out such spending for the next 10 years, which shows transport's continuing rising profile. Indeed, we are spending more on transport than the Liberal Democrats promised to do during the last election. We will continue to put that money into the railways, into roads where doing so is necessary, and into other forms of public transport.

The hon. Gentleman will also be aware that the Chancellor and I asked Rod Eddington to carry out a study into this country's long-term transport and major infrastructure needs. That work is well under way and the study will be available next year. The hon. Gentleman has asked to meet Rod Eddington, and I am sure that he will accommodate that. It is important and in the country's best interests to get cross-party consensus on our continuing to invest in transport. There is no way that we can compete with the likes of China and the far east if we do not have a transport system that enables people to travel not just in this country, but abroad, and which enables us to import and export goods. It is vital that we maintain such investment.

Railway Station (Kenilworth)

2. **Jeremy Wright** (Rugby and Kenilworth) (Con): If he will take steps to encourage the building of a new railway station in Kenilworth. [25395]

The Parliamentary Under-Secretary of State for Transport (Derek Twigg): Proposals for new or reopened stations are primarily matters for Network Rail. Any submitted business case for a new station at Kenilworth would be given due consideration based on its merits.

Jeremy Wright: I am grateful to the Minister for that reply, but does he accept that a traffic-congested town such as Kenilworth, which has 23,000 residents, ought to have a station? If he does receive a properly argued business case, will he join me in asking the Government to give their full support to that project, which would provide a huge transport benefit to the people of Kenilworth?

Derek Twigg: As the hon. Gentleman made clear, we have yet to receive such a business case. When we do, we will consider it in the light of value for money and of the various benefits that it might offer.

Railway Stations (Disabled Access)

3. **Greg Clark** (Tunbridge Wells) (Con): When he expects all railway stations to be compliant with the Disability Discrimination Act 1995. [25396]

The Minister of State, Department for Transport (Dr. Stephen Ladyman): Under part 3 of the Disability Discrimination Act 1995, station operators are required to take reasonable steps to ensure that disabled people do not find it impossible or unreasonably difficult to access their services. We will publish a strategy for rail accessibility, including the initial allocation of Access for All funding, shortly. Access for All will deliver £370 million-worth of access improvements over the next 10 years.

Greg Clark: Is the Minister aware that Access for All funding will fund an improvement of only 5 per cent. in step-free access to stations, taking the level of such access from 50 per cent. to 55 per cent.? That means that by 2015, nearly half of all stations will still be inaccessible to disabled people. Does he stand by the pledge in the Department for Transport's public service agreement to make all stations accessible for disabled people by 2020, or is it a piece of spin to mislead them?

Dr. Ladyman: We intend to do everything possible to make all railway stations accessible for disabled people, but it is not an easy task. Many of our railway stations are very old—many are originally Victorian—and it is a very expensive process. There are also heritage issues to be considered in how we deliver that process, but £370 million is a considerable sum and it will take us a long way towards that objective.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): Will my hon. Friend consider asking the train operating companies to ensure that there are enough staff to help such people on stations? We are going to have to wait a long time for the physical changes, but the presence and usefulness of lots of staff can transform the situation for those travelling.

Dr. Ladyman: I entirely agree with my hon. Friend. It is important that we have sufficient staff available to help disabled people and they must be properly trained in how to do so. I will certainly ensure that the train operating companies receive that message.

Anne Main (St. Albans) (Con): Given the importance of providing disabled people with greater access to public transport and given the announcement in the 2005 Budget of a free travel pass for buses in 2006, how many buses does the Minister think will be compliant with the disability regulations to allow disabled people access to get on them by that year?

Dr. Ladyman: I do not have the figure to hand, but I will happily write to the hon. Lady to provide her with the current estimate. I entirely agree that as many buses as possible should be compliant with the Disability Discrimination Act and huge investment is going into the bus as well as the train network.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): Is my hon. Friend aware that when the 1995 Act was being piloted through the House by the right hon. Member for Richmond, Yorks (Mr. Hague), acting for the Government of the day, the railway industry was comprehensively consulted on this matter? To be honest, most of us expected somewhat more progress after 10 years. My hon. Friend the Member for Aberdeen, South (Miss Begg) recently gave the House an example of disabled people having to travel in the guard's van. I am sure that my hon. Friend understands the urgency of this matter and will do his utmost to ensure the transformation that disabled people are entitled to expect.

Dr. Ladyman: I certainly agree with my right hon. Friend's sentiments. He has had a long and distinguished career in fighting for the rights of disabled people and, indeed, in ensuring that the Disability Discrimination Act was passed. I would ask him to be a little patient for the publication of our strategy. It should not be delayed too long now and I believe that it will provide him with a clear indication of how seriously we take this issue and how quickly we want to see progress on it.

Mr. Roger Williams (Brecon and Radnorshire) (LD): Railway stations such as the one at Abergavenny, which my constituents use, are unmanned late at night, so there is no one on the station to help disabled people across the line. It has been the practice that attendants on the trains carry out that service, but when a train is running late and the train operators are liable to a penalty on that account, it is sometimes not provided. In those circumstances, will the Minister ensure that train operators always provide that service?

Dr. Ladyman: I will certainly ensure that that problem at the hon. Gentleman's local station is looked into. I share the hon. Gentleman's concerns—it is unacceptable if disabled people are left in such circumstances.

Night Flight Restrictions

4. **Barbara Follett** (Stevenage) (Lab): If he will extend the 1999 air traffic night restrictions imposed at Heathrow, Gatwick and Stansted to other airports with increasing night time air traffic. [25397]

The Parliamentary Under-Secretary of State for Transport (Ms Karen Buck): We indicated in "The Future of Air Transport" White Paper that we would consider exercising powers similar to those used to regulate noise at Heathrow, Gatwick and Stansted at other airports, if there were evidence that a major noise problem was not being dealt with adequately through local controls. However, the Government's preference remains that local solutions should be devised for local problems, wherever possible.

Barbara Follett: I thank my hon. Friend for that response. Luton airport is now handling more night flights than Heathrow, however, and the noise levels are becoming excessive. Stevenage residents would like the Minister to implement one of the World Health Organisation's guidelines on noise by setting up a mapping and monitoring exercise to establish whether noise levels in the Luton airport area are, as they fear, excessive.

Ms Buck: There are a number of points to consider.

On the matter of designation, we have made it clear that it remains an option, but it is not a power that is triggered by numbers. Indeed, we have said that designation is available as a power if we agree that airport operators are consistently failing to deal with problems in the local area. We accept the World Health Organisation's guidelines as a long-term target to which to aspire. That is why we have adopted a multi-pronged approach with airport operators to bear down on noise by encouraging quieter aircraft, using noise contours and by encouraging improvements in operational management such as noise preferential routes and continuous descent approach. In the Civil Aviation Bill, we have clarified the powers for fining airlines if they deviate from such strategies.

Mr. Edward Garnier (Harborough) (Con): The Minister could probably write my question herself, thanks to my interest—no doubt tedious to the Department—in the activities of Nottingham East Midlands airport. That airport is located entirely in Leicestershire, yet is wholly owned by 10 local authorities in Manchester.

The Minister kindly held a meeting recently with me and my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), at which we discussed noise caused by night flights. Nottingham East Midlands airport has more night flights than Luton airport. The Minister talked about local decision making, but what does she mean by "local"? What does she want the airport to do to make the lives of my constituents in south-east Leicestershire, and those of my hon. Friend the Member for Rutland and Melton (Mr. Duncan), almost tolerable?

Ms Buck: We want airline operators to bear down on noise, using the powers available to them at present and the ones that we are clarifying and strengthening in the Civil Aviation Bill. Also, complaints made by constituents must be dealt with properly, as I explained when I met the hon. and learned Gentleman and the right hon. and learned Member for Rushcliffe (Mr. Clarke). I have also discussed those matters with the Manchester Airport Group, and I have made it clear that we will monitor the problem closely and ensure that service delivery is improved.

Mr. Andy Reed (Loughborough) (Lab/Co-op): My hon. Friend the Minister is right to ensure that local decisions affect the final determination in respect of designation. The White Paper and the Civil Aviation Bill say that stringent noise controls will be imposed, but how does the Department define the word "stringent"? Is there a chance that my hon. Friend can answer that today?

Ms Buck: Noise controls vary because every airport is different, and that is why we have said that most airports must encourage local responses. Airports must profile their local noise contours and encourage reduced noise levels. The various methods by which they can do that include using quieter aircraft and implementing better operational management procedures. Also, charges and penalties can be imposed on airlines that deviate from that strategy.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): Can the Minister justify allowing the Luton local authority to regulate night flights at Luton airport, given that it owns the airport's freehold and gets a bonus for every flight in and out? The noise difficulties, however, are suffered by my constituents in Hitchin and Harpenden and by the constituents of the hon. Member for Stevenage (Barbara Follett). Surely Luton cannot claim to be a London airport when it is regulated in a different way from all London's other airports.

Ms Buck: We have made the matter absolutely clear. It is not simply a question of the number of flights, but whether airports are failing to implement the measures available to them. We have no reason to believe that that is happening. Luton airport has published its master plan and, when a planning application is submitted, it will be for the planning authority to determine whether it wishes to impose controls on the numbers of flights. The measures available to local authorities, and the powers that are clarified and strengthened in the Civil Aviation Bill—

Mr. Alan Duncan (Rutland and Melton) (Con): Strengthened?

Ms Buck: The powers are clarified and strengthened by the Bill, and will be sufficient to ensure that airports continue to bear down on noise. It is worth remembering that the area affected by noise as set out in Luton airport's policy in respect of jets flying at night has remained consistent since 1994.

David Taylor (North-West Leicestershire) (Lab/Co-op): The noise problems at East Midlands airport are not at their most acute in Harborough in south-east Leicestershire or in Melton in north-east Leicestershire, but there are serious problems in south Derbyshire and Rushcliffe—that is, around the airport itself. What weight will the Minister give to the master plan regime emerging at East Midlands airport and elsewhere? Some of the plan's targets have been set by the airports themselves, as happened with Luton, so will she discount them? After all, we do not ask tobacconists to suggest ways to reduce cigarette consumption, or brewers to do the same with alcohol, do we?

Ms Buck: No, we do not, but we are bound, both nationally and internationally, to have a balanced policy. We must ensure that the economic benefits of aviation are balanced against the undoubted environmental impact. We have not received the master plan yet but, when we do, we shall appraise it carefully. The powers available to us include those that I have discussed with the hon. and learned Member for Harborough (Mr. Garnier). If we come to be satisfied—and we are not at that point yet with Luton—that an airport has consistently failed to deal with the problem of noise caused by night flights, we can resort to the power of designation.

Mr. Duncan: The problem is that the supposed night flight restrictions at designated airports such as Heathrow are about to be rendered meaningless. If the Government get their way on the Civil Aviation Bill, now in the other place, the limit on the number of flights will be replaced by noise quotas, which are a vague and inaccurate measure of disturbance. There will no longer be an effective night flight regime that could be extended to other airports—even if the Minister were to choose to do so. Will the Minister and the Secretary of State now reconsider their policy of removing the requirement to set a numerical limit on flights at night?

Ms Buck: I do not agree. The whole point of the proposal in the Civil Aviation Bill is to provide an incentive for the airport operators and airlines to continue to bear down on the level of noise. Those powers are available, but it is not necessarily the case—as clearly stated in the Bill—that they will be used. The Bill allows the Secretary of State—after 2012 at the end of the current night noise consultation period—to choose to make that change if he so wishes. If he does not wish to and feels that it would in any way lead to a diminution in the powers available to him, he does not have to do so.

Mr. Duncan: Essentially, in non-designated airports, there is no restriction on the growth of flights at night. The legislation being considered at the moment permits an airport to charge for noise and emissions, but there is no limit on the number of or growth in night flights. Does the Minister have any appreciation whatever of the anger and frustration people feel about the disturbance caused by that policy?

The Government are re-routeing flights over rural areas, where noise at night is much more disturbing. They refuse to establish a reasonable regime for limiting flights at night. They decline to establish a process that could simply give us the facts about who is flying where, and they pretend that noise quotas will solve the problem. The Government's aviation policy is a complete and utter shambles. When will they listen to the concerns of people—

Mr. Speaker: Order. That is far too long—

Mr. Duncan:— who only want to get a good night's sleep?

Mr. Speaker: Order.

Ms Buck: I completely understand, and have said so on several occasions, that people who live near airports often suffer from a detrimental impact as a consequence of noise. However, as I said earlier, it is a question of a balanced approach. The whole country benefits from the £10 billion contributed by aviation and the 200,000-plus jobs that are dependent on it. We have a duty to balance that economic benefit with what we can do to ensure that the undisputed environmental impact, including noise, is ameliorated.

Rail Services (Northampton)

5. **Ms Sally Keeble** (Northampton, North) (Lab): What plans he has to improve train services to Northampton. [25398]

The Parliamentary Under-Secretary of State for Transport (Derek Twigg): New air-conditioned trains have been progressively introduced since June 2005 onto the west coast, serving Northampton from both London and Birmingham. Furthermore, there will be an upgraded London to Northampton timetable from December 2005 and other improvements in June 2006. The Department is working with Network Rail, the train operating companies and stakeholders to pursue further improvements from 2008.

Ms Keeble: I welcome the improvements that have been made to the service to Northampton. However, can my hon. Friend say when the Government will invest in the upgrading of the Northampton line so that we can have faster services to Birmingham? In particular, what will the Government do to support the bids for funding for improvements to Northampton station, which will have to serve a much larger town as we grow as part of the growth plans for the region?

Derek Twigg: As my hon. Friend may be aware, the timetable change in December is expected to replace two of the slower trains with faster ones. Northampton, like many of the areas through which the west coast main line passes, has benefited from the billions of pounds that have been invested by the Government. It is important that we bear in mind the fact that the upgrading and enlargement of Rugby station will lead to improvements when completed in 2008. As she knows, I recently had a productive meeting with her and members of the Northampton rail group to hear the plans for an inter-modal interchange at Northampton station to provide better linkage between buses and trains. I am waiting for the full proposals to be put forward.

Mr. Brian Binley (Northampton, South) (Con): I was delighted to hear the Secretary of State say that he would continue to put money into railways where necessary. May I remind him of the sustainable communities project in which Northampton plays a major part and of the fact that the population there is about to increase by more than 50 per cent. to 100,000? It is our view that the plans put forward in that programme are not sustainable, so will the Minister give us more hope in Northampton that we will have a railway service that serves those people?

Derek Twigg: The hon. Gentleman makes an important point in terms of investment: £87 million a week is going into the railways, with the biggest ever improvement in rolling stock and refurbishment of rolling stock in recent history. We have the fastest growing railway in Europe, with more than 1 billion passenger journeys last year. As I have just made clear to my hon. Friend the Member for Northampton, North (Ms Keeble), we are waiting for details of the plans for improvements at and around Northampton station. There have already been improvements to the London service, and the enlargement of Rugby station will have major benefits not only for Northampton but for the wider west coast.

Transport Funding

6. **Colin Challen** (Morley and Rothwell) (Lab): If he will set a date for the ending of the per capita difference in funding for transport between London and the regions. [25399]

The Secretary of State for Transport (Mr. Alistair Darling): No, a range of factors, not just resident population, helps to determine how transport funding is distributed.

Colin Challen: The Government are to be congratulated on nearly doubling their transport budget over the last five years, which is reflected in Yorkshire and Humber where five years ago the Government were spending about £150 million and are now spending more than £350 million. But even with those great improvements, only £1 per head is spent on us compared to London's £3 per head. Despite the regrettable decision of my right hon. Friend's Department not to go ahead with the Leeds supertram, will he reconsider his answer and look at how our needs can be addressed more seriously and with a lot more resource?

Mr. Darling: I understand my hon. Friend's point; he also makes the reasonable point that the Government have doubled transport spending over the last few years and that the Leeds area has seen that improvement, too. Transport spending will never be the same per head in every part of the country, because transport projects in different parts of the country do not all take place at the same time—especially the major ones—so from year to year more may be spent in one region than another.

The amount of money spent outside London is broadly similar. Successive Governments have recognised the fact that due to London's importance to the whole UK economy—including the fact that London has an underground and no other transport authority has anything like that—spending in London is always likely to be higher than elsewhere.

I understand my hon. Friend's disappointment about the Leeds supertram. The problem was that the building costs had gone up by about 40 per cent., but I have said that I want to work closely with Leeds to improve transport, in particular to see whether we can build a modern, up-to-date, rapid bus system such as those in other parts of Europe. We are committed to increasing spending outside London, but there will always be disparities from time to time both between regions and between London and the rest of the country.

Mr. John Redwood (Wokingham) (Con): Would the Secretary of State consider squaring the circle of inadequate capacity and inadequate funding outside London by bringing forward proposals for the private sector to raise money and build toll highways along the lines of the northern Birmingham relief road, which has been a success?

Mr. Darling: I agree: the Birmingham relief road has been a great success. It has taken traffic off the M6 and allowed for faster journeys, and shows that if people are getting a better service, which is an important point, they are prepared to pay for it. I have absolutely no objection whatever to the private sector bringing money into transport. Indeed, we currently spend £87 million a week on the railways and a similar amount of money comes from the private sector, so I have no difficulty whatever with that, on the simple grounds that two sources of money coming into the transport system must be better than one.

Mr. Paul Truswell (Pudsey) (Lab): Further to the rejection of the Leeds supertram proposals and the Department's preference for a bus solution, will my right hon. Friend look again at the process for introducing quality bus contracts in the region? Will he also look at the role that rail could play in meeting some of the transport challenges that face Leeds?

Mr. Darling: Yes; there is a general point that affects not just Leeds but other conurbations, such as Greater Manchester and so on. What I have said is that, if local authorities or groups of local authorities are prepared to propose a comprehensive system for managing traffic, which may well include road pricing—I have told the House before that I want to test it in one area of the country and possibly in some smaller-scale schemes elsewhere as well—I am prepared in turn to amend the legislation to allow greater control of bus services where that happens.

I will not go back to the regulation that we had in the 1980s because that would be the wrong thing to do, and there are many examples of where the present bus service works perfectly well. However, if there is an area where we can bring together demand management and improve public transport, it is necessary to have greater control over the bus services than we have at present. I want to make it clear that there will be no return to the regulation of the 1980s—that would be the wrong thing to do—but in the specific case where an area has a comprehensive plan, I am prepared to consider it. I have told Leeds, Greater Manchester and councillors in the west midlands that, if they make such proposals, I shall look at them very carefully indeed.

Sir Nicholas Winterton (Macclesfield) (Con): Does the Secretary of State agree that road maintenance is part of transport? Does he accept that, in many rural and county areas, the road authority—the county council—is finding it very difficult to maintain to an acceptable standard minor roads, which are increasingly used by traffic and ever heavier commercial vehicles? Should that not be taken into account in the allocation of transport funding, given the problems faced particularly by rural areas in counties throughout the country?

Mr. Darling: I agree with the hon. Gentleman. Road maintenance is absolutely essential. The problem is that many councils tend to consider it as a soft option for cuts if they want to spend money elsewhere, quite simply because it takes some years before that neglect becomes apparent. Unfortunately, despite the fact that we have dramatically increased the amount of money given to local authorities over the past seven or eight years, many authorities have not been spending the money where they ought to spend it. I do not know whether the hon. Gentleman has in mind his own county council, but perhaps he and other hon. Members who have this problem should have a word with their councils and ask them why they are not spending the money that the Government are giving them on road maintenance. It is a false economy to cut road maintenance; sooner or later, it results in major expenditure. Most people tend to judge transport by the state of their local transport and local roads, which is why it is important to get it right.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): Will the Secretary of State consider making available extra funding so that all local authorities can take part in operations, such as the one that we saw today in the west midlands, to crack down on uninsured drivers?

Mr. Darling: We intend to extend the programme whereby people who drive without insurance can be identified instantly and their cars will be taken from them unless they insure them. I was in Birmingham this morning and saw the start of that programme. It is worth bearing in mind that, in the past two months when the West Midlands police force were piloting the programme, nearly 3,000 people whom they stopped were found not to have insurance. A lot of those people did not have MOTs or licences. I saw a case this morning where other criminal activity was discovered, so it is an extremely useful exercise. Modern technology makes it possible to carry out such checking instantly. The message to people who have been driving in the past without insurance is that the chances are that it will be much easier to catch them in the future, and the police now have the power to crush or sell cars that are not claimed or insured within two weeks. That ought to concentrate the mind wonderfully.

Cross-London Rail Route

7. **Simon Hughes** (North Southwark and Bermondsey) (LD): If he will assess the merits of an alternative north-south cross-London rail route to the proposed Thameslink route through London Bridge station. [25400]

The Secretary of State for Transport (Mr. Alistair Darling): Alternative north-south cross-London rail routes have been considered at the Thameslink project public inquiry, which opened on 6 September and is expected to end in December. The inspector will subsequently write his report, which is likely be submitted to me and the Deputy Prime Minister next year.

Simon Hughes: The Secretary of State may know that I and many other local people gave evidence against the scheme at the inquiry. When the report reaches him, will he try to ensure that we get a north-south rail scheme across London that is not out of date, as the current one will be by the time it is completed, and that does not run out of capacity, as the current one will by the time it opens? An alternative scheme could be realised due to the change of plans for Waterloo, given that the cross-channel rail link will go elsewhere. Will he look at a scheme that either goes by Elephant and Castle and Herne Hill, or tunnels under the river, to provide the capacity that the whole rail network needs?

Mr. Alan Duncan (Rutland and Melton) (Con): Too long.

Mr. Darling: I was aware that the hon. Member for North Southwark and Bermondsey (Simon Hughes) had given evidence to the inquiry—he appears to be repeating it today for the benefit of us all.

Mr. Speaker: Order. I will decide when a question is long. I assure the hon. Member for Rutland and Melton (Mr. Duncan) that that question was not as long as a supplementary that he asked.

Mr. Darling: Perhaps I can say two things. Until we get the inspector's report, I obviously cannot pass any judgment on it. However, I say to the hon. Member for North Southwark and Bermondsey and the House that the project that is known as Thameslink 2000—we all know that the name is a bit of a joke—should have been completed five years ago. It fell at the last planning inquiry because it became so complicated that it eventually failed not on railway grounds, but due to the planning proposals on buildings that the then Railtrack submitted. Whatever the inspectorate comes up with, I hope that we will be able to do something quickly because a north-south link is badly needed by London and people who live to the north and south of London.

Martin Linton (Battersea) (Lab): Will my right hon. Friend also look at a London orbital network that could join the north, south, east and west London lines and enable commuters to avoid the centre of London, unlike Thameslink?

Mr. Darling: I am always willing to look at proposals, but I would not want to raise false hopes. People know that although funding for transport has expanded over many years, it is none the less constrained. I cannot promise my hon. Friend that I can fund that specific project, but if he will let me see it, I shall, of course, look at it.

Mr. John Hayes (South Holland and The Deepings) (Con): Cross-London rail travel is critical, yet the Government's record, as you know, Mr. Speaker, is appalling. Dozens of projects have been cancelled or postponed, and many commuter services into London, on the Government's own figures, are at 105 per cent. capacity during the rush hour. The Government's prevarication over Crossrail is not helpful to that cause. I wrote to the Secretary of State on 27 October about this timidity, but I have not heard back from him. Of course he should assess the prospects for alternative north-south routes across London, but will he now tell the House in clear terms whether the Government are committed to the east-west route across London—namely Crossrail? Will he give the House a clear timetable and properly costed business plan for that? If he does not, we will know that the Government do not really support Crossrail.

Mr. Darling: If I were the hon. Gentleman, I would hesitate before being quite so critical of our record on Crossrail because many of us who were in the House during the 1990s will recall that the then Government's attempts to build Crossrail ran into the ground, partly because their plans were not very well thought out and partly because they ran us into one of the deepest recessions of the past century, which meant that the whole economic case collapsed.

Our commitment to Crossrail is demonstrated by the fact that we persuaded the House in July to give the Crossrail Bill a Second Reading. That is pretty clear evidence of our intent to build the railway. On the timetable, as I have said on many occasions, much will depend on the progress made through the House.

Mr. Hayes: Where is the Committee?

Mr. Darling: I think that the usual channels on both sides of the House are currently trying to conscript hon. Members to serve on the Committee. In years to come, I am sure that they will look back at what a splendid opportunity that was to demonstrate their parliamentary skills and contribute something to Britain and London's infrastructure.

Overcrowded Trains

8. **Julie Morgan** (Cardiff, North) (Lab): If he will make a statement on levels of overcrowding on rail services from England to Wales. [25401]

The Parliamentary Under-Secretary of State for Transport (Derek Twigg): I am not aware of a general pattern of overcrowding on these services, although there will inevitably be occasions when, for any one of a variety of reasons, demand may outstrip the number of seats available.

Julie Morgan: I thank the Minister for his reply. Will he look into restrictions on people standing on trains and the health and safety implications of overcrowding, especially on Arriva trains from Manchester to Cardiff, so that my constituent, Rev. Thorn, does not have another experience such as that which he had when travelling from Manchester to Cardiff on a two-carriage train that was very overcrowded?

Derek Twigg: Obviously, I understand people's concern about crowded trains, but health and safety officials keep the policy under the review and at present they see no need to introduce new legislation to deal with the issue. There are many options available to help deal with overcrowding, such as better timetabling, ensuring that maintenance is completed properly and on time and, where possible, the provision of extra rolling stock.

Adam Price (Carmarthen, East and Dinefwr) (PC): Alongside short-term measures to reduce overcrowding, will the long-term investment review to which the Secretary of State referred consider measures to improve future services between Wales and England?

Derek Twigg: I believe that the hon. Gentleman is referring to the high-level export specification. Of course, we are looking at future capacity and affordability. It is important to reiterate that we spend £87 million a week on the railways. We have the fastest-growing railway system in Europe, and 1 billion passenger journeys were made last year. There is record investment in new rolling stock and the refurbishment of rolling stock.

Andrew Miller (Ellesmere Port and Neston) (Lab): May I draw my hon. Friend's attention to the work undertaken by Merseytravel on the Bidston to Wrexham line that crosses from England to Wales through my constituency? If that work is completed it will have a radical impact on our overcrowded roads and bring many more passengers to the railway, so it could be a hugely beneficial project for the entire travel-to-work area.

Derek Twigg: We are willing to look at the merits of any business case that my hon. Friend wishes to make. We are happy to consider affordable opportunities and options, but there are other priorities on the railway that we must take into account.

Transport Infrastructure

9. **Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): What assessment he has made of the economic impact of investing in transport infrastructure. [25402]

The Minister of State, Department for Transport (Dr. Stephen Ladyman): Transport makes a significant contribution to the effectiveness and growth of a healthy economy. Well-targeted investment in infrastructure plays a key part, but we also need to make the most of existing capacity and take proper account of the needs of the environment. The Chancellor and the Secretary of State for Transport have asked Sir Rod Eddington to work with the Department for Transport and HM Treasury to advise on the long-term impact of transport decisions on the UK's productivity, stability and growth.

Mr. Crabb: I agree that there is a link between economic performance and investment in transport infrastructure, but is the Minister not concerned that only last month the Institution of Civil Engineers, in its assessment of UK infrastructure, said that there has been little if any improvement in the state of the nation's transport systems since the quiet demise of the 10-year transport plan? It said that

> "the failure to commit financially to major projects . . . does not bode well for the future of the nation."

Can the Minister reassure the House and stakeholders such as the ICE that progress has been made and that investment is delivering genuine results?

Dr. Ladyman: With the greatest respect to the ICE, it is entirely wrong, as we are spending about £260 million a week on our transport infrastructure. However, I agree that we had a long way to travel after 18 years of Conservative under-investment in our transport infrastructure. There are a lot of holes to fill, and a great deal of money has been spent catching up, but major improvements have been made, and they can be seen all round the country.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): I am sure that my hon. Friend understands that there is support for "The Northern Way", but to turn that concept into reality we need excellent communications between the major urban centres in the north. Does he therefore accept that we should revisit the need for plans for significant investment in rail infrastructure between Sheffield and London, Sheffield and Leeds, and Sheffield and Manchester? Such investment is badly needed if we are to make "The Northern Way" a success.

Dr. Ladyman: "The Northern Way" is an important initiative that will help us to plan the changes needed to maximise the economic benefit of transport infrastructure in the north. I have noted the schemes mentioned by my hon. Friend, and I am sure that my colleagues who deal with these matters will take them on board. I can confirm, however, that the principle that he espoused is entirely accurate: without good infrastructure in the north there will not be a good, strong economy there.

Mr. Julian Brazier (Canterbury) (Con): In deciding where to focus investment in the transport infrastructure, does the Minister believe that investment in the road and rail networks that link our cities, airports and seaports should be used as a tool to encourage economic growth in underdeveloped regions, or does he think it a case of predict, provide and, when there is some money in the kitty, spend? Is there a planned limit to the bulldozing in the north and the concreting of the south?

Dr. Ladyman: "The concreting of the south" is one of those concepts much beloved of Conservative Members, who seem to forget that those of us who represent constituencies in the south have constituents who find it difficult to buy houses because of the growth in prices or to maintain their businesses because important investment is needed. Equally, we have a duty to make sure that the economies of the north grow, which is why we are making massive investments not only in the north, where it is appropriate, but in the south.

DUCHY OF LANCASTER

The Chancellor of the Duchy of Lancaster was asked—

Public Services

21. **Andrew Mackinlay** (Thurrock) (Lab): If he will make a statement on his work on delivery and reform of public services. [25386]

The Parliamentary Under-Secretary of State for the Cabinet Office (Mr. Jim Murphy): Significant progress has been made in delivering high-quality public services throughout the UK. Record levels of investment in public services have been crucial, but the drive to reform services so that they are more responsive to customers' needs is increasingly important.

Andrew Mackinlay: Has the junior Minister noticed that the post of Chancellor of the Duchy of Lancaster has been vacant for more than a week, which is a cause for concern because either a lot of work is piling up or there is not enough work to do? I have not relaxed and have carried my mobile phone around with me all week in the hope that I might get the call. In the spirit of "gissa job", will the junior Minister indicate to my right hon. Friend the Prime Minister that, if I am invited to take up the post, my first counsel on co-ordinating delivery and reform in our public services will be that restoring direct grant schools, which we abolished, and dismantling primary care trusts, which we created, are not sensible reforms and will not be conducive to our radical programme in England?

Mr. Murphy: My hon. Friend failed the job interview with his second question. If he were successful, however, he would liven up Cabinet meetings—not that they need livening up, given recent comment in the press.

We will continue with our reforms to ensure that public services are increasingly personal. Such public service reforms have cut waiting lists in my hon. Friend's constituency, reduced crime and decreased unemployment by almost 18 per cent. We must ensure that those reforms are delivered to an increasing number of people throughout the country, regardless of their socio-economic background. On public service delivery, we want to ensure that the choices and rights that we, as Members of Parliament, take for granted are available not only to the well-off, but to all of our constituents.

Chris Grayling (Epsom and Ewell) (Con): It is a huge vote of no confidence in the Cabinet Office if the Prime Minister does not think it important to replace the Chancellor of the Duchy of Lancaster. I can only assume that he thinks it more important to have teams of special advisers working in the Cabinet Office than to appoint a Minister to get involved in their work.

Will the Under-Secretary tell me what progress is being made on realising the savings set out in the Gershon review?

Mr. Murphy: The savings in the Gershon review are continuing apace throughout government. The Government are committed to stripping down the cost of national and local government to ensure that as much investment as possible goes into the delivery of services rather than back-office supply. The transformation in government strategy was launched last Thursday, so it did not attract as much publicity as might reasonably have been expected. Information technology is crucial to delivering the modernisation of government and making the appropriate savings throughout government.

Andrew Miller (Ellesmere Port and Neston) (Lab): The day that my right hon. Friend the Member for Barrow and Furness (Mr. Hutton), the Secretary of State for Work and Pensions, slipped out of the Cabinet Office, he published an important document on transforming e-government. Can we be assured that the principles espoused in the foreword by the Prime Minister, which is an extremely important document that everyone should read, will be delivered by every single Department?

Mr. Murphy: My hon. Friend is absolutely correct. He chairs the all-party group on information technology and takes a keen interest in the subject, as do many Members on both sides of the House. The vision that underpins the strategy— extending choice to all throughout the country, having shared services in local government and national Government, and, crucially, ensuring that public servants have IT professionalism—will be seen through. An estimated 50,000 IT professionals work in public services, but too often in the past they have had a series of jobs and no clear career path. The IT strategy published last week aims to bring that anomaly to an end.

Mr. David Heath (Somerton and Frome) (LD): It seems that the Duchy of Lancaster is managing all right without a Chancellor.

Can the Under-Secretary confirm that the Prime Minister has moved from his Department a senior civil servant—the architect of the rather unpalatable views that he has espoused on incapacity benefit—to work alongside, in some indeterminate role, the former Chancellor of the Duchy of Lancaster in the Department for Work and Pensions? Is it a new policy for the Government to have somebody working in each Department to second guess its civil servants, to bamboozle the Under-Secretary's hon. Friends, and to ensure that Ministers toe the Downing street line?

Mr. Murphy: I do not know the details of what the hon. Gentleman is suggesting. The Liberal Democrats are again asking about welfare reform in the context of an individual civil servant's movements across Departments. The hon. Gentleman can ask the Department for Work and Pensions about that directly. However, there is a much wider issue here. Too many people are languishing on benefits and are denied the opportunity to get off them and into meaningful employment. We are not a dole party—we do not want there to be an aspiration of allowing people throughout generations to survive on benefit. There is a need for radical reform to support those who genuinely cannot work as well as those who want the opportunity to go out to work, thereby enlivening their lives, contributing to their family's lives, and paying taxes rather than just taking benefits. The Government will persevere with that determination despite the Liberals' opposition to that and every other meaningful reform.

Civil Service Bill

22. **Dr. Tony Wright** (Cannock Chase) (Lab): When he expects to bring forward a civil service Bill. [25387]

The Parliamentary Under-Secretary of State for the Cabinet Office (Mr. Jim Murphy): As the former Chancellor of the Duchy of Lancaster, my right hon. Friend the Member for Barrow and Furness (Mr. Hutton), made clear in his evidence last week to the Public Administration Committee, of which my hon. Friend is Chairman, we are considering the responses received to the Government's proposals for legislation for the civil service, and we will make a statement in due course.

Dr. Wright: I am grateful for that. The problem is that this proposal was first made 151 years ago; it is not as though we have been short of time to consult on it. The Government have said that they are in favour of doing it and have issued a consultation paper and a draft Bill. Can my hon. Friend at least tell me that the Government will introduce a Bill some time during this Parliament?

Mr. Murphy: I pay tribute to my hon. Friend and his Committee for their work. He is right that this has been mooted for more than 150 years. We waited 149 years even for a draft Bill, as successive Governments on both sides did not even provide that. My hon. Friend will have to be patient for a little longer. As he knows, the Government have a packed legislative agenda, and the proposed legislation will take its place in the competition for very limited time. The decision will ultimately be made not by me but by the Prime Minister and the Cabinet.

Dr. Julian Lewis (New Forest, East) (Con): Labour promised to introduce this Bill in 2001 in its election manifesto, and the Deputy Prime Minister promised to do so in 2002, yet there is no sign of it. Is it not hardly surprising, given that this is the party that gave us the likes of Jo Moore and Alastair Campbell, that it does not want legislation to entrench the impartiality, objectivity and independence of the civil service to go on to the statute book?

Mr. Murphy: There has been remarkable change in the regulations in recent years. A code of conduct and a model contract for special advisers have been published. For the first time, there is an annual list of the numbers, names and costs of special advisers. None of that happened under the previous Government.

On the civil service Bill, we had 18 years of a Conservative Government with no draft Bill and no Act. When we published our draft Bill, we wrote to Conservative Front Benchers. At that time, the relevant position was held by no other than the hon. Member for New Forest, East (Dr. Lewis). We waited for an answer for four months but have still received no reply from Conservative Front-Bench Members. Under the Tories, we had no draft Bill and no Act; later, they could not even summon up the enthusiasm to offer a written response. Is it any wonder that people believe that Conservative support for the measure is, at best, lukewarm?

Civil Service (Diversity)

24. **Mary Creagh** (Wakefield) (Lab): If he will make a statement on progress on increasing diversity in the civil service. [25389]

The Parliamentary Under-Secretary of State for the Cabinet Office (Mr. Jim Murphy): The civil service has made good progress towards increasing diversity, including at its senior levels, but there is still much more work to do. Last week, Sir Gus O'Donnell, head of the home civil service, launched a 10-point plan. Its aim is to deliver a civil service that is truly representative of society.

Mary Creagh: I know that the civil service as a whole is representative in terms of gender and ethnicity, but does my hon. Friend agree that we need a civil service in which women and people from ethnic minorities are represented at senior levels? It is not good enough to have a bulge at the bottom, with middle-aged white men determining the strategy at the top, especially, for example, at the Treasury, the Foreign Office and the Ministry of Defence.

Mr. Murphy: I absolutely agree with my hon. Friend. In the few months that she has been in Parliament, she has taken a keen interest in such matters. She is right to say that the civil service is broadly representative in respect of gender and ethnicity. There has been important progress in ensuring that there is double the number of women and those from ethnic minority backgrounds in the senior civil service compared with seven or eight years ago. However, much remains to do, which is why the 10-point plan has been published. It will be applied across Departments. We have a real job to do in ensuring that meaningful careers in the civil service are available to those who are disabled as well as to women and those from ethnic minorities.

Modernising Logistics Provision

3.32 pm

The Minister of State, Ministry of Defence (Mr. Adam Ingram): I am pleased to have been able to secure the opportunity to make an oral statement to the House today in place of the written statement that I had tabled.

As the House knows, the Government are committed to the transformation of defence logistics support as an essential part of the ongoing and extensive programme of modernisation of the armed forces. Indeed, my right hon. Friend the Secretary of State for Defence made an announcement to that effect to the House on 21 July. We believe that logistics transformation is a critical part of providing more effective support to our armed forces while releasing resources for the front line and making the best use of taxpayers' money. The National Audit Office recognises that the Ministry of Defence's logistics transformation programme will deliver about £2 billion of efficiency savings to the Ministry by 2010–11.

Our objective is to deliver more adaptable, efficient and effective support structures—forces that are better configured to enable our expeditionary operations. Let me make it plain to all hon. Members that every penny that we refuse to release by not implementing our modernisation programme is a penny less that is available to provide our forces with the life-saving support they need. Let me also make it plain that I know how much our employees have contributed to providing that support over the years and how proud they are of the role that they have played. Nevertheless, we have to accept that we must adapt to the changing strategic environment, and that means having more adaptable, efficient and effective support structures, which are better configured to enable our armed forces to conduct expeditionary operations.

We support those forces with two businesses that provide depth support in the air and land environments. They are DARA—the Defence Aviation Repair Agency—and ABRO—the Army Base Repair Organisation—which provides depth repair for the land and armoured vehicle fleet. DARA and ABRO were established as trading funds in 2001 and 2002 respectively, thereby recognising their need to operate on a largely commercial basis at arm's length from the Ministry of Defence. In common with all parts of logistics support, DARA and ABRO are significantly affected by the modernisation programme. It has already led to a number of significant savings, including a planned reduction of more than 2,000 RAF personnel by 2007–08. After careful analysis by my Department, it was determined that there was no strategic need to retain in MOD ownership the capabilities that those trading funds provide. I announced that to the House, in respect of DARA, in December 2004. Instead, judgments on their future must be based on the best balance of value, cost and risk, compared with the alternatives.

In the case of DARA, on 25 November last year I announced in a written statement to the House the introduction of new depth repair arrangements for the Tornado aircraft, in addition to those made earlier for the Harrier. Under those arrangements, maintenance and repair is being consolidated at two RAF main operating bases. Previously, there had been four levels of support for aircraft, stretching from industry to the front line. These are being reconfigured to just two—depth support and deployable forward support—concentrated at the most cost-effective location.

Those arrangements are proving successful and have already increased operational effectiveness by reducing the number of aircraft in maintenance. In the Harrier fleet, for example, the number of aircraft in maintenance and upgrade at any one time will reduce from a planned 24 to an average of 13, freeing 11 additional aircraft to the front line at any one time. Similar benefits are expected once the Tornado future support arrangements are fully implemented.

Those improvements, together with the implementation of complementary and innovative changes to the way in which logistic support is provided, will significantly enhance our ability to deliver required front-line readiness, and will do so at much lower cost. Consolidating support for fast jets and helicopters will deliver net savings of some £70 million over the next four years, with recurring annual savings of £40 million thereafter.

I come now to the future of DARA's five business units: St. Athan in south Wales; Almondbank in Perth, Scotland; Sealand in north Wales; and the two units at Fleetlands in Hampshire. I shall deal first with DARA's fixed-wing business at St. Athan. Fast jet workload has reduced for a number of reasons. We have announced the withdrawal of the Jaguar fleet. We have also reduced the number of operational Tornado F3 squadrons, resulting in a reduction in the required Tornado operational fleet of 17 aircraft. We have increased the interval between major servicing for the Tornado F3 and GR4 fleets and, as part of our end-to-end review of air logistic support, migrated maintenance of Harrier and Tornado GR4 aircraft to the RAF's main operating bases at Cottesmore and Marham.

DARA has been unable to secure commercial aviation repair business in a market that faces overcapacity and is fiercely competitive. My judgment, therefore, is that, regrettably, the fast jet business at St. Athan does not have a long-term future, so I am announcing, subject to consultation, that it should close by April 2007 with the loss of up to 500 jobs, primarily in south Wales. However, the same end-to-end review has resulted in more VC10 work transferring to DARA's large aircraft business, helping it to remain a viable and sustainable business and to secure about 350 jobs at the St. Athan site. I am therefore announcing, again subject to consultation, that this VC10 business should be taken to the market now, to test whether sale might deliver improved effectiveness and value for money for our armed forces and a better long-term future for the work force.

The Department's investment in the Red Dragon project has enabled DARA and the MOD to achieve major reductions in operating costs, and it has enabled significant site rationalisation at St. Athan. We anticipate that we should have recovered our investment at St. Athan by April 2007. By investing in that facility, in partnership with the Welsh Assembly, we have provided south Wales with a state-of-the-art engineering capability that can form the centrepiece of the proposed St. Athan aerospace park. I therefore make no apology for taking the bold decision to build this world-class facility—a decision that was taken in good faith, based on the best available information at the time. Not to have done so would have immediately

[Mr. Adam Ingram]

rendered DARA uncompetitive. We are continuing to examine, with the Welsh Assembly, a number of military and civil aerospace opportunities for the future use of the facility.

The next area concerns DARA's helicopter repair and associated component businesses at Fleetlands in Hampshire and at Almondbank in Scotland. Those businesses continue to offer a cost-effective repair capability. The facilities will continue to employ in the region of 860 people: more than 580 at Fleetlands and more than 270 in Almondbank. Again, I am announcing, subject to consultation, that those two parts of DARA should be taken to the market now to test whether sale might deliver improved effectiveness and value for money for our armed forces and, again, a better long-term future for the work force.

I come now to DARA's engine maintenance business at Fleetlands in Hampshire. Regrettably, this business has become uncompetitive and is unable to sustain its market share. This has followed DARA's recent loss to Rolls-Royce, in open competition, of work on the RB199 engines for the Tornado aircraft. Also, DARA did not secure the Gnome and Gem helicopter engine repair contracts. That work will now be carried out by Rolls-Royce. I have therefore decided, subject to consultation, that this business should close by April 2007, with the loss of 225 jobs in Hampshire.

The final business unit in DARA is the electronics business, based in Sealand, north Wales, which employs some 600 people. This will be retained within MOD ownership. That business provides critical support to our current aircraft and has scope for further growth as we optimise the Department's future avionics support arrangements.

I want to deal with ABRO's future. ABRO provides depth repair of much of the Army's fleet of armoured fighting vehicles, as well as other military vehicles and fighting equipment. Change at ABRO is essential for a number of reasons. First, the Defence Logistics Organisation is introducing a series of reforms to improve the efficiency with which the fleet is being managed and maintained. That reduces the requirement for deep repair. Secondly, ABRO has become more efficient, reducing the required manpower. For example, the cost of base overhaul of the Warrior armoured vehicle has been reduced by 15 per cent. and the time taken cut by half, from 107 days to 53. As a result, it has been possible to release 40 more vehicles back to front-line commands.

Thirdly, the reality is that while ABRO has some unique capabilities, it is facing increasingly direct competition as a result of new and more efficient DLO contracting strategies. While there is no long-term strategic need to retain ABRO within MOD ownership, I judge that we will not be ready to expose all or parts of the business for sale for a number of years. However, the business needs to become significantly more efficient and some of the MOD's long-term support strategies need to mature. The consequence is that significant rationalisation is necessary so that ABRO can become more competitive.

Subject to consultation, I am announcing that ABRO's armoured vehicle and engine facilities, together with its one-stop shop for unscheduled repairs at Donnington in Shropshire, will close by March 2007, with up to 628 redundancies. Instead, depth maintenance and repair of the armoured fleet will be concentrated at Bovington in Dorset, retaining some 384 jobs, although up to 107 will be lost by 2010. ABRO's one-stop shops at Warminster in Wiltshire and Colchester in Essex will close by March 2007, with up to 281 redundancies. There will be up to a further 210 redundancies across other ABRO sites, including the head office function based in Andover in Hampshire.

In addition, and to provide more efficient and effective service, ABRO will create a number of new smaller facilities closer to the Army front-line customer, including in the Warminster and Colchester areas. Up to 165 new posts will be created. Having rationalised its core defence business, ABRO will be looking to develop profitable commercial revenue across the defence sector and beyond into other markets. There are no guarantees of success, and of course we must ensure that the taxpayers' position is protected, but if it can become much more competitive, ABRO could have the potential to grow into new markets. It has already had some success in the rail maintenance and public sector fleet management markets.

I pay tribute to the excellent service that the employees of DARA and ABRO have provided to our armed forces. The redundancies across both DARA and ABRO will have an impact on individuals and their families. I am particularly mindful of the impact of this announcement on south Wales, Donnington in Shropshire, and Hampshire.

We are working with the Welsh Assembly in Wales, and we will of course engage with the other regional bodies to mitigate the consequences of these necessary decisions and to provide appropriate outplacement services to help those affected. As a good example of that, we have already been able, through joint working with the Welsh Assembly, to attract ATC Lasham, a civil commercial aircraft maintenance and repair company, to St. Athan, creating up to 300 new jobs. We will help those affected by these announcements to find alternative employment and we will make every effort to use natural labour turnover, redeployment and voluntary redundancy to mitigate the loss. However, while we will seek to keep them to a minimum, a significant number of compulsory redundancies can be expected.

We are committed to modernising our armed forces. To do so, we must continually look for more efficient support solutions to enable us to invest more resource to support our men and women in the front line. These changes are an essential part of that strategy.

Mr. Gerald Howarth (Aldershot) (Con): I thank the Minister for giving me advance sight of what has been an extremely lengthy statement, and for his courtesy in affording me more than the conventional amount of time to consider it.

I doubt whether I am alone in experiencing a shudder every time this Government announce a plan to modernise. If it relates to our institutions, it generally means to destroy. In the case of our national defence, it usually heralds a cut. Sadly, today's announcement appears to be no exception.

I feel particularly sorry for the DARA operation in the constituency of the hon. Member for Vale of Glamorgan (John Smith). The Government built up hopes of creating a substantial aviation repair facility to provide a valuable skills base in south Wales, only to dash them again. Just months after agreeing a £70 million investment in the Red Dragon site, a new chief executive, Archie Hughes, was brought in to undertake the challenging task of preparing the business for sale. No sooner had he arrived than Ministers promptly announced the removal of Tornado GR4 work to RAF Marham, cutting the ground from beneath him and his team. That followed the transfer of Harrier work to RAF Cottesmore early last year, at a cost to DARA St. Athan of 550 jobs. Removing business from a company is not a sensible way to sell it as a going concern.

The indecision over DARA has led to what can only be described as a shambolic state of affairs, and great uncertainty for a work force to whom the Minister has rightly paid tribute—some reward they have had for their commitment. I have a number of questions to ask the Minister in respect of DARA.

First, what was the result of the market testing carried out by Morgan Stanley earlier this year? Is it true that there has been no serious expression of interest in a purchase? Secondly, can he tell us how the front-line servicing operation for Harriers at RAF Cottesmore is performing? Is it true that, as Amicus claims, the cost of transferring work from DARA St. Athan to Cottesmore was substantial?

The Minister says that he intends to remove all fast-jet work from St. Athan, but what about the Hawk contract currently placed there, which he did not mention? He said that the VC10 business has been transferred there, but that he is planning to market-test that, too—I presume that he is going to sell it, so what will be left of St. Athan if that goes? He said that DARA had been unable to secure commercial aviation repair business following the rundown of military work, so what is his plan for the future of the facility? I dare say that his hon. Friend the Member for Vale of Glamorgan will put that question to him even more vigorously.

Again, the Minister said that he was planning to sell the helicopter repair business at DARA Fleetlands, in the constituency of my hon. Friend the Member for Gosport (Peter Viggers). If that goes, what will be left there? Can he explain why, uniquely, DARA's electronics business at Sealand will not be market-tested, when that is apparently being done with everything else?

As for ABRO, that organisation has been subject to a steady process of attrition. In July, the Ministry of Defence announced the loss of 250 jobs across the country, with today's phase 2 leading to a further 1,061 net redundancies. The NAO's major repair and overhaul report of 2002—I acknowledge that it is from three years ago, but I would welcome the Minister's response—stated:

> "Despite trends towards contractor logistics support, however, parts of industry acknowledge that they do not have well developed repair and overhaul capabilities. Some manufacturers are therefore looking to ABRO to provide this expertise and capability. In addition, Alvis Vehicles Limited and Vickers Defence Systems both entered into partnering arrangements with ABRO in 2001. And ABRO intends to work more closely with other potential industrial partners on future equipment programmes."

Can the Minister tell us whether the deficiency identified by the NAO has been resolved?

Will the Minister explain why he now sees no further need for deep repair for military land vehicles? It seems that the closure of the one-stop shops at Warminster and Colchester will take out a whole capability. He referred to smaller units being placed there, but what will they do that is not currently carried out by the existing one-stop shops? Although we welcome any moves genuinely designed to make the logistics back-up for our armed forces more efficient, we shall resist measures that have the effect of so cutting our logistics capability that they starve the front line of vital support, or which eliminate scope for spare capacity that may be required during conflict. It is against that yardstick that we shall judge today's announcement.

Our front-line forces are at full stretch and they need to have confidence that the essential back-up is actually there. My initial fear is that the announcement today represents a substantial cut in capability, which far from reinforcing the front line will only serve to weaken it.

Mr. Ingram: That shows that one should not give out a statement too far in advance. The hon. Gentleman should look at his own statements in the run-up to the last election—statements on which the Conservatives campaigned. Does he remember the James report? It referred to savings of £1.6 billion in addition to the £2.8 billion we have announced, taking £4.4 billion out of defence logistics support. It proposed a sell-off of ABRO and DARA. It did not propose to test the market, but made a simple commitment to sell it off, along with the Warship Support Agency and everything else to do with defence agencies. I can take some criticism—I am sure I will get it—but not from the Conservative party.

In terms of DARA St. Athan, I set out why the business has contracted: because of platforms being taken out of service—that was going to happen anyway; they were just brought out of service earlier—and because increased periods between maintenance reduces the number of aircraft going downstream. It is also a result of the transfer of the Harrier and the Tornado to RAF main operating bases. That means that the totality of the workflow had ceased to exist, by and large. Of course, the work could have remained there, but it would have done so at cost greater than that which I set out in my statement.

I indicated that the savings made as a result of the Harrier transfer were substantial and they will be replicated for the Tornado. If the view is that the RAF main operating bases cannot maintain those aircraft, it is a significant charge—effectively, the hon. Gentleman is saying that the technicians cannot maintain aircraft to the same standards and ability as those within DARA.

The purpose of market testing is to find out if there is an expression of interest. If there is, we will have to see if it satisfies us in terms of cost and guaranteed support for the future, with the element of risk contained within that. There is no guarantee that market testing will necessarily lead to the sale of VC10 business, although I must say that I am under some pressure to do that. Whoever buys it could, effectively, grow the capacity of the engineering aerospace work that is carried out at St. Athan, because the large manufacture capability could bring in other work using the facilities built there.

The hon. Gentleman talked about Fleetlands and the decision to take that to the market; again, it is proving to be effective. It is right that we test the market on

[Mr. Ingram]

helicopter support, using the same criteria for the fast-jet business and for the rest of the fixed-wing business. In one sense, that is not too dissimilar to what the hon. Gentleman was campaigning for before the election, although he was not going to market; he was going to sell to the first bidder. We will market-test to see if there is a bidder and then get value from that.

Sealand is being retained within the MOD for a good reason—it does very important work at present. With the Typhoon coming along, we believe that it is important that capacity be retained at Sealand. We are looking into whether we can invest to give the work force a better future, either in the public sector or in an area where market testing may be necessary.

As was said three years ago, the market has changed and ABRO is under intense competitive pressures. The way in which it is structured has made it inefficient, so we are rationalising. The depth support that the hon. Gentleman mentioned is going to Bovington, while other work will be distributed across other sites. As I said in my statement, there will be 185 additional posts. The aim is to get closer to the customer and closer to front-line need.What we are taking from ABRO is excess capacity, not capability. The situation had to be assessed properly before we acted, and we will still have a 40 per cent. surge capability to meet any of the demands to which the hon. Gentleman rightly alluded.

John Smith (Vale of Glamorgan) (Lab): My right hon. Friend will be well aware of my utter dismay at the incoherence of the Government's policy of depth support for their front-line military aircraft, which will undermine the RAF's capability in the defence of the nation. In the light of his statement, can he assure me that his Department will work very closely with the Welsh Assembly Government to retain as much of the highly skilled work force at St. Athan as possible, both by helping to secure more aviation business for the area and by expanding the DARA VC10 work that will be market-tested? Will my right hon. Friend also tell me whether he will accept in-house bids for any market testing of DARA business?

Mr. Ingram: I know of my hon. Friend's deep concern. He has been constant in both his comments and his trenchant criticisms. I pay tribute to what has been a high-profile campaign on his part, but I must balance what constitutes reality for the MOD against the reality in which he exists.

My hon. Friend has asked me important questions. I think it right to look to the future. Yes, we will work closely with the Welsh Assembly Government and other Government agencies to see what more can be done to protect the level of aerospace activity. I mentioned our success in attracting a major aircraft maintenance supplier, ATC Lasham, to the site. That will provide about 300 jobs, and the business could grow, but that is up to it. It is, after all, in the commercial sector. It may well be interested in purchasing the VC10 work. We will erect no barriers to any attempt to grow the business; indeed, we will do the opposite. We will do all that we can to ensure that that skilled work force is retained, and it may even increase over the years.

I would not write out an in-house bid. We have shown a willingness to participate in such bids in the past, and will do so in the future. The future defence supply chain initiative, for instance, went in-house after an intensive period of assessment of what the market was offering. If a bid matches our requirements against commercial demand, we would be prepared to consider it if it offers value for money and covers the risk elements, and if we can ensure the sustainability of the fleet.

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): The Minister's statement was important and I am grateful to him for providing an advance copy.

No one would dispute that we must modernise logistics provision for the armed forces, but anyone who has studied reports from the Defence Committee and the NAO will be aware of the massive gap between aspiration and reality. The cost overruns highlighted by the Minister's own answers to parliamentary questions make the situation worse, not better. On a quick calculation, the Minister has announced a net 1,500 job losses, which will be a major blow to each of the communities represented. Can he give the House further details of the redundancy and welfare packages that the affected individuals will receive?

On the fast jet business at St. Athan, can the right hon. Gentleman remind the House of how much the taxpayer has invested in the site in recent years? Can he set out, now or later, the figures that allow him to say that the investment will be recovered by April 2007? Given that he says that the commercial aviation repair business operates in a market with overcapacity, what will make the proposed St. Athan aerospace park viable?

Finally, when the Minister announced the creation of the DARA and ABRO trading funds, the idea was to improve both the efficiency and effectiveness of their operations. So what confidence can people in the armed forces, and the civilians who support them, have that when the MOD talks of modernisation, it does not just mean cost-cutting on a grand scale?

Mr. Ingram: The hon. Gentleman says that we have failed to match aspiration with reality, but the Liberals have perhaps failed in that regard for the last 100 years or so. The standard redundancy and welfare package will of course apply, and every effort will be made to find alternative employment. Indeed, in some areas, one or two other developments are taking place within the MOD that could create a small number of none the less real opportunities. There may well be opportunities for people to relocate if they are mobile employees, and we will do everything to assist in this regard. I do not minimise the scale of this announcement—that is why we are making an oral statement. It is right that we do so and that we be questioned on it.

The hon. Gentleman asks about investment at St. Athan. There was a view that the Red Dragon facility should not have been built—I do not know where the Liberals stood in that regard—and this issue certainly had to be debated. Had we not done so, we would not now be best placed. Nor would DARA at St. Athan have been able to achieve many of the efficiencies that it subsequently achieved, which in turn assisted the rest of defence. As a result of that initiative, the investment in that project that was due to break even in 2008–09 will do so by 2007. I do not know whether we can release the relevant information—I know of no reason why not, but sometimes there are commercial or confidentiality issues—but if we can, we will.

The hon. Gentleman also referred to the commitment given to St. Athan's viability in announcements that were made when the trading funds were set up. That was so, but following what happened with the Warship Support Agency—new ways of delivering support to the fleet were examined—both the RAF and the Army decided to do something similar. This initiative was driven by people who realised that the previous arrangement was inefficient, ineffective and extremely costly. Was there a better way? Yes, there was, so we engaged consultants to look at the entire air support process in an end-to-end study. The new approach of reducing four levels of support to two emerged from that study.

The hon. Gentleman may want to retain four levels of support, but I consider that inefficient. If we reduce them from four to two, such support can be provided at the main operating base, or at the other base. What happened was that the St. Athan business moved to Cottesmore and Marham, and the rotary fleet returned to a civilian base at Fleetlands, so the process is not simply one way; it was carefully considered and subjected to a thorough investment appraisal. Of course, that stacks up in terms of the benefits to defence.

David Wright (Telford) (Lab): I have many constituents who work at Donnington, and I have to say that the Minister's decision today is plain wrong. It flies in the face of the Lyons review, which encourages us to move jobs to the midlands and the north. This decision simply reverses the Lyons proposals. I hope that he will think again, but if we are to proceed, I ask him to consider two issues. First, through a taskforce, will he work with Telford and Wrekin borough council, its leader, Councillor Keith Austin, and the regional development agency to try to secure new jobs and replacement jobs in Telford? Secondly, would he also look at the site on which the current ABRO plant sits, as there may be opportunities, working in partnership with the Defence Storage and Distribution Agency, to increase the defence presence in that location and build on the proposed rail freight terminal for Telford in close proximity to the ABRO site?

Mr. Ingram: I am sorry that my hon. Friend thinks that the decision is wrong, but I can well understand it. The work done there has been distributed not to the south-east, but to other areas; and I have already mentioned Bovington in Dorset. That is clearly a Lyons area and there will be a consolidation there. Obviously, when it comes to rationalisation, someone has to win and someone has to lose.

I would also like to remind my hon. Friend of one salient fact. I have already mentioned the future defence supply chain initiative, which we announced earlier this year, and it should be noted that Donnington was the beneficiary when the decision was taken to close Stafford and locate a large part of the main operation at Donnington, albeit with a rationalisation of a number of jobs. The defence footprint is there for a long time ahead.

I am only too willing to assist as best I can with the taskforce in several areas. It is not just the Ministry of Defence that has a role to play, as we are doing our best to co-ordinate our efforts across government. My hon. Friend is right about the ABRO site. It will free up facilities, and DSDA, as part of the in-house process for the future defence supply chain, has indicated an interest in using some of those facilities, which may result in job creation. I admit that it will not match the loss of jobs, but it is an example of how we are attempting to provide the best logistic support while minimising the overall losses.

Peter Viggers (Gosport) (Con): The Fleetlands aircraft repair yard in Gosport has been rationalised and reorganised time and again, but we have always drawn confidence from the fact that excellent facilities, combined with a loyal and skilled work force, will provide continuity for the yard's future. It has taken the present Government to prove that wrong.

The Minister said that there was overcapacity in aircraft repair at present, but how can he be completely confident that it will continue, and what will he do if he finds that overcapacity has not continued and that we are short of capacity? I challenge him to say, in the context of modernisation, that the work force has failed fully to co-operate with any of the many changes imposed on the Fleetlands aircraft yard. What have they failed to do and why have they been put in this position?

Finally, so many changes have been announced that I believe that the work force will not accept this harsh judgment without having the opportunity to challenge it by talking to the Minister. Will he agree to a meeting and prove to us that the facts that he has given to underpin his judgment are correct?

Mr. Ingram: I think the hon. Gentleman has made his mind up before listening to the facts. He says that he wants to hear the facts, and I would happy to discuss the details with the trade unions. I have said that the part of the business at Fleetlands connected with engine support has lost major contracts in a competitive bid. Is the hon. Gentleman saying that we should have ignored that, placing on-costs on the defence budgets? If we are trying to drive efficiency into the system and make the yard competitive, we have to face the consequences of losing bids. That is what happened with engine support and it is not a consequence of any lack of commitment on the part of the work force. The hon. Gentleman is right that they have tried to achieve the new efficiency standards, but the contracts were at a mature point and had to be placed.

The hon. Gentleman is asking an impossible question. He asks me to predict the future of the aerospace market in this country—I do not know how far ahead—but I cannot do that. No one can do that. If he is saying that the MOD should retain facilities with inefficient operations at extra cost simply because something—we know not what—may happen in the future, he is not living in the real world. The other part of Fleetlands, however, has a future and I do not think that the hon. Gentleman heard what I said. We took a decision, on which I thought the hon. Gentleman would compliment me, to move work from Army and naval bases back to Fleetlands, providing the civilian work

[Mr. Ingram]

force with greater opportunities for the future. I just wish that, in some of his criticisms, he would recognise that.

Sarah McCarthy-Fry (Portsmouth, North) (Lab): People in my constituency who work at Fleetlands will be deeply affected by today's announcement, and I should like to express my support for those who will lose their jobs, and for their families. I thank my right hon. Friend for his assurances that all possible help will be given to mitigate the effects of job losses and to help people find alternative employment. There is never a good time for people to lose their jobs, but does my right hon. Friend agree that at least they have a better chance of finding alternative employment when the economy is successful and thriving? I do not underplay the devastating effect of job losses on people and their families, but it is the Government's responsibility—

Mr. Deputy Speaker (Sir Michael Lord): Order. I think that the Minister can answer that point with what the hon. Lady has asked so far.

Mr. Ingram: I thank my hon. Friend for her balanced views, and she is right to say that there is never a good time for people to lose their jobs. My father was an aircraft fitter who moved in and out of employment under the Tory Governments of many years past. I sometimes say that I have oil in my blood, and that makes today's announcement extremely difficult for me, but we have to do what is right for defence. I am grateful that my hon. Friend understands that, and she is right in what she says about job losses in a strong economy. We have created a strong economy and will do everything in our power to ensure that the rest of the Fleetlands facility is maintained. I am sure that many of her constituents are part of what is a first-class work force with a long-term future. The question that we must consider is whether that future lies with the Ministry of Defence or private industry. If people go into industry, there is always the possibility that the rate of growth in that sector will be even greater.

Adam Price (Carmarthen, East and Dinefwr) (PC): The Minister will understand that today's statement is a bitter blow to people in the communities represented by the hon. Member for Vale of Glamorgan (John Smith). In respect of the sale of the VC10 business, how will he get right the balance between maximising the return on public investment and securing the work force's long-term future? Will potential purchasers have to give guarantees about employment levels and rights, and about the long-term continuation of the remaining business at St. Athan?

Mr. Ingram: We must always balance public investment against all the other issues involved. We must take risk into account as we test the market, and make a judgment about it. We must also ask questions about the identity and commitment of potential purchasers, and determine whether they can guarantee future support. If they cannot make that guarantee, they can go no further with the purchase. I should add that BAE Systems also has an interest in this matter, as it is the design authority.

I suppose that one should never say never, but I see no possibility that the work will move away from St. Athan. With the right ingredients, and if the right company purchases it, the facility could have a greater ability to provide support for wide-bodied, fixed-wing aircraft. Clearly, what is being lost in terms of fast jet support is very painful, and that loss is happening over a relatively short period, but we are trying to put in place the potential for future growth. We will do everything that we can to that end, as we do not want to lose the key workers in that area.

Finally, I remind the hon. Member for Carmarthen, East and Dinefwr (Adam Price) that the VC10 is used extensively in support of NATO forces in Iraq. I do not think that his party supports what we are doing in that particular area.

Mr. Doug Henderson (Newcastle upon Tyne, North) (Lab): I do not want to question my right hon. Friend about any particular element of his statement, as I shall leave that to hon. Members with constituencies that are affected. However, does he accept that the House needs to recognise the general principle involved in this matter—that the Ministry of Defence's logistics organisation can be improved in many ways? The problems—a lot of duplication, and many inefficient structures, both geographical and otherwise—need to be tackled, regardless of which party is in office. The current Government have been tackling the problems and, although I know that my right hon. Friend does not need encouragement, I urge them to press on. If we do not make the savings, we cannot pass them on to the front line, where they are really needed.

Mr. Ingram: I am grateful to my hon. Friend for that comment, and he is right that we have to tackle those inefficiencies. Every penny saved is a penny that goes to the front line. The arrangement with the Treasury is that if we do not save the £2.8 billion, there will not be an investment in the front line. We have to do it. It will be a hard target to reach, but it will ultimately be good for our defence and the men and women on the front line. That is why I will continue to press on with it.

Mr. Gregory Campbell (East Londonderry) (DUP): Are other areas of the Ministry of Defence subject to the modernisation process likely to yield similarly substantial job losses in the next five years? If so, will there be any consequences for MOD employees in Northern Ireland?

Mr. Ingram: The hon. Gentleman tempts me again. I visited the Province last Friday. It was not a public visit, but I met the Royal Irish and MOD civilian staff. The closure of Army bases in Northern Ireland will have a significant impact and we are working out how best to deal with that. We know the numbers, but we are examining the quantum of the financial consequences. However, the consequences arise not from the efficiency savings, but from the peace process that is under way.

We will scrutinise other parts of the MOD to see if there are better ways of doing things. We have made some announcements about co-locating headquarters. If there are two parts of an operation, it is sensible to co-locate them if the business case stacks up. We will continue to consider such cases, because we have to achieve a reduction of more than 20,000 back office jobs over the next few years across the MOD to ensure that we achieve the £2.8 billion saving.

I remind the hon. Member for Aldershot (Mr. Howarth) of his additional commitment to £1.6 billion savings on top of our £2.8 billion. We are finding the latter hard, so I do not know where he would get £4.4 billion savings.

Mark Tami (Alyn and Deeside) (Lab): I welcome the statement about DARA at Sealand, although I regret the job losses elsewhere. May we have a period of stability now? That is vital, because having one review after another saps the morale of employees. What plans does my right hon. Friend have to secure the long-term future of DARA at Sealand?

Mr. Ingram: I said in my opening statement that there is no strategic need for Sealand to remain in the MOD, but it is important as we introduce the new aircraft, as well as for the legacy systems. High grade work is carried out at Sealand and it is essential for the new Typhoon that that be maintained. The potential for Sealand is great. Investment will be required to change some of the tooling and support equipment to move from analogue to digital avionics, and that could allow Sealand—whether it is in the public or private sector—the opportunity to join the Typhoon support and supply chain for other countries. I cannot predict that that will happen, but if that part of the business is properly resourced and configured, it could win such additional business. Sealand has a good long-term future.

Mr. James Arbuthnot (North-East Hampshire) (Con): I am grateful to the Minister for providing me with advance notice of the statement. Earlier this year, the Defence Committee said that one of the reasons why DARA was created was to provide assured access to repair capacity and also capacity for surge workload. Is the Minister confident that, given the announcement he has made today and the Treasury-strapped budget that he has, such surge capacity will continue to exist?

Mr. Ingram: I am not going to agree that we have a Treasury-strapped budget. I have always said that the budget is under pressure: if it were not, we would not be trying to save £2.8 billion. We have had the largest increase in real terms for 20 years, although any Department will say that it wants more support.

The assured capacity and the surge workload are part of the risk that has to be examined. Although Ministers ultimately have to sit in judgment, the review has been delivered by senior RAF personnel.

I make this point: if what we were doing was wrong pilots would not fly those fast jets. If they thought for a moment that the aircraft were unsafe or had not been properly maintained, they would not take them into the sky. That is the final arbiter. Much of the work on fast jets was already being carried out at the main operating bases. What we have done is transferred it to those areas. There is still an element of private company support alongside it, although the work is carried out predominantly by RAF technicians and personnel. They need that capability when aircraft go to the front line, to maintain them wherever they are posted. The judgment of those who need to examine such things in detail is that, yes, there is an assured capacity and, yes, it can meet the surge demand. That is the really big issue; that is what they are there for in the first place, to ensure that they have aircraft capable of meeting the needs of the country.

Julie Morgan (Cardiff, North) (Lab): May I too express deep disappointment and concern about the proposals for DARA St. Athan? It is in the constituency of my hon. Friend the Member for Vale of Glamorgan (John Smith), but many of my constituents work there. Is my right hon. Friend aware of how huge the loss is for the area and of how great the sense of betrayal and outrage is among the workers and the unions, who have campaigned so hard on the issue? Is he aware of the loss of high-quality apprenticeships that offer opportunities for young people in the area? Their withdrawal will threaten the local college, so what will he do to help?

Mr. Ingram: I do recognise that there is a huge loss. It does not come easy to me, or any Defence or Labour Minister, to make such announcements. I do not feel a sense of betrayal. I have tried to set out the logic of what we are doing: why it is inevitable, why it is good for defence and why we believe that it best configures that aspect of logistic support for the RAF. My hon. Friend made a particular point about apprenticeships. I have said elsewhere that bits of British industry would not exist without MOD investment, and I sometimes question what the rest of British industry is doing about apprenticeships in the aerospace sector. We are mindful of the issue, however, and will work with the Welsh Assembly to try to find a way of ensuring that the apprenticeship stream is maintained. It may not be wholly to do with the MOD, but we realise that it is vital. It is not simply for the MOD to provide aerospace apprenticeships; the rest of the industry has something to contribute as well.

Dr. Andrew Murrison (Westbury) (Con): The Minister has spent time in Iraq and will have seen ABRO in action at the front line. Does he agree that these days the distinction between the front line and the logistics tail is increasingly blurred, and thus his announcement today is not just a blow to some hypothetical background backroom boys but is in fact a blow to our defence commitment overall?

Mr. Ingram: No, I do not. I recognise what the hon. Gentleman says. There is increasingly a blurring, but things must also be carefully defined. We cannot put non-uniform personnel into areas of risks, and such judgments have to come into play at all times. In my statement, I said that part of the reconfiguration of ABRO is to put capacity closer to the front-line customer. Admittedly, that will be in the UK, but it is closer to where the vehicles will be and the work will be integrated with that of the Royal Electrical and Mechanical Engineers, which may have a beneficial spill-out in terms of front-line deployment. We are making the changes to improve support, not to diminish it. We have to reconfigure ABRO to that size to make it capable of withstanding the competitive pressures out there. Industry is well marshalled and understands the volume of work out there. We are seeking to retain ABRO jobs for a good number of years in the future, to

[Mr. Ingram]

ensure that we give that key support to the Army in everything it does, either in the UK or in areas of conflict.

Mrs. Madeleine Moon (Bridgend) (Lab): Does the Minister recognise that today is a dark day for many families along the whole stretch of the M4 corridor, including those in my constituency? Many of those families' menfolk will be incoherent with frustration and anger, given that the work force at DARA have met every possible hurdle and every target thrown at them to cut costs, to increase efficiency, to meet time scales and to prove efficient and effective. Will he acknowledge that today's decision is no fault of the quality of workmanship of those dedicated people in that work force?

Mr. Ingram: I can agree completely that the decision is not down to a lack of quality on the part of the work force. If there were any doubt about that, the MOD, working in concert with the Welsh Assembly, would find it had to attract others on to the site to use some of that capability. Of course, the Welsh Assembly was able to announce earlier this year that ATC Lasham would come on to the site, and we are working actively with the Welsh Assembly to extol the virtues of what is going on there. I pay tribute to the work force for all that they sought to do, but when legacy platforms have been take out of service, the work flow is not there. When we make a decision, because of a very careful financial analysis, that four levels of support can be collapsed into two, and the consequences of either moving back to St. Athan or moving forward into Marham and Cottesmore stack up in favour of the latter, we must do what is right for defence. That is my job, and I believe that we are doing what is right for defence and what is right for the country as well.

Mark Pritchard (The Wrekin) (Con): This is a huge slap in the face for my constituents, 628 of whom will lose their jobs as a result of today's announcement—40 per cent. of the overall job losses. Are the MOD and the Government committed to Shropshire, which has a huge defence sector? We have the defence training review at Cosford. Sapphire House, which is in the constituency of my colleague the hon. Member for Telford (David Wright), is under review, and we now hear today's announcement about the DLO, ABRO and the defence centre. In particular, I am interested in what the Minister will say on the future of Donnington. Are the Government committed to Donnington? Are they committed to Shropshire?

Mr. Ingram: FDSCI is the acronym that I will give the hon. Gentleman. We have made a commitment about the in-house bid. He would probably not have supported the in-house bid; he would have preferred to go to one of the private sector companies, which, of course, may not have decided to locate at Donnington. I accept that there are reductions as a consequence of making part of the support to the MOD and the front line, again, much more efficient.

The hon. Gentleman mentions the DTR. Well, the DTR is out there, but it will probably be anything up to 18 months before we reach a conclusion. A number of bids have come in, and all of them must be evaluated. I do not know whether he is saying that we should ignore the quality of the bids and just give a commitment to Shropshire. That is not the way in which Ministers should make a decision. We must balance the various bids and decide where the best benefit lies.

Mark Pritchard: The Government are offering a subsidy to Wales in the DTR.

Mr. Ingram: I find that offensive, in a sense. I am making an announcement today with, 500 mainly engineering jobs being lost to DARA St. Athan. That is not a subsidy to Wales; it is very painful. It will be very difficult, and we must work our way through it. The MOD will look at what is best for the United Kingdom and best for our front-line soldiers. That is what we must seek to achieve, and I should have thought that the hon. Gentleman was aware of that and be on our side.

Mr. Lindsay Hoyle (Chorley) (Lab): Obviously, it is a sad day across the House. We are talking about almost 2,000 jobs going directly. What assessment has my right hon. Friend made of the impact on the supply and service industry? I do not know how many jobs may be lost there. Following today's review, can he guarantee that those platforms that have been maintained in the past will be as good for our front-line troops in the future?

Mr. Ingram: I do not quite know what point my hon. Friend is making about the assessment regarding the supply and service industry.

Mr. Hoyle: Parts.

Mr. Ingram: Of course, the flow of parts is a key component of any support mechanism. If my hon. Friend is talking about his other concerns regarding the situation in Chorley and munitions support, we have put in place a comprehensive agreement between ourselves and BAE Systems to ensure that the munitions supply chain is maintained for the good reason that that is 110 per cent. essential.

As for whether the new platforms will be better than the old ones, I have to say yes. They are certainly more expensive. I do not know which platforms and maintenance my hon. Friend is talking about, but we want to ensure that we get the best capabilities to maintain the supply chain and the supply and support mechanism. What we are doing is fundamentally correct. I know that the process is painful and difficult, but if we did not do it, we would be spending money unwisely on defence.

Bob Russell (Colchester) (LD): The Minister says that ABRO has become more efficient. Does he accept that many of the loyal, dedicated and skilled work force at Colchester ABRO will lose their jobs? He has combined Warminster and Colchester in the assessment of job losses and creations, so will he give me a breakdown of the figures—I assume that the respective figures must be known? When Colchester is being developed as a super-garrison, what is the logic behind taking away logistical support to such an extent? Is it not the case that what was before the Minister was the fact that the REME Workshops, as ABRO used to be known, sit on a prime edge-of-town-centre site and that we are thus seeing asset stripping?

Mr. Ingram: No, we are not. The hon. Gentleman asked for figures, so these are the round figures based on the current best information. The maximum number of redundancies at Colchester will be 96, after which 69 personnel will still be employed in the Colchester area. Those people will primarily be in barracks, so the support for the brand new multi-billion pound facility will be closer to the REME support. I was pleased to cut one of the first sods for that facility in the hon. Gentleman's presence not so long ago. We are retaining close engagement between the support end of ABRO and the engineering end of the Army. That is what the Army wants, so we are meeting its requirements.

Chris Bryant (Rhondda) (Lab): I am sure that the vast majority of my constituents will understand that the Ministry of Defence has to deliver operational efficiency for every single penny at the front line. However, does my right hon. Friend understand that many of my constituents will feel perplexed, angry and frustrated when they see a Government building up DARA at St. Athan, but then effectively dismantling it only a few years later? When he talks to the Welsh Assembly Government, will he please ensure that the support package for my constituents who lose their jobs will be provided not only near to St. Athan, but close to the valley communities in which people live, many of which will be just as affected as the Vale of Glamorgan?

Mr. Ingram: I hope that those people will not be perplexed after they have heard our reasoning and logic, although I well understand the anger of people who lose their jobs. I make this point about the Red Dragon facility. If it had not been built, DARA would have had no future. Anyone who has followed the matter will realise that I took a long time before reaching that conclusion. We were able to deliver the facility because of close engagement with the Welsh Development Agency. There was a bit of trading with the agency because it said that certain things would happen on the back of the development, so it had to make a contribution to the overall package because of its role on economic attraction. That investment was correct. The facility still remains and will be highly marketable. VC10 work will remain and its capacity to attract a major player, ATC Lasham, to St. Athan shows that there are prospects for development if we get the right ingredients. That is what we are seeking to do—we are not walking away, and we will maintain our commitment while we have an MOD interest in that area.

Mr. Christopher Fraser (South-West Norfolk) (Con): Given the work that RAF Marham in my constituency will undertake, can the Minister give me an assurance that the decision will not be detrimental to local employment on the base nor result in additional environmental damage or noise pollution?

Mr. Ingram: If the hon. Gentleman wishes to stop noise pollution perhaps he does not want an air force base in his locality. RAF bases cause noise, but they bring a great deal of useful and important work. We must ensure that the RAF, which deploys fast jets to the front line has the capability to sustain them in theatre. That is important, and it goes back to my point that the pilots who fly those jets are the ultimate arbiters. At the end of the day, they do not care who maintains those jets as long as they do so properly and provide an effective fighting machine for the front line. That will only be the case, however, when RAF personnel work alongside them. As for the hon. Gentleman's suggestion that opportunities will be lost, RAF Marham is gaining an opportunity and has a long-term future. I should have thought that he would welcome that.

Derek Conway (Old Bexley and Sidcup) (Con): The Minister may recall that last week I pressed the Secretary of State on the availability of Warrior armoured fighting vehicles in Iraq. Given his statement this afternoon, in which he rightly told the House that the overhaul time has been cut by half to just over a couple of months, will his new costing strategies allow that target still to be met? The shortage of that excellent vehicle matters to people on the front line, and he was right to highlight the implications of his statement for those individuals.

Mr. Ingram: I think that the hon. Gentleman was complimenting me on the announcement. If that is the case, I welcome it, because I have not received many compliments today. However, he is right. The proposal aims to improve the throughput of vehicles, so that they are not sitting in a maintenance yard but are being worked on and turned around and can reach the front line. We have increased throughput and tempo, as it is important that front-line soldiers in Iraq, Afghanistan and elsewhere are properly supplied. However, we must also tackle logistics, which is why difficult decisions must be taken.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): I cried out, "Shame" when the Minister made the announcement about Donnington, because many of my constituents work at that facility. It has come as a great shock to me, as well as to the hon. Member for Telford (David Wright) and my hon. Friend the Member for The Wrekin (Mark Pritchard). I concur with everything that they said, but I have two further questions for the Minister. Will he come to Shropshire to explain his decision to our constituents, and what retraining schemes does he intend to put in place for them? There was a great deal of help for Rover in the run-up to the election, but I hope that, even though there is not a general election in the offing, he will help our constituents to find new jobs.

Mr. Ingram: I could have shouted "Shame" at the hon. Gentleman, given that, during the election, he campaigned to get rid of ABRO. His party did not want to try to reconfigure it, or make it better able to deal with future supply chain needs. The decision on the future defence supply chain initiative was a good one, as it provides a long-term commitment. I reiterate the point that the winner of the FDSCI contract competed against the private sector. At the election, the hon. Gentleman campaigned for the private sector to run almost the entire supply chain for the armed forces. If he wishes to see some shame, perhaps he should look in the mirror.

[Mr. Ingram]

As for retraining schemes, cross-Government agencies are working to minimise the effect of the announcement on individuals. Responsibility does not rest with the MOD alone. One of my hon. Friends asked whether we would engage a taskforce, and the answer is yes. We will do all that we can to mitigate the effects of the proposals. The Defence Storage and Distribution Agency already has a commitment, and it will look at the facilities to see whether additional jobs can be provided.

Mr. Roger Williams (Brecon and Radnorshire) (LD): Representations from across the sector would lead us to believe that the Government have announced a poor decision today, and only time will tell how the well-being of the men and women who serve in the Army and the RAF will be affected. The announcement is demoralising for south Wales. The St. Athan aerospace park sounds good, but it will have an empty ring unless it is accompanied by real investment. Will the Minister provide an assurance on behalf of the MOD that any resources from the sale of the VC10 servicing facility will be available in combination with funds from the Welsh Assembly to make the aerospace park an attractive place for industry to relocate?

Mr. Ingram: There is a long answer and a short answer, and I shall try to give the short one. The hon. Gentleman has asked for investment in St. Athan, but what was Red Dragon? It was an investment, which I was criticised for making, so I hope that he welcomed it, because it is an opportunity. Does the VC10 facility provide a good platform for future growth? Yes, potentially, and we will work with all partners—the Welsh Assembly and the private sector—to try and ensure that growth occurs. I hope that the hon. Gentleman recognises and welcomes the fact that the money saved by all those efficiency measures goes to the front line.

Mr. Brian Binley (Northampton, South) (Con): Will the Minister confirm that in his response to the shadow Minister, my hon. Friend the Member for Aldershot (Mr. Howarth), he said that he had not reduced ABRO's capability, but had increased its efficiency? If, as I believe, he said that, will he explain the efficiency measures that he has taken to allow the sizable reduction of 944 jobs while retaining the same capability, or is the truth that he kept those people employed until after the election, even though there was no economic case for doing so?

Mr. Ingram: That is absolute rubbish. A new chief executive was appointed; he was charged with examining ABRO's structure; and, as a professional manager, he then developed a plan. He concluded that reconfiguration is the only way to survive given the layers of overheads, inefficiencies and uncompetitiveness and the new, extremely competitive, aggressive marketplace. He brought his plan, which we studied and examined, to me, and we have introduced the proposals, so jobs were not protected because of the election. If the hon. Gentleman had followed the process, he would know about the dramatic announcements that I made in the run-up to the election. Earlier, one of my hon. Friends asked me to press on, which we have done regardless of electoral considerations. In defence, we do what is right for defence.

BILL PRESENTED

CHILDCARE

Secretary Ruth Kelly, supported by the Prime Minister, Mr. Secretary Prescott, Mr Chancellor of the Exchequer, Ms Secretary Hewitt, Mr. Secretary Hain, Secretary Alan Johnson, Beverley Hughes and Margaret Hodge, presented a Bill to make provision about the powers and duties of local authorities and other bodies in England in relation to the improvement of the well-being of young children; to make provision about the powers and duties of local authorities in England and Wales in relation to the provision of childcare and the provision of information to parents and other persons; to make provision about the regulation and inspection of childcare provision in England; and for connected purposes. And the same was read the First time; and ordered to be read a Second time tomorrow, and to be printed. Explanatory notes to be printed [Bill 80].

Breastfeeding etc.

4.43 pm

Mr. David Kidney (Stafford) (Lab): I beg to move,

That leave be given to bring in a Bill to make it an offence to prevent or stop a person in charge of a child who is otherwise permitted to be in a public place or licensed premises from feeding milk to that child in that place or on those premises; to make provision in relation to the promotion of breastfeeding; and for connected purposes.

The Bill proposes to address some deep weaknesses in our society's attitude to breastfeeding. Those weaknesses are shown in England and Wales in a lower rate of mothers starting to breastfeed and a higher rate of mothers giving up breastfeeding than in countries of a comparable size and wealth to ours. The Bill would broaden the role of the Department of Health in supporting families in the decisions that they make about breastfeeding. It would also stop a form of discrimination that deters parents from feeding their young children in public places.

The promotion of breastfeeding is necessary. Breast milk is best. Research findings are piling up showing that milk is the ideal first food for most babies, providing complete nutrition to meet the unique requirements of infants. That research tells us that breast milk leads to fewer infections in babies—for example, gastro-intestinal tract infections—leads to healthy hearts in the long term, improves cognitive development, brings lower risks of allergies from environmental factors, offers protection against insulin-dependent diabetes, and potentially brings improved bone development. Breastfeeding is also good for the health of mums. Women who breastfeed may benefit from a reduced risk of pre-menopausal ovarian and breast cancer, greater weight loss if they breastfeed for at least six months, and a reduced risk of osteoporosis in later life.

Because of the certainty of those benefits, the World Health Organisation and our own Department of Health recommend that infants be exclusively breastfed for the first six months of their lives. Yet despite that recommendation, in England and Wales about one third of mothers do not breastfeed from the outset, and by four months of age only about a quarter of babies are still receiving breast milk. It is true that breastfeeding is not possible for a small number of mothers, but for most who do not start or give up too soon there are practical and cultural obstacles that we should sweep away.

The Scandinavian countries top the league table of breastfeeding. In Norway, 97 per cent. of new mothers start to breastfeed, with 80 per cent. still doing so at six months. The compelling health benefits mean that we should try harder in this country to match those more successful societies. The Bill would require the Department of Health to make arrangements to support and encourage families to ensure greater rates of breastfeeding in our country. The Government are committed to the promotion of breastfeeding—they already fund projects on best breastfeeding practice—but all parents of newborn babies should have access to education, supervision and support. I know from my contacts that many midwives, health visitors, National Childbirth Trust and La Leche League breastfeeding counsellors and others want to help to deliver a more comprehensive support service for all parents, especially mothers wishing to breastfeed. The Government can do more. For example, the NCT calls for a breastfeeding action plan covering training, baby-friendly facilities and peer support.

It is also important to involve employers. It is clear from the work that I have done in my constituency that many employers need help to understand the needs of employees who come back to work after maternity leave and still wish to breastfeed.

The Bill is partly about the health benefits of breastfeeding and ensuring that parents know about those benefits and have support in taking them up, but it is also intended to stamp out discrimination against parents. They want to live normal lives after the birth of their children but can be deterred from venturing out to places where other members of the public have no problem in going because they find a prejudice against feeding babies there. I have heard parents complain about a lack of family-friendly places to feed babies, whether it is breastfeeding or bottle-feeding. Some places try to stop it; others try to suggest that baby-feeding is best done in the toilets.

It beats me that so many people can ogle pictures of women's breasts in newspapers and magazines on open public display, yet complain about that most natural of sights—a mother breastfeeding her baby. Nevertheless, that is what happens. In 2003, a survey for midwives, nurses and health visitors found that nearly four out of 10 breastfeeding mothers and two out of 10 bottle-feeding mothers experienced problems in finding convenient places to feed their babies when out and about.

I am grateful to the NCT for some examples from its casebook. In a Birmingham restaurant, a GP who was discreetly feeding her baby at a table was asked to stop or go to the toilet. A patient in a GP's surgery was asked to leave the waiting room even though another mother was feeding a baby with a bottle. A woman at an ideal homes exhibition was reduced to tears when a man released a volley of abuse, picked up and threw away her pushchair and snatched the cushion against which she was leaning, all because she was breastfeeding at the exhibition. A newspaper recently reported that a doctor was told not to breastfeed in a Derby store because it was a gentleman's outfitters. Stevenage citizens advice bureau reports a case of a nursing mother threatened with homelessness who was told that she could not bring her child with her to the court hearing at Hitchin.

In aiming to outlaw such discrimination, the Bill does not discriminate between breastfeeding and bottle-feeding—it applies to and gives the same protection in each case. It applies to all children under the age of two.

The proposals are not new. For years, UNICEF has called for legislation to protect breastfeeding mothers who want to feed their babies in public areas. UNICEF does not simply wait for Parliament to act—it has developed a United Kingdom baby-friendly initiative as part of a global programme with the World Health Organisation. The initiative works with health services to improve practice in supporting breastfeeding. We should give such steps legal backing to encourage breastfeeding. The Bill would do that.

I have said that the idea is not new. Elaine Smith, a Member of the Scottish Parliament, successfully steered a similar law on to the statute book north of the border

[Mr. David Kidney]

last year. Earlier this year, I was present at a meeting of the all-party group on maternity services when a Health Minister was asked to introduce a similar law in England and Wales. A similar request was made of another Health Minister at a meeting in my constituency in Stafford, again, earlier this year. The NCT supports the proposal. I therefore have support from UNICEF, the all-party group and the NCT. Scotland has already enacted such a law and the policy is fully in line with the policies of the World Health Organisation and our Government.

I leave the last word to Angela Blanchard, an NCT breastfeeding counsellor in my constituency. She said:

> "In my 10 years of being a breastfeeding counsellor for NCT, the issue of breastfeeding in public places has come up in every single ante-natal session that I have facilitated—both for NCT and the NHS. Mothers-to-be say things like, 'I'd like to breastfeed but what about when I go out in public?' There is a great amount of fear and anxiety around this. Legal protection would be hugely empowering."

I beg to ask leave to introduce such legal protection.

Question put and agreed to.

Bill ordered to be brought in by Mr. David Kidney, Annette Brooke, Mrs. Janet Dean, Paul Farrelly, Sandra Gidley, Dr. Evan Harris, Dr. Brian Iddon, Laura Moffatt, Julie Morgan and Mrs. Betty Williams.

BREASTFEEDING ETC.

Mr. David Kidney accordingly presented a Bill to make it an offence to prevent or stop a person in charge of a child who is otherwise permitted to be in a public place or licensed premises from feeding milk to that child in that place or on those premises; to make provision in relation to the promotion of breastfeeding; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 11 November, and to be printed [Bill 79].

Orders of the Day

Electoral Administration Bill

(Clauses Nos. 9 to 18; any new Clauses or new Schedules relating to Part 2 or Part 3 of the Bill; any new Clauses or new Schedules relating to the procedure to be followed in an election on the death of a candidate; and any new Clauses or new Schedules relating to candidates standing in more than one constituency at an election)

Considered in Committee.

[SIR MICHAEL LORD *in the Chair*]

The Second Deputy Chairman of Ways and Means (Sir Michael Lord): I advise the Committee that the first joint report of last Session from the Constitutional Affairs and Office of the Deputy Prime Minister Committees on Electoral Registration and the evidence taken before the Constitutional Affairs Committee on 2 November are relevant to today's proceedings. Copies are available in the Vote Office.

Clause 9

REGISTRATION OFFICERS: DUTY TO TAKE NECESSARY STEPS

4.54 pm

Mr. Jonathan Djanogly (Huntingdon) (Con): I beg to move amendment No. 14, in clause 9, page 6, line 15, at end insert—

> '(1) Each registration officer must take all necessary steps to remove individuals from the electoral register who are no longer eligible to remain on the register once they cease to be eligible.'.

The Second Deputy Chairman: With this it will be convenient to discuss the following amendments: No. 30, in page 6, line 18, at end insert

> 'and to maximise the number of those entitled to register who do so.'.

No. 1, in page 6, line 26, at end insert—

> '(ca) ensuring that registers are compiled in accordance with the requirements of the Disability Discrimination Act 2001;'.

No. 28, in page 6, line 31, at end insert—

> '(f) inspecting any records held by any person or organisation as designated by the Secretary of State.'.

No. 29, in page 6, line 36, at end add—

> '"9B Duty to provide information to registration officers
>
> The Secretary of State may require any person or organisation to provide all appropriate information to registration officers to assist them with the performance of their duties.".'.

Mr. Djanogly: We welcome the intention of the Bill and the Government's belated recognition that all is not well in our once-envied electoral system. It is in urgent need of attention because there is much work to be done following years of neglect. While we support many of the Bill's provisions, there are problems with what it fails to include. That is certainly the case with part 2, and specifically with clause 9. The Bill contains many ideas, but very little is offered in terms of immediate and substantive reform of the electoral system.

A survey conducted by MORI earlier this year found that 54 per cent. of the public think that postal voting has made it easier to commit electoral fraud. An even higher percentage thought that electronic voting would increase fraud: 74 per cent. thought that that would be the case with voting by text message and 55 per cent. with voting by website. What is needed is genuine reform that will re-establish the integrity of the electoral system. What is also needed is a Bill that will crack down on the fraud that is detracting from the electorate's faith in our democracy. What we have, however, is a Bill that promises a lot, but does not deliver as much as it promises.

Chris Ruane (Vale of Clwyd) (Lab): The hon. Gentleman mentioned the MORI poll, which I think was conducted in May and June. Is he worried that such scientific research was conducted during a period in which there was wall-to-wall coverage in the press and on radio and television about postal ballot fraud? Surely, if changes are going to be made on the back of such research, it would have been better to carry it out at a more stable time.

The Temporary Chairman (Mr. Edward O'Hara): Order. Before the hon. Member for Huntingdon (Mr. Djanogly) proceeds, I should like to draw the Committee's attention to the terms of the amendment. We are not at this point having a general debate on the Bill.

Mr. Djanogly: To answer the question put by the hon. Member for Vale of Clwyd (Chris Ruane), yes, if a survey were conducted at a different time, it might produce a different answer, but he will appreciate that there are real concerns about the integrity of our voting system. I certainly do not think that the Government would deny that.

Simon Hughes (North Southwark and Bermondsey) (LD): I hope that my question is precisely on the matter for debate. One issue involving clear mischief is the repetition of names, either because people have moved and should have come off the register at address A when they registered at address B, or because they have registered in the same name at more than one place. Do the amendments, or the Bill, deal with that mischief? If not, can we ensure between us that we do so? The Minister and I know that this is an issue not only in our borough but elsewhere.

Mr. Djanogly: That is an issue that we shall come to later.

We must be careful not to confuse the overriding need to preserve the integrity of the electoral system with the important but nevertheless secondary issue of increasing voter turnout. The registration process should provide an accurate, comprehensive and secure foundation for the conduct of elections. Registration is the building block on which all else rests. Without a credible system, talk of increasing voter turnout would only be counter-productive. We believe that British citizens should want to vote and should be proud of our democratic system. We also believe that steps need to be taken to facilitate that by making voting more secure and more accessible, but we do not believe in focusing on making it so easy to vote that people will vote just because it is easy to do so, rather than out of genuine democratic interest.

For these reasons, I want to focus on what needs to be done to ensure confidence in the integrity of our system. Preventing offences is clearly a more effective way to build public confidence than prosecuting offenders.

Mr. Andrew Love (Edmonton) (Lab/Co-op): I want to ask the hon. Gentleman to address an essential point. Do the Opposition believe that it should be a priority for electoral registration officers to maximise the number of people on the register, to ensure the highest possible turnout at elections?

5 pm

Mr. Djanogly: We believe that and we support the provisions that say it, but we want electoral registration officers also to be responsible for ensuring that people who should not be on the roll are not on it. Indeed, the integrity of the system is, from our point of view, the priority issue.

Registration is the biggest single issue about which the Electoral Commission receives inquiries from the public. Between the start of February this year and polling day, the commission fielded almost 36,000 telephone calls about registration, representing two thirds of all inquiries. There were a further 318,000 visitors to the commission's voter registration website. Young people are most likely to be unregistered, with 16 per cent. of 18 to 24-year-olds unregistered—double the national average. The figure is similar for ethnic minorities and the unemployed, among whom 17 per cent. are unregistered.

Among the groups in society where registration rates are below average, lower turnout rates have also been recorded. Younger voters—those aged 24 and under—are almost half as likely to vote as the population as a whole.

Mr. Gordon Prentice (Pendle) (Lab): There is a legal duty to return the electoral registration form. Over the past five years, how many people have been fined for not doing so?

Mr. Djanogly: The hon. Gentleman makes a good point that I will make on a later group of amendments I believe that the answer is none or a negligible number.

Chris Ruane: On postal ballot fraud, can the hon. Gentleman give the figures for the number of successful prosecutions at parliamentary or local government elections over the past two or three years?

Mr. Djanogly: I cannot, but I would be interested to hear those figures from the Minister.

Chris Ruane *rose—*

Mr. Djanogly: No, I shall make headway.

Longer-term analysis by the Electoral Commission suggests that there is a disfranchised generation that, as it gets older, will not turn out in greater numbers. We hear little as to what the Government propose to do about that. Increasing political awareness and interest

[Mr. Djanogly]

must surely be at the heart of any attempt to increase turnout. If that issue is not tackled in conjunction with the Bill, increasing duties on electoral registration officers will, we agree, have little effect.

The commission raised particular concerns about the existing registration system, under which the head of household is much more likely to be registered than other eligible people in the home. My hon. Friend the Member for North-East Hertfordshire (Mr. Heald) will deal with that point later. We believe that individual registration is very much tied in with amendment No. 14, which is why I have taken some time to put the two together.

Clause 9, which will insert proposed new section 9A in the Representation of the People Act 1983, sets out a non-exhaustive list of the minimum steps that must be taken by the electoral registration officers to identify persons eligible for registration as electors—for example, making repeat house-to-house inquiries in connection with the annual canvass.

We support that clause and believe that there should be clear duties on registration officers to promote accurate registration. Nevertheless, the clause could go further in promoting not only registration, but an accurate register. We must recognise that over-registration and under-registration are both problems that need addressing.

We must all be clear about the fact that an accurate register that results in fewer people being registered is preferable, from our point of view, to a bloated, inaccurate register. If the registration system is secure and accurate, the risks further downstream in the electoral process are significantly reduced.

Mr. Alan Beith (Berwick-upon-Tweed) (LD): There is a fundamental difficulty with that. If someone's name is inappropriately on the electoral register and he votes, he may commit an offence, but if someone's name is not on the electoral register, he has no recourse and is precluded from voting by the absence of his name.

Mr. Djanogly: The right hon. Gentleman makes an important point—I agree—but our position is that the integrity of the register in itself must be the priority. If there is no integrity within the electoral register, people's confidence in the system will only decline over time.

Dr. John Pugh (Southport) (LD): Obviously, the rules can encourage under-registration or over-registration. Has the hon. Gentleman sized those two different problems? What is the percentage of over-registration compared with the percentage of under-registration for any one given register?

Mr. Djanogly: I do not have those figures, but I would be delighted to hear them from the Minister.

Chris Ruane: May I tell the hon. Gentleman that the figures for under-registration are in the public domain and were produced by the Electoral Commission in September? The figure is between 3.5 million and 4 million people. If single signature or unique identifiers go ahead, there could be a further 10 per cent. drop—another 4 million. We might have 8 million people off the register as a result.

Mr. Djanogly: The hon. Gentleman has been dying to give that statistic, and he has now given it.

Mr. Andrew Turner (Isle of Wight) (Con): Does my hon. Friend agree that one can have under-registration and over-registration at the same time, because some people, as the hon. Member for North Southwark and Bermondsey (Simon Hughes) suggested, might be registered more than once without such an entitlement? The Government were happy to introduce a Northern Ireland electoral fraud Bill that was designed to prevent the phenomenon of some constituencies having more people registered than there were electors.

Mr. Djanogly: I agree with my hon. Friend: there can be over and under-representation on the same register, but the priority is to ensure that the register is as accurate as possible. That is the starting block of our democracy.

The amendment would ensure that registration officers had a clear duty to remove individuals from an electoral register who should not be on it. People who are no longer resident should be removed from the register, particularly in urban areas with a high population turnover. Keeping electors on the electoral roll who are no longer resident opens the door to election fraud. The amendment is designed to tackle the current problem of over-registration by creating this new duty for electoral registration officers to remove individuals from the register who are no longer eligible to be on it .

Mr. Love: I thank the hon. Gentleman for getting on to the terms of amendment No. 14. I understand that, under the 2000 legislation, electors are removed from the register and safeguards are in place, especially where no electoral registration form is returned. What additional over-registration is the hon. Gentleman trying to reach with this amendment?

Mr. Djanogly: The hon. Gentleman will find that the situation varies dramatically from place to place. Best practice across the various electoral districts is a serious issue. The point of the amendment is that electoral registration officers should have a duty under the Bill in relation to those who should not be on the register, as well as in relation to those who should be on it. The wording of the amendment is no less important, if not more important, that that in the Bill.

Mr. Greg Knight (East Yorkshire) (Con): Will my hon. Friend explain to the Committee how this amendment, which I broadly support, would work in the case of someone sentenced to imprisonment? Would that not impose a duty on registration officers to remove such an individual's name from the register for the period of his incarceration?

Mr. Djanogly: Yes, that would be correct. That is the law and electoral registration officers should be checking up on that.

Mr. Gordon Prentice: Will the hon. Gentleman give way?

Mr. Djanogly: No, I will make some progress.

We acknowledge that the Secretary of State is given powers to add to the list contained in clause 9 but believe that the Bill should go further and that EROs should have an obligation under the clause to ensure that proactive steps are taken towards an accurate register, which would include removing individuals from the register who are no longer eligible to be on it.

We also acknowledge that clause 61 provides for the Electoral Commission to set performance standards for electoral administrators and that it envisages that the commission will set further standards for EROs to complement the minimum ones set out in clause 9, but is that not just another example of a clause that talks the talk but does not quite walk the walk, of which we will see a lot during consideration of the Bill? Why should we not clearly set out those further standards and all the duties and expectations of EROs in this clause? Obviously, we accept that some flexibility to add or modify the duties is desirable. Why not be a little bolder and set clear duties on the EROs? They would work more effectively if they knew their role and if their responsibilities were clearly defined.

I acknowledge the excellent work done by registration officers and other electoral staff and administrators. We must realise that increased burdens require increased training and possibly increased staffing levels. Has the Minister done any impact assessment of the additional costs that could be involved and how exactly they will be funded? It must be said that the Government's record in introducing new duties for local government and then providing inadequate resources is renowned. There are many instances of local authorities having to subsidise new duties because of insufficient Government funding. These are the issues that need to be addressed if the Bill is going to work.

The increased level of under-registration has also been of concern to all those involved in elections, but it is a distinct issue. In their report "Understanding electoral registration: the extent and nature of non-registration in Britain" of September 2005, the Electoral Commission estimated that 3.7 million people across England and Wales who are eligible to vote are not registered to do so. That means that approximately 8 per cent of those eligible to vote are not registered. I shall discuss that in more detail later.

Under the Representation of the People (England and Wales) Regulations 2001, there is an obligation on the head of the household to return the registration forms. Clearly, that is not being done and the fine that can be imposed is simply not being put into effect. Making individuals more accountable could be better achieved under a system of individual registration, where a duty to register would be easier to enforce and the obligations imposed by the amendment would be more easily enforced as well.

It is widely recognised that non-registration is not spread evenly across the population but is worse in certain areas and among certain sections of the population. That point demonstrates that individual registration will not necessarily increase voter turnout. Non-registration should be combated by targeting those parts of the population where it is particularly prevalent. If that is done in conjunction with the introduction of individual registration, we will be taking effective steps towards combating both over and under-registration.

We generally agree with the principle of the amendment tabled by the hon. Member for Sheffield, Attercliffe (Mr. Betts) and with the idea that there should be duties on electoral registration officers both to keep an accurate register and to promote electoral registration. On a cautionary note, increasing political awareness and interest surely must be at the heart of any attempt to increase turnout. If the issue is not tackled in conjunction with the Bill, increasing duties on electoral registration officers may have little effect.

On the amendment tabled by the Liberal Democrats, we welcome any amendments that have the potential to deliver better access to electoral registration and voting for disabled people. However, I wonder whether the reference to the Disability Discrimination Act 2001 is correct and whether it should be 1995 or 2005.

Mr. David Heath (Somerton and Frome) (LD): 2005.

Mr. Djanogly: I thank the hon. Gentleman. We support the intention of the amendment and would appreciate it if the Minister looked further into the matters facing those with disabilities. The Bill should ensure that the voting process is accessible, from registration to the casting of the ballots, to all those with disabilities. We should certainly do all we can to ensure that the Bill complies with the disability equality duty contained in section 3 of the Disability Discrimination Act 2005.

The hon. Member for Sheffield, Attercliffe tabled amendments Nos. 28 and 29, and we support the general intention behind them, particularly in relation to how they could facilitate the better implementation of individual registration. On individual registration, we recognise that some form of roll-over measures may be needed, based on the experience of Northern Ireland. We concur with the views put to the Office of the Deputy Prime Minister Committee that we should move swiftly to individual registration with vigorous data swapping between electoral registration officers and utilities, the Post Office, the Driver and Vehicle Licensing Agency and others.

5.15 pm

Amendment No. 28 places a welcome duty on registration officers to use the records and resources available to them to ensure an accurate register. As I have said, we believe that that should be the foundation of the electoral process. We also believe, however, that access to information should not be unfettered. While we support the intention of the amendment, it might be better to specify the type of information available for data sharing in this primary legislation. It may also be necessary to consider safeguards beyond the Data Protection Act 1998 to prevent unfettered access and possible abuse of information. I should be interested to hear the Minister's views.

We have similar worries about amendment No. 29. Effective and unencumbered data sharing would clearly make for an accurate register, but adequate safeguards would again be necessary. We support the use of data matching against other public registers to enable potentially eligible electors who are not yet registered to be identified and targeted more effectively. The

[Mr. Djanogly]

implications of sharing information between local authorities, Departments and other agencies require detailed consideration by the expert agencies.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): I was interested by the Opposition's approach. I was more heartened at the end of the speech by the hon. Member for Huntingdon (Mr. Djanogly) than I was at the beginning, once he had made it clear that he broadly supported measures aimed at improving the level of electoral registration. The wording of amendment No. 14 suggests that the Opposition's remit is to get people off the register rather than on to it. That was the major problem that I, along with many other Members, raised on Second Reading.

Currently, electoral registration is not fair. It is biased, and discriminates against people in inner-city areas, people in housing with multiple occupation, people who are young, people who are black and people from the Asian community. We must therefore find a better system to achieve fairer registration that more accurately reflects people's entitlement to register. I accept that people who have no entitlement should not be on the register—that goes without saying—but we must address this major problem as well.

I have a view on the moves we should be making and the long-term objective of completely revised electoral registration, and my amendments conform with that view. The annual canvass with a bit of information coming from one or two databases—such as council tax information—is a pretty inefficient way of compiling an electoral register. Over two or three months, a great deal of effort is put into going around and offering people the opportunity to provide information that is already available to electoral registration officers because the form was filled in a year earlier and nothing much has changed.

The joint report of the Constitutional Affairs Committee and the Office of the Deputy Prime Minister Committee drew on evidence that we had seen in Australia, where electoral registration information is obtained from various databases and used to follow up individuals whose circumstances have changed. By doing that, rather than conducting an annual canvass of everyone, the authorities managed to produce a register which they told us they considered to be 98 per cent. accurate.

Chris Ruane: Yesterday I spoke to Sam Younger, head of the Electoral Commission. He shares my hon. Friend's view that filling in a form every year is not necessary, believing that once per parliamentary term or once every four years would be acceptable. Would my hon. Friend support that?

Mr. Betts: Yes, I would be content to move in that general direction. I also feel that the whole House should thank my hon. Friend for all the work that he has done, and for gathering information and statistics about the extent of under-registration.

If we adopted a system under which data from a variety of organisations provided the basis on which electoral registration was carried out, we could, if we wished, also conduct an audit check by means of a canvass, say every three years. Electoral registration officers could then use their resources more effectively and spread out the check over a period, rather than trying to target everyone, irrespective of whether their circumstances had changed, within three months. That is very inefficient. I am seeking, through my amendments, to strengthen the current arrangements with a view to moving gradually towards the situation that I have just outlined.

One issue that emerged strongly during our Select Committee's deliberations was electoral registration officers' concern about whether they have the right—let alone a responsibility—to encourage people to get their name on the register. Their worry was that they might at some stage face a legal challenge, and might be getting into the political arena. Amendment No. 30 seeks to make it absolutely clear that we are not merely encouraging but requiring them

"to maximise the number of those entitled to register who do so."

That would remove any doubt, making it clear that EROs will not face a legal challenge in encouraging people to register. When we consider later clauses, I shall make it clear that I want a duty to be imposed on EROs to produce for the Electoral Commission an annual report on the extent to which they have achieved that objective. Indeed, I want the requirement to maximise registration to be imposed on the commission, as well. The commission does a lot of good in giving advice, but it would be worth while imposing on it the duty positively to achieve that objective.

Chris Ruane: That excellent suggestion has my full support. However, local EROs should produce such reports not only for the commission but for their local electorates, to let them know how they are performing. That should be done on a national scale, and should perhaps involve a league table.

Mr. Betts: Perhaps, and if this House does not require that a league table be drawn up, someone doubtless soon will; perhaps my hon. Friend will have another job to do in that regard. Local council committees can scrutinise such reports annually, and it might not be a bad idea for the commission—should it be given this responsibility—to produce an annual report for Parliament, so that we can scrutinise how well it has performed overall.

On safeguards and scrutiny, our Select Committee hearing examined the idea of using a variety of databases. In general, data protection experts had no problem with that, so long as it is made clear that the information collected can be used for this purpose.

I am certainly prepared to listen to what my colleagues on the Government Front Bench have to say. The wording of my amendment may not be perfect, but I hope that they at least accept the thrust of the idea that we should make it clear that EROs have the right to access not merely information held by a council—it is clear that they already access council tax and benefits information, for example—but wider information. Let us consider a classic case. Local authorities used to have housing departments, whose information could be used by EROs. Housing departments as we traditionally understand them no longer exist, because stock transfers have taken place or arm's length management organisations have been created, as in the case of my Sheffield authority. It is not clear whether EROs have the right to seek information outside the council from arm's length, or completely separate and independent, bodies. It would clearly be wrong if the information historically used by EROs were suddenly removed as the result of a housing stock transfer.

Chris Ruane: I have in my hand responses from EROs throughout the country, and it may surprise my hon. Friend to learn that not all take advantage of their current ability to consult local government databases, so a duty needs to be imposed on them to pursue such information. Many of them have said that they would welcome access to central Government databases, in order to improve their registers.

Mr. Betts: The point that my hon. Friend makes is absolutely right. In Australia, for example, driving licence information is used, along with information from private companies, utilities and organisations in the public domain such as the post office. All those bodies have information about people changing their addresses. That is the fundamental basis on which electoral registration officers work, to ensure that the registers are as accurate as possible.

The amendments are not intended to be too prescriptive about precisely which information should be used; I am merely saying that we should broaden it beyond the information available to councils. I want to make it clear that registration officers should have the ability to use information from such individuals and organisations as the Secretary of State designates for that purpose.

My amendment No. 29 attempts to turn the position round by saying that it is not merely for electoral registration officers to have to seek the information; rather, certain organisations that have information about people's change of address—institutions such as universities, for example, which have information about individuals becoming 18 or moving to a particular area—should be required to notify the ERO. In the past, the two universities in Sheffield have adopted different approaches to supplying information about halls of residence. It is wrong if one set of students is more likely to be on the register than another, simply because of a particular decision of an individual officer within a university.

My amendments incorporate the various issues that I have mentioned. My Front-Bench colleagues may point to deficiencies in the wording, but I believe that there is a great deal of support for what the amendments are intended to achieve. We need to recognise that we have a serious problem of under-registration and that much data within councils, other public bodies, utilities and the private sector are readily available—all of which would make EROs' job much better and lead to a more accurate register. Many people not currently on the register could be on it in the future. I hope that Ministers are minded to accept, if not the precise wording, the intention behind the amendments.

Mr. Heath: I rise to speak to the group of amendments and, in particular, to the amendments standing in my name and that of my hon. Friends. I shall deal with the generality of the group of amendments first.

I am concerned that the Committee seems already to be getting into an either/or position: either we have to prioritise the integrity of the registration process and the ballot, or we have to maximise the number of people available. I have to say—not just because I am a Liberal—that there is a Goldilocks solution here. We do not want under-registration or over-registration; we want it to be just right. What we need, therefore, are provisions to maximise the integrity of the registration process, while at the same time ensuring that as many people as are eligible to vote are actually on the register and able to vote. I made that point on Second Reading.

Mr. Love: That is not a controversial statement, but does the hon. Gentleman agree that if we introduce too many security measures, it may well have an adverse impact on the number of people prepared to climb the hurdles in order to register to vote?

Mr. Heath: I do, actually. If the hon. Gentleman listened to what I said on Second Reading, he would know that I disagreed with Conservative proposals relating to national insurance numbers. Not everyone in the country knows that number instantly, so it could prove an obstacle to registration, but that does not rule out the possibility of using other identifiers with which people are more familiar, particularly if they are more easily accessed. That could help to maintain confidence in the system.

I listened to what the hon. Member for Huntingdon (Mr. Djanogly) said about amendment No. 14. I am afraid that it has changed the context in which we read the Bill. It is absolutely right that electoral registration officers should

> "take all necessary steps to remove individuals from the electoral register who are no longer eligible".

Of course that should be a duty. However, making that the first duty, even before there is a duty to create the register, is not sensible. The first duty should not be to remove people from a register that is not yet created. The amendment certainly overstates the case a little.

Mr. Oliver Heald (North-East Hertfordshire) (Con): That is not what the amendment says.

Mr. Heath: The hon. Gentleman says that that is not what the amendment says, but it is. The clause deals with the duty of registration officers to take necessary steps. The amendment suggests at the end of line 15 that the first duty should be "to remove individuals".

Mr. Heald: It would be all right further down.

Mr. Heath: It would be all right further down. That would be the right place, as it would suggest that the register's integrity was an important factor, but not one that outweighed any other consideration.

5.30 pm

The hon. Member for Sheffield, Attercliffe (Mr. Betts) was right, when speaking to his amendment No. 30, to stress the need to maximise the number of people entitled to register. I hope that the Bill contains a clear expression of that intention. I understand the objectives

[Mr. Heath]

of his other amendments, and I admit that I am being pedantic, but the proposal in amendment No. 28 to give EROs not just a power but a duty to inspect

"any records held by any person or organisation as designated by the Secretary of State"

might involve them in rather more work than they had anticipated. We need access to any record, and EROs, as part of their duty to maximise the number of people on the register, should use the information available in a sensible way. Although the amendment is not worded quite right, my criticism is minor and I do not want to take anything away from the hon. Gentleman's intention.

My difficulty with amendment No. 29 is similar. I think that organisations should have a duty to provide information on request, but bureaucratic meltdown might result if the duty were to provide any bit of information that might ever be of value to an ERO whenever a database somewhere in the country was changed. I think that the job that the hon. Member for Sheffield, Attercliffe wants done would be achieved by inserting into the Bill a duty to provide information on request and by giving EROs the power of inspection, provided that that was in the context of an overall and overriding duty to maximise the numbers of people on the register who are entitled to vote, and to remove those who are not so entitled.

Dr. Pugh: When we collect data, does my hon. Friend agree that we must ensure that things do not happen that we do not want to happen? For example, the names of people registered anonymously will not appear on the published register. If they move house, or if the details of their driving licences change, must not EROs be obliged to check out the facts, for reasons of personal security, before a name appears on the electoral register that should not appear there?

Mr. Heath: My hon. Friend is right. Multiple entries sometimes appear on the register that one would expect the ERO to notice. I have great respect for the EROs in my constituency, but my opponent in the general election did not register as a voter in my constituency until three months before the election. When he did, he appeared on the register at three different addresses in the same village. That surprised me a little.

Mr. Brian Binley (Northampton, South) (Con): I am especially concerned about how databases are gathered. My business is the creation of databases, and I can tell the House that most of them are almost useless. Accurate information is vital to the election process, so I want to offer a word of warning that EROs should be wary about how it is collected.

Mr. Heath: The hon. Gentleman makes an important point—although I must say that my business is being a Member of Parliament. He is right to say that a lot of databases are corrupted and that when one puts rubbish into a database one gets rubbish out. The register is too important to have rubbish put into it, and I accept the point that he makes.

We have to get through many groups of amendments in the next couple of hours, so I shall not speak at length. I shall briefly introduce amendment No. 1, which I tabled. As the hon. Member for Huntingdon said, it has a typographical error and should read "2005", not "2001". I think that that is what the original text said. All I seek from the Minister is clear guidance for registration officers that it is important to look after people with disabilities in the registration process as well as in the voting process. We are getting it right more and more in the voting process, but I am less convinced about the registration process.

Communication with people with disabilities needs to be appropriate, and that is not always the case. Canvass officers need the appropriate skills to communicate with people with disabilities and registration officers may need to use means of communication that are not the obvious ones. Instead of advertisements in newspapers, they might need to be placed in specialised forms of media that will reach those who would otherwise not be reached. The whole question of household registration as opposed to individual registration also needs to be considered. If one or two people in a house have disabilities, they may need specific and separate treatment to enable them to register correctly.

The Disability Discrimination Act 2005 will—I think—impose a duty on registration officers as of December 2006, and that general duty may cover all the issues that I have mentioned. However, this is an opportunity to be explicit before that date and ensure that a sector of the community is not effectively disbarred from taking part in the democratic process. That is the purpose of my amendment. I do not intend to press it to a Division, but I hope that the Minister will respond positively to it.

Mr. Gordon Prentice: I agreed with the Member for Somerton and Frome (Mr. Heath) when he said that this should not be an either/or argument between maintaining the integrity of the electoral register and making it as comprehensive as possible. I also agreed with my Friend the Member for Sheffield, Attercliffe (Mr. Betts) when he reminded us of the situation in Australia, where they have compulsory voting. As he told us, 98 per cent. of the population there is on the electoral register, so we should examine the Australian experience carefully. I would not adopt compulsory voting: instead, I would reward people for joining the electoral register. That may sound a little eccentric or zany, but we could tweak income tax codes or enhance benefits and reward people for participating in elections, which is of course a civic duty.

I agree with amendment No. 14 that registration officers should be under a duty to remove names from the electoral register. At the last election, my Liberal Democrat opponent, Shazad Anwar, circulated leaflets saying that he lived at 34 Kibble Grove, Brierfield, with his wife, Raisa. When we looked at the register it showed that he also lived with his brother and two sisters, who also appeared on the electoral register in Burnley. We went back a further year and those same relatives appeared on both the Pendle and the Burnley registers for that year. We took the matter up with the police, who told us that they had been in touch with the town hall in neighbouring Burnley and it was the practice that if electoral registration forms for an address were not returned, the names were rolled forward on the register for 12 months. I have the letter from the police in front of me. That practice is not good enough, because if people think that the integrity of the electoral register is corrupted in some way, they will soon stop accepting the results of elections, especially close ones. These are important issues.

I want more registration. Currently, there is huge under-registration, but we must do everything we can to maintain the integrity of the electoral register. On that I agree with Opposition Front-Bench Members.

Mr. John Horam (Orpington) (Con): I support my hon. Friend the Member for Huntingdon (Mr. Djanogly) in his amendment. I also agree with the hon. Member for Sheffield, Attercliffe (Mr. Betts) that we need to increase registration, as there is undoubtedly under-registration. I thoroughly agree with the intention of his amendments even though, as he admitted, they may be not quite technically accurate enough for acceptance.

My hon. Friend the Member for Huntingdon is right to try to get the balance right, whether it be at subsection (1) or subsection (5). There should be a balance between an increase in registration and getting the register right. The hon. Member for Southport (Dr. Pugh) and other Members pointed out that there is far more under-registration than wrongful registration. That is a valid point, but our view is that it is also a question of confidence in the security of the electoral system—the point made by the hon. Member for Pendle (Mr. Prentice)—and individual results may be influenced in local authority elections, for example. In such cases, there would certainly be scandal or invidious press comment and the whole process would become a shambles. I am sure that the Government do not want that any more than Members do. It is not a quantitative question, but one of confidence, and my hon. Friend's amendment addresses that squarely. If we can find that balanced approach, I am sure that the House can reach consensus on the issue.

Secondly, I want to raise a point that was brought to the attention of the House and the Minister by Dame Marion Roe, who was formerly the Member of Parliament for Broxbourne, and who is happily not entirely disengaged from politics as she is one of my constituents. She pointed out that probably many foreign nationals on the register are not Commonwealth, European Union or Irish citizens and are certainly not British citizens. They may be immigrants whose cases are in a pending tray at the Home Office and who are not properly yet entitled to be on the register. Somehow they get on to the register, not necessarily with fraudulent intent—they may simply have filled in a form that was thrust through their letterbox because they thought that they should. They may not have completed the form accurately because they do not understand the language. They may have filled it in because they thought that if they were not on the register they would not be able to claim benefits or have access to a parking scheme. They may be Turkish, Kosovan or some other nationality and they are not allowed to vote.

It is certainly the case, as the Minister may point out, that the recent change in the application form to require that people include their nationality should significantly deal with the issue. I think that requirement is on all the most recent application forms. That is good but it will not satisfactorily deal with the problem.

Mr. Love: May I raise with the hon. Gentleman a concern expressed to me at the general election? I have several Greek constituents who are British citizens. When they filled out the section on nationality, they said, naturally enough, that they were Greek. As a result, they were not allowed to vote at the general election, even though they took their passports to show that they were British citizens. Because they had inadvertently filled out their nationality wrongly they could not vote at the general election.

Mr. Horam: Unfortunately, that shows that there is a downside to every improvement we try to make. On the whole, the inclusion of nationality on the form is reckoned to be a good thing and I support it. If there is a downside, it underlines the point I was making: it is not enough simply to register one's nationality; we must give EROs the right, and the duty if possible, to check it out. We need a checking process as well as a registering process. That is the way to deal with what is undoubtedly a problem.

I do not know how big the problem is. Perhaps the Minister knows.

Chris Ruane *rose—*

Mr. Horam: Perhaps the hon. Gentleman has looked into the problem in detail, so he may know. I invite him to intervene.

Chris Ruane: I have not got the exact information, but I will get back to the hon. Gentleman. Is not the greatest injustice that 37 per cent. of the black and ethnic population of this country are not on the register? He makes a point about keeping this or that nationality off the register, but if people must state their nationality, date of birth and national insurance number and if they must sign personally, each of those steps will take the 4 million unregistered people up to 8 million.

5.45 pm

Mr. Horam: I agree with the hon. Gentleman's point about the mathematical facts. Undoubtedly, under-registration is a bigger issue numerically than wrongful or fraudulent registration—he makes that point very well—but confidence is also an issue. Amendment No. 14 rightly points to the fact that the public's attitude is an issue in how an election may be decided in certain circumstances. The Government should take this issue seriously. They should consider those foreign nationals who may be on the register unwittingly, not intentionally or fraudulently, and therefore give electoral registration officers the right and duty to investigate such matters, and encourage them to do so. That is the way forward.

Mr. Love: I rise primarily to endorse the amendments tabled by my hon. Friend the Member for Sheffield, Attercliffe (Mr. Betts), but before I do so I shall briefly comment on amendment No. 14 in the context of the way that it was moved: it was suggested that its rationale

[Mr. Love]

was that ensuring the register's security and accuracy should be given priority above all other considerations. Other hon. Members have spoken about the need for balance. I want to go further by saying quite clearly that what we have in this country is a crisis of under-registration. Over-registration may or may not exist—there are one or two constituencies where more than 100 per cent. of the estimated local electorate appear on the electoral register—and although I recognise that a balance and proper security measures are needed, we need to address the significant problem of under-registration.

The fact that somewhere between 3.5 million to 4 million people—about 9 to 10 per cent. of the population—are missing nationally from the registers has been mentioned already. In parts of the capital, particularly in inner London, the figure rises to somewhere in the region of 20 per cent. of the population. Although I accept some of the previous suggestions that perhaps we do not need an annual rolling register, there are certain parts of the country where it may well be necessary to keep such a register to achieve accuracy, and London is an example.

Andrew Mackinlay (Thurrock) (Lab): Has my hon. Friend taken cognisance of the fact that, particularly in London, a growing number of people have two homes? We should encourage them to be registered at both homes, especially as they have a legitimate interest in municipal government, but many of them will be exercised by the fact they could be twice required to serve on a jury in two jurisdictions. I wonder whether he and my right hon. and learned Friend the Minister will consider allowing such people to opt for jury service in one of the areas where they have a home, rather than in both. Such a double requirement serves as a disincentive for people to register in London.

Mr. Love: I note the point that my hon. Friend makes; the Minister may wish to respond to it later.

I shall take my constituency as an example of the consequences of under-registration. About 10,000 people who live in my constituency are not registered. As a result, we had to go through in a boundary redistribution, as did every constituency in the country. Although my area has the same number of seats—in fact, the changes made locally are relatively minor—a significant number of seats disappeared nationally. That leads to the conclusion that the number of people not registered significantly contributes to the reduction in representation in different parts of the country.

Dr. Pugh: I am sure that the hon. Gentleman is aware that such things as Government grant are based on the number of people whom the Government believe to be living in a place. The most deprived areas thus suffer from inaccuracies in the electoral register because although many people live there and are in need, there is a shortfall of people on the register.

Mr. Love: Interestingly enough, we have no representative from the London borough of Westminster. Such a point about the borough's estimated population was raised at the time of the census. The situation causes real problems. The under-registration in my constituency means that we often do not get the central support that we would perhaps receive if everyone were on the register.

That situation is the backdrop to any consideration of the amendments. Of course, clause 9 is at the heart of what the Bill is trying to achieve. Everyone would agree with the proposal in amendment No. 14 that electoral registration officers should be aware that people who are ineligible to remain on the register should be removed from it. We should remind electoral officers of that, but it is not the primary focus of what the clause should achieve.

Adam Afriyie (Windsor) (Con): We are in a bit of danger of confusing two issues. Registration officers have a duty to facilitate registration, but encouraging registration is a completely separate issue. Does the hon. Gentleman agree that such encouragement is perhaps a political activity, rather than a registration activity?

Mr. Love: The hon. Gentleman will find that other measures give electoral registration officers the powers and resources with which they can try to ensure that as many people as possible are aware of their right to register for, and participate in, elections. A line must be drawn when an attempt to encourage people to register and participate shaves into political considerations. However, the Bill does a good job by drawing the line in the right place.

I did not want to comment on amendment No. 14 in any great detail. I hope that the Minister will treat it in the way in which the Opposition intended. We should remind electoral registration officers of their duty to ensure that they maintain an accurate register and I hope that that duty will be encapsulated in the final version of clause 9. However, that duty is not the essence of what the clause is about.

The amendments tabled by my hon. Friend the Member for Sheffield, Attercliffe go to the heart of the concerns that many hon. Members have expressed. Clause 9 simply requires registration officers to maintain the register. We must, of course, ensure that the register is accurate and that people who wish to be placed on it may do so, but a greater sense of urgency and priority is needed, so we should encourage officers to maximise the numbers on the register, which would be the effect of amendment No. 30. Although the wording of that amendment might not be acceptable to the Minister, I hope that she will take on board the spirit in which it was tabled and the support that I suspect it would receive among hon. Members.

I am pleased that amendments Nos. 28 and 29 have been tabled because the question of data sharing goes to the heart of what we can do to try to maximise the number of people on the register. I have talked to my electoral registration officer at great length about what can be achieved by knocking on doors and sending letters. It is extremely difficult to boost the number of people on the register by using simply those mechanisms. We need information from data sources so that we can target the people who are not on the register more effectively. I accept that there might be data protection problems with that. Additionally, we should not set up a mechanism that would overload electoral registration officers because they can do only a certain amount of work with the limited resources available to them.

Chris Ruane: Research from the Electoral Commission shows that many of the 3.5 million to 4 million people who are not on the register are unemployed, so does my hon. Friend think that it would be a good idea to use the central Government's unemployment register? Many such people are poorly paid, so should we use tax credit registers, such as that for child tax credit? Many such people live in social housing, so would it be a good idea to use housing records on public, social and private sector housing, especially those for houses in multiple occupation and caravan parks?

Mr. Love: I would endorse all those sources, but we could use other data sources, such as the comprehensive records of the Driver and Vehicle Licensing Agency in Swansea. Indeed, the judicious use of a mix of other local and national sources should make it possible not to overload electoral registration departments with too much work. That would be one of several mechanisms through which we could ensure that we were targeting people who were not on the register.

Mr. Andrew Turner: Problems would be likely to arise when drawing on data from other sources when individuals wished to protect their anonymity. The Bill makes sensible provision for anonymous registration in certain circumstances. How does the hon. Gentleman suggest that data from the register on child tax credit should be deployed? Should people's names simply go on to the electoral register, or should an approach be made not only to ensure that such people exist, but to determine whether they wish to have their names recorded in public or private?

Mr. Love: Any information that goes alongside the name and address of a person claiming child tax credit should of course remain confidential and none of it should be shared with anyone. Before any such changes took place, we would need to ensure that people who put themselves on any of the registers about which we are talking were aware that basic information about their names and addresses could well be used for electoral registration purposes. It goes without saying that we would need to consult the data registrar to ensure that we were not falling foul of any of the many provisions that exist to protect an individual's anonymity. I would certainly not want this or any other Bill to tamper with such necessary protections. However, given all the different data sources that we have, surely we can find appropriate sources through which we would not fall foul of such provisions and that would give electoral registration officers the targeted information that they need.

Mr. Betts: I accept my hon. Friend's point about the need to get the right data sources. He mentioned resources. I am partly arguing that resources could be switched in the longer term from canvassing people whose circumstances have not changed, to getting more useful information from other data sources. In the meantime, does he accept that we might have to spend more money on our electoral registration process and perhaps even think about giving local authorities a specific grant in recognition of the fact that we are creating electoral registers throughout the country that will eventually be used for national purposes?

Mr. Love: Yes, I accept that point. I am pleased that my hon. Friend raises that matter at such an appropriate time.

The Government have made an announcement on the money that will accompany the implementation of the Bill, which is welcome. I ask for two things regarding the resources that will be made available. First, when the Bill has completed its passage through Parliament there should be a recalculation so that the resources provided are adequate to ensure the implementation of powers to improve registration. Secondly, and perhaps even more importantly, those resources should be ring-fenced. Advertising resources will be ring-fenced to enable electoral registration officers to persuade people to go on to the register. However, all the resources for electoral registration purposes should be ring-fenced because there are great worries among local authorities that additional resources may, as happens on many other occasions, filter out of electoral registration into other local government services. However, we want to ensure that the resources dedicated to the Bill are spent on electoral registration.

6 pm

Chris Ruane: Is my hon. Friend aware that the Department does not know how much is spent by each electoral registration office, so if additional money is provided we do not have a baseline for judging how much has been given? We need to collect and collate information on how much each office spends per elector so that we can monitor the situation.

Mr. Love: My hon. Friend is right that there has been a great lack of transparency in this area. I hope that by giving powers to the Electoral Commission the Bill will succeed in providing transparency, so that figures are available both locally and nationally and we can ensure that registration and the provision of resources are satisfactory.

As I said at the beginning of my speech, we commend the amendments tabled by my hon. Friend the Member for Sheffield, Attercliffe, which encapsulate the targets and priorities that Government Members and, indeed, many Opposition Members support. I do not have any difficulty with the other two amendments in the group, and I am sure that with some good will we can achieve a balance so that we can protect the register and ensure that it is accurate, while at the same time we can reach the largest possible number of people missing from the register and put them where they deserve to be—on the register and able to vote in local and national elections.

Mr. Peter Robinson (Belfast, East) (DUP): I do not intend to speak at length on this group of amendments. However, clause 70 does not apply to Northern Ireland. The Electoral Commission says that the Government intend to introduce legislation for Northern Ireland to deal with some of the problems that that entails,

[Mr. Peter Robinson]

but it is essential that that legislation reproduce the propositions in clause 9. I wholeheartedly endorse the standards that the Government are attempting to apply to electoral officers in clause 9. If that standard had been included in legislation affecting Northern Ireland in the past few years, when electoral law was tested on us before it was tested on the rest of the nation, the number of people falling off the register would have been very different.

Will the Government confirm that clause 9 will be replicated in the Northern Ireland legislation that is to follow? Can they tell us whether that legislation will be introduced soon, because it would be wrong to head into a general election without all parts of the United Kingdom having the same standards of registration? Hon. Members have referred to the Northern Ireland experience, and the hon. Member for Edmonton (Mr. Love) is right to say that the issues that impact on GB are not entirely the same as the issues that impact on Northern Ireland. He said that there is a crisis of under-registration in Great Britain, but in Northern Ireland there was a crisis of over-registration.

Chris Ruane: The hon. Gentleman said that there is not a crisis of under-registration in Northern Ireland. When the changes were implemented there, registration went down to 86 per cent. Some of that reduction was about getting rid of guff on the register, but registration has since climbed to only 91 per cent., so 9 to 10 per cent. of the Northern Irish electorate are disfranchised because they are not on the register. Is that not a crisis?

Mr. Robinson: No. The hon. Gentleman's case rests on an assumption. It was well documented that many people had registered themselves at a number of address throughout Northern Ireland, and there were also people on the electoral register who had died many years before but still managed to come out to vote. There are some dangers in not coming out in person to vote, but the dead could still do so by post. Those issues, however, can be dealt with by other legislative changes. Many of the people who were removed from the register should not have been on it in the first place.

I accept that the greater the number of personal identifiers included on the registration form, the more difficult and off-putting it is to fill in the form. I do not think that anyone can provide any precise statistics about the impact of such a measure, but in Northern Ireland people were not put off registering because they were asked to give their signature and date of birth. They were not even put off by being asked to include their national insurance number. I accept the Conservative argument that the national insurance number offers an advantage in cutting out fraud. There were two linked problems in Northern Ireland. The requirement for individual registration, rather than registration by the head of the household, reduced the numbers on the register considerably. The decision was right, but the requirement to register annually was problematic. If it is difficult to comply with all the additional registration requirements, it becomes increasingly frustrating to do so every year.

All the political parties in Northern Ireland supported the Government's decision to change the requirement for annual registration, as has been said. Annual registration may not be necessary if we tie down the requirements for personal identifiers. We will deal with many of those issues later in Committee, so I simply wish to secure an assurance from the Government that everything in the clause, which I fully support and which they are right to introduce, will be included in the Northern Ireland legislation.

There is no inconsistency between the clause and the Conservative amendment. It is entirely legitimate to attempt to comply with the two main requirements of the legislation. We should attempt both to increase participation in the democratic process by ensuring that as many people as possible are registered and to remove people who are fraudulently registered.

One may quibble about whether or not it is their first duty, but it is the electoral officer's duty to make sure the register is as accurate as possible. If the provisions in clause 9 had applied to Northern Ireland, the fall in registration would not have occurred. Such provisions, combined with an end to annual registration, could lead to a marked change in Northern Ireland.

Barbara Keeley (Worsley) (Lab): I want to make a couple of brief comments on matters to which other hon. Members have not referred.

On over-registration and under-registration, my hon. Friend the Member for Edmonton (Mr. Love) has referred to Westminster city council. I think that connecting the electoral register to other local government functions creates a problem. Westminster city council not only has a problem with people with two homes, but links residents' parking permits with the electoral register. The difficulty is that if someone with a parking permit moves on, it is definitely not in their interests to tell Westminster city council about the change of address, if they want to keep the permit.

Linking other functions to registration also creates under-registration. When electoral registration was connected to the payment of the poll tax, we saw the first catastrophic drop in registration. Those of us who campaign in elections know that it is common to visit a house in which a couple, or perhaps a family, live, but only the woman of the household is registered, which possibly allows people to claim a council tax discount by having only one adult in the household. It is interesting that Electoral Commission research shows that 8 per cent. of men are not registered, compared with 6 per cent. of women. If we want to improve the integrity of registers, which is an objective for all parties, we should make it clear that local government should start to split functions and not link items such as residents' parking permits with the electoral register, which causes problems.

I disagree with the hon. Member for Windsor (Adam Afriyie) that encouraging registration is somehow a political activity. Encouraging participation and registration is a proper function of councils, and we must get over the idea, which some local government officers have, that it is not.

Adam Afriyie: If registration officers can pull in other data sources and have a duty to encourage participation, I am concerned that they will choose a data source that matches the profile of a particular political party, because modern campaigning techniques give parties a clear profile of who votes for them.

Barbara Keeley: I do not believe that that is an issue, because we are not into that territory, yet.

Last week, the Constitutional Affairs Committee held an evidence session with the Electoral Commission. Conservative Members have discussed either creating barriers to registration or encouraging participation, and the Electoral Commission is now inclined to discuss the situation in terms of a spectrum from creating barriers to registration to encouraging participation. It does not see one function as superseding the other; it sees the situation as a spectrum, and we should accept the existence of that spectrum. If we want to encourage participation and to get the maximum number of people registered—people cannot participate if they are not registered—we must focus on the barriers.

Some of the ideas that we have discussed would create barriers to registration. When the Electoral Commission conducted its research, it asked people why they did not register. Those people said that registration is "old-fashioned", "time-consuming" and "a chore". In some parts of the country and among some age groups and ethnic minorities, there are already people who do not register, because they think it "a time-consuming chore". We must be cognisant of that point, because everything that we add to the process makes it more of a chore and more time consuming. I cannot agree to proposals such as adding national insurance numbers to registration.

On electoral registration officers seeing it as their job to encourage registration and participation, it is key that the process is not understood: people assume that the council automatically registers people; they do not understand the process; they think that they are already registered; or they do not see the benefits. Encouraging registration is clearly an educational task and is in no shape or form a political activity.

6.15 pm

The Minister of State, Department for Constitutional Affairs (Ms Harriet Harman): We have had a wide discussion on the amendment. I shall begin by discussing the spirit of the Bill and how its objectives will be implemented.

The Government, working with electoral registration officers at a local level, are responsible for achieving three things, in the light of which we have considered all the amendments. Everybody who is entitled to vote should be registered to vote, and hon. Members on both sides of the Committee have acknowledged that universal suffrage is the basis of the franchise. We are not discussing numbers or an abstract register—we are discussing an individual's right to vote.

We should be concerned about every individual who does not have the right to vote, because they are not on the electoral register. In discussing his amendment, the hon. Member for Huntingdon (Mr. Djanogly) failed to give that point sufficient importance, because all other hon. Members who have spoken acknowledged it. He argued that the importance of ensuring that there is no fraud must be the priority and that everything else can be overlooked. We must have full registration and high levels of participation, and we must tackle fraud. Those are our three objectives, none of which is optional.

Some hon. Members have mentioned different numbers—my hon. Friend the Member for Vale of Clwyd (Chris Ruane) is obviously the numbers guru in Committee. Hon. Members who represent constituencies with high registration levels must be baffled to hear us going on about the problems of under-registration. Electoral registration officers sometimes think that Electoral Commission estimates are exaggerated, so I conducted a survey in my constituency surgeries over a number of weeks.

I hold my surgeries in Southwark town hall and limit the number of people who attend to 60. I filled in people's names and addresses on a form and ended consultations by saying, "Sign here to go on the electoral register." Quite a few people said, "I am already on the register", to which I replied, "It doesn't matter. If you are already on the register, they will bin this application form. Sign here, and I will take the form down the corridor to the electoral registration officer." I put a big fluorescent "H" on each form to allow the electoral register officer to see how many people were not registered. Of people attending my surgeries, 30 per cent. were eligible to be on the register, but were not registered. We must always remember that those are real people who have the right to vote.

Mr. Andrew Turner: I understand the good intent with which the Minister conducted her survey. Does she agree that sometimes the same person is registered twice at an address simply because, for example, they use different forms of their Christian name for formal and informal activities—they might call themselves "John" in one context and "Jack" in another? The Minister's survey may have advanced that process.

Ms Harman: When I took those forms along to the electoral registration officer in Southwark, she did not think that the names were not exactly the same or that the surname and the first name were in a different order. We must recognise the major problem of under-registration. One of this Bill's objectives is to tackle that problem, because we cannot have a situation in which people in our democracy do not have the right to vote.

The question involves not only individuals not having the right to vote, but social cohesion. Under-registration is not evenly spread throughout the community—it is a particularly worrying feature among black and ethnic minority communities, people living on council estates and poorer people. If we want our democracy to include everybody, we must go the extra mile to ensure that everyone is registered and that our democracy does what it says on the tin.

Mr. Binley: I take the Minister's point that everybody should have the right to vote, but surprising numbers of people are excluded because of incompetence and inefficiency. Can she assure me that she will review training to ensure that local government is properly equipped and resourced to undertake it?

Ms Harman: That is certainly the intention.

[Ms Harman]

We want to have full registration, to encourage participation and to be absolutely sure that no one fiddles the vote, which is important for the legitimacy of our democracy and the confidence that people have in it. I appreciate that we cannot play the numbers game on fraud. We cannot say that 3 million people are not registered but 3 million people are not committing fraud. Wherever fraud is identified it causes a real problem with public confidence. We must treat it with the utmost seriousness in every single ward and constituency where it occurs, because people must have confidence that those who are elected are their proper representatives in our democratic system.

David Taylor (North-West Leicestershire) (Lab/Co-op): My right hon. and learned Friend undertook an interesting exercise at her advice sessions. I did something similar by linking those who turned up with those on the marked register who had used their vote in the most recent election. In North-West Leicestershire, 70 per cent. of people vote and 30 per cent. abstain, but of the people who come to advice sessions nearer half do not bother to use their vote. Does my right hon. and learned Friend agree that there is a lot of work to be done between registration and participation?

Ms Harman: I do agree. Social inequality is a problem in terms of participation as well as registration. It used to be the case that although people's educational status and health status were very much affected by their socio-economic status, the one thing that remained equal was the likelihood of their participating in an election, which showed no class differentiation. Worryingly, that has changed in the course of the past three elections. The Institute for Public Policy Research has looked at the numbers and identified a growing gap in terms of the likelihood that those in poorer communities will not vote. In a socially cohesive country and an egalitarian democracy, we must pay attention to people being on the register and participating in the electoral system.

Mr. Gordon Prentice: What about people who have pots of money—those who have second homes? Would it not be more equitable to have dual registration so that people vote where they spend most of their time, instead of being able to choose where to vote, perhaps in a marginal where it would count for more?

Ms Harman: Most of those who are registered in two places are students. Because we do not know when the election will fall, it is not sensible to require people to choose in which of two places they will ultimately vote.

The spirit of the Bill is all about encouraging registration and participation and countering fraud, and we are establishing a framework on which to do that. We will place new duties on electoral registration officers, give them new powers, and have a new performance standards regime backed up by adequate resources. Several of the issues that hon. Members raised focused on the electoral registration officers' duties and powers and, until now, their lack of performance standards and inadequate resources.

Andrew Gwynne (Denton and Reddish) (Lab): The Minister is right to mention resources. During the recent general election, several people came to me having realised that they were not registered to vote and said that they had not registered because they were expecting a knock on the door from the local authority. That knock never came, because for several years the local authority has not been conducting annual censuses on a door-to-door basis. Does the Minister think that that should be addressed?

Ms Harman: I can assure my hon. Friend that those people will get a knock on the door, not once but twice if they do not fill in the form and get registered the first time. It is right that we have independent electoral registration officers, but the performance standards that are laid down in the Bill will ensure that we have common high standards for electoral registration, as well as transparency and accountability.

My hon. Friend the Member for Vale of Clwyd rightly said that we do not know how much each individual registration officer spends in their area or the total amount spent on electoral registration. Under the Bill, electoral registration officers will be required to report to the Electoral Commission on what they are doing, how it is working, and how much they are spending on it. That transparency will enable us to compare neighbouring authorities, to see what is working and what is not. It is a basic building block to ensure that the citizens of this country become enfranchised by being on the register and able to vote.

Data sharing is very important, as my hon. Friend the Member for Sheffield, Attercliffe (Mr. Betts) said. A basic commonsense issue is involved here. People are exasperated if they turn up to vote and are told, "You can't vote because you're not on the electoral register." They say, "How can the council say that I don't live there—they sent me a council tax bill yesterday?" We must be cognisant of data protection issues but also use common sense. People do not understand why an electoral registration officer in a local authority does not use the information that it holds. That is a question not only of the legal powers to use data but of operational practice. Such practice varies because individual registration officers interpret the rules differently—for example, some might interpret them as permissive but decide that they are not going to use the data. They should have a clear understanding of the data that it is right for them to refer to, because those data will help them to understand where there are gaps on the register.

Chris Ruane: Will the use of local government databases be monitored on a national scale? Can we be specific about which ones we would like electoral registration officers to see, and can they be specific about which ones they use?

Will the Minister consider—I have pushed her about this in the past—introducing secondary legislation to give EROs access to central Government databases as soon as possible, and not leave it until two or three years down the road, so that we can move forward at the same time at local and central Government level?

Ms Harman: I can reassure my hon. Friend that we will do that as well as ensuring that electoral registration officers use the information that is already available to them for cross-referencing. They can already examine council tax records, housing benefit registers, council rent records, and the records of the planning, education and social services departments. No primary or secondary legislation is needed for that. They can also examine Royal Mail records, because they are allowed to do that by custom and practice.

6.30 pm

We will consider the records that existing powers do not cover but which could be covered by secondary legislation, and whether such legislation is a good idea. That is, therefore, already on our agenda. Such information includes records held by other local authorities, the Driver and Vehicle Licensing Agency, TV Licensing, the Inland Revenue, the Department for Work and Pensions and the Land Registry. Indeed, a woman whose daughter had just become 18 but was not on the electoral register asked, "How come my daughter's not on the register? You know she's 18 because you've just written to tell me that her housing benefit's being stopped." People do not understand that.

I believe however that data sharing is important not only to get people on the register and fill the gaps in it but to tackle fraud. Proper data sharing should have solved the problem that my hon. Friend the Member for Pendle (Mr. Prentice) identified. The records should have been checked to work out who was there and the appropriate action should then have been taken. Data sharing is for preventing fraud as well as ensuring full registration.

I accept the spirit of the amendment that the hon. Member for Somerton and Frome (Mr. Heath) tabled on disability. Electoral registration officers are already covered by the Disability Discrimination Act 2001, which will be fully implemented, as he said, by December next year. The amendment is therefore unnecessary for changing the law, but he was right to table it. We are not simply considering one's right to participate on the day, but electoral registration officers going the extra mile to ensure that people with disabilities that might impede their registration are registered.

Amendment No. 14 would provide:

> "Each registration officer must take all necessary steps to remove individuals",

and so on. That already happens. Electoral registration officers' responsibility is not simply to have loads of people on the register but to ensure that it is complete and accurate. That is implicit and explicit in their duties.

My hon. Friend the Member for Sheffield, Attercliffe asks us to make it a duty for electoral registration officers to "maximise" the number of people entitled to vote who do so. I believe that our approach of requesting a complete and accurate register and setting out on the face of the Bill the extensive steps that must be taken to achieve that, including sending more than one form, knocking on the door more than once, inspecting the records, and training officials to find hard-to-reach voters, will mean a culture change. That will be effected by the Bill and the performance standards, which will be keenly examined by hon. Members of all parties. For the first time, we shall be able to see what is happening because of the greater transparency. I therefore believe that the spirit of the amendment will be enacted.

The hon. Member for Belfast, East (Mr. Robinson) asked about extending the provision to Northern Ireland. My colleagues in the Northern Ireland Office are considering the matter, but I shall draw his remarks to their attention.

Mr. Betts: Will my right hon. and learned Friend consider that including the word "maximise" in the Bill might make it absolutely clear that we are intent on that aim? I acknowledge that all the steps that have been taken lead in that direction, but I believe that there is a general feeling in the Committee that specifying "maximise" might be helpful.

I take it that my right hon. and learned Friend will not accept my specific amendments on data sharing and is considering introducing secondary legislation. Will she give me an assurance that she will examine the range of possibilities that has been mentioned today? I am especially concerned about cases of, for example, one local authority having access to its council housing records when another does not—that means different approaches—and, as happens in Sheffield, of electoral registration officers having access to information from a sixth form in a school but not in a college.

Ms Harman: We shall consider both the information that electoral registration officers use and information that they might not currently have the power to use but which, we believe, they need. Those points are already well understood. We are determined to ensure that everyone who is entitled to vote is on the register. Whether we call it "maximising" the register or having a complete register is simply a matter of words, but I agree with the spirit of my hon. Friend's amendments, which is embodied in the Bill, that no one who is eligible should be denied the right to vote. Everyone who is eligible should be able to vote by being on the electoral register.

Our debate has been useful as well as lengthy and we have considered the matter widely. There is a large measure of agreement, but I ask hon. Members not to press their amendments.

Mr. Djanogly: I shall be brief. If there is no integrity in the register, there is little on which to base a democratic system. Hon. Members have agreed with that point today. The Minister implied that our amendment was exclusive from the Government's proposal, but that is not what I said. We believe that the amendment is complementary. We support the Bill but believe that it does not contain the balance, which all hon. Members have discussed. We want that to be addressed. However, given that we will cover the matter again when we consider individual registration, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 9 ordered to stand part of the Bill.

Clause 10

ANONYMOUS REGISTRATION

Mr. Djanogly: I beg to move amendment No. 15, in page 7, line 17, at end insert—

> '(2A) In determining whether the safety of a person, or of his child (who resides at the same address), is at risk in accordance with subsection (2), the applicant must provide written evidence

[Mr. Djanogly]

from a government or local authority body or the police to illustrate that risk. A desire for privacy in itself shall not be grounds for anonymity unless there is evidence of ongoing risk to personal safety.'.

The First Deputy Chairman of Ways and Means (Sylvia Heal): With this it will be convenient to discuss the following amendments: No. 2, in page 7, line 29, leave out from 'address' to end of line 30 and insert

'an entry is to be made in accordance with section 9 above.'.

No. 3, in page 8, line 18, leave out from 'registered' to end of line 20 and insert

'in pursuance of a further application.'.

Mr. Djanogly: The clause has wide-ranging support, not only from us, but from bodies such as the Society of Local Authority Chief Executives and Senior Managers—SOLACE. We even called for such a provision during the passage of the Representation of the People Act 2000.

Establishing a system of anonymous registration for people whose safety could be compromised if their addresses were known represents a helpful step forward. The amendment would prevent overuse and abuse of the protection of anonymity. It also includes risk to children. There is clearly a need to protect children living in the same household whose safety may be at risk if details of the parent are included on the public register. I should be grateful if the Minister dealt with that.

Non-registration prevents an individual not only from voting, but, under the provisions of the Political Parties, Elections and Referendums Act 2000, from donating to a political party or referendum campaign. Given that parties must check that a donor is on the register, clear processes need to be in place so that they can verify and accept donations from electors who are "anonymous". Will the Minister confirm that parties can verify and accept donations from "anonymous" electors?

There is a need for clear criteria for anonymity, rather than leaving it up to the personal opinion of the electoral registration officers, which could change from place to place and lead to inconsistency of application. The amendment would require written evidence from a Government or local authority body or the police to show that a risk exists. The bodies would confirm the existence of the risk. That would prevent anonymity being granted to people whose safety is not genuinely at risk.

An interesting comparison is with the confidentiality orders in relation to company directors pursuant to section 723B(1) of the Companies Act 1985. An individual who is or proposes to become a director or secretary of a company and who considers that the availability for inspection by members of the public of particulars of his usual residential address creates, or is likely to create, a serious risk that he or a person who lives with him will be subjected to violence or intimidation, may make an application to the Secretary of State for a confidentiality order. Is it envisaged that the granting of anonymity under this clause will operate in a similar way, but with applications being made to the relevant registration officer rather than to the Secretary of State? Is the Minister not concerned about the inconsistency of application that might arise from this differing application? What exactly will be the threshold for the granting of anonymity?

It seems an unfair expectation to place on registration officers that they should be able, alone, to determine safety risks associated with public registration. Perhaps giving electors the right to appeal the local registration officer's decision to the Secretary of State would be a way forward. This, along with wider powers of consultation, would allow for consistency of application, while at the same time allowing appropriate determination on a case-by-case basis. Will the Minister look into this and provide reassurances that the clause will be tightened to ensure that it is not open to abuse, that registration officers will have sufficient support in making a decision on anonymity, and that application of this clause will be consistent between electoral registration officers?

I understand that, once the electoral canvass has been received, the Representation of the People (England and Wales) (Amendment) Regulations 2001 place a duty on the head of a household to return the form with the names of those in the household, whether or not they are eligible to vote. Perhaps the Minister will clarify this point. In other words, there is a duty to register, albeit a duty involving the out-of-date notion of a head of household. However, this seems to be contradicted by proposed new section 9B(6) to the Representation of the People Act 1983, which is dealt with in clause 10, and which seems to contain a loophole whereby the duty to register could be avoided in the event of an unsuccessful application for anonymity. Might that not encourage spurious applications to be made in order to avoid being placed on the electoral roll? That is a loophole that our amendment would close, although subject, I would hope, to an appeal to the Secretary of State.

Ms Celia Barlow (Hove) (Lab): I applaud the concern expressed by the hon. Member for Huntingdon (Mr. Djanogly) over consistency, as well as his support for registration officers, and the inclusion of children in his amendment, but I am worried that victims of domestic violence who are moving to a new place, and a new life, might be concerned as to whether their anonymity was adequately safeguarded. Madam Speaker, the police and local authorities at their new location should not be privy to their distressing past. The involvement of the police at their original home, for example, might have involved litigation that the person had fled that home to avoid. I am also worried, Madam Speaker, that, despite the location of such vulnerable people being kept strictly anonymous by the registration officer, if they should lose their right to appear on the register, that location could be revealed in a way that does not happen at the moment.

There are many reasons why a person would want to stay on the electoral register. In my constituency of Hove and Portslade, for example, it is impossible to get a parking permit without being on the register. I am also worried about some of the wider issues involved.

Article 8 of the European convention on human rights states that a person's right to privacy should not be interfered with unless it

> "is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

I cannot see how that relates to placing a vulnerable person's name on a register that can be publicly viewed.

Also, if I understand the proposal correctly, if a person failed to provide evidence involving the local authority or the police, their name could be revealed on the register that can be purchased. In other words, such people's protection would be reduced rather than increased. Some of my hon. Friends might disagree with the present situation in which we do not have compulsory voting, but article 8 of the ECHR allows for that privacy to be maintained, and takes precedence over a rule that does not insist that a person should vote. I also fail to understand how it would be in the interest of these vulnerable people to force them to give written evidence in support of their claim for privacy. I hope that the hon. Member for Huntingdon will withdraw his amendment.

6.45 pm

The First Deputy Chairman: May I advise right hon. and hon. Members that the correct way to address the Chair when we are in Committee is by name rather than by office? I call Mr. David Heath.

Mr. Heath: I am grateful for that advice, Mrs. Heal.

Chris Ruane: A timely prompt.

Mr. Heath: I do not think that I needed one, actually.

I commend the hon. Member for Huntingdon (Mr. Djanogly) for tabling the amendment, because it probes the intentions of the Government, and it is of value to understand them. I was slightly worried that, at one point, the hon. Member for Hove (Ms Barlow) was going to demolish the whole principle of the electoral register on human rights grounds. I hope that that is not a path that we shall go down, although I know that she was doing it for the best of purposes.

We have compulsory registration in this country, so the proposal is welcome in providing for the safety of individuals. The Minister might like to consider whether it would be appropriate for a court to make an order under domestic violence legislation that a person not be added to the electoral register, or that they be allowed to make an anonymous registration. I also agree that this matter should not be trivialised, and that we should not allow considerations of celebrity to be equated with risk. That could be an all too likely consequence of the Bill unless its intentions are made very clear.

Amendments Nos. 2 and 3 deal with a slightly different matter. I am genuinely confused, because proposed new section 9B(6) seems to say that, if someone applies for an anonymous registration and fails, they should be removed from the register altogether. That does not seem consistent with the general terms of registration or with the expectation in the Bill that we should maximise voter registration. It would seem appropriate that, if someone were not entitled to anonymous registration, their application should be put into the register in the normal way. Of course, it might be expedient to put it into the part of the register that is not distributed; as we know, the register is now produced in two versions. It seems very odd that someone who has applied for anonymous registration, and who presumably does live at the stated address and has been checked out and found to be someone who should be properly registered, should, by statute, not be registered because they have failed to convince a registration officer that they were entitled to anonymous registration.

Similarly, proposed new section 9C(3) states that, when someone ceases to be registered anonymously, they are required to be removed from the register unless they make a further application, rather than simply being added to the register as an ordinary registration, which logic would suggest is what ought to happen. Perhaps there is some cunning intent on the part of the Government here, or perhaps the drafting of the Bill leaves something to be desired. I would be grateful to find out from the Minister which it is.

Ms Harman: I do not think that there is any cunning intent. We are just trying to be sensible here, and to ensure that everyone gets registered to vote, and that those who have fled domestic violence are not deterred from registering to vote because they fear that they will appear on an electoral register. However, we do not want to introduce a blanket provision under which everyone could sign themselves off the register. We have therefore sought to introduce a special provision that allows for an application for an anonymous registration.

However, if the default position, after an application for an anonymous registration runs out or fails ab initio, is that the person goes straight on to the register, our concern is that they will never apply in the first place because they will not have control of the situation. So, this is not perfect; one just has to round the edges one way or another. However, having consulted with organisations such as Refuge and those involved in the field, we think that this is the most sensible way to proceed.

The hon. Member for Huntingdon (Mr. Djanogly) asked what will happen if the electoral registration officer refuses to accept an application for anonymous registration. It is possible to appeal to the county court. I hope that that will bear down on electoral registration officers and make them feel accountable, but we all know that the reality is that the last thing someone fleeing domestic violence and building themselves a new life wants to do is take their electoral registration officer to court to secure their place on the register, but anonymously. It is right, obviously, that there should be an appeal system.

The hon. Gentleman made a good point about the safety of children. My hon. Friend the Member for Hove (Ms Barlow) also talked about the effect of violence on children. The Bill talks about the electoral registration officer determining the question of "the person's safety". The hon. Member for Huntingdon said, "What about the children's safety?" This is a good

[Ms Harman]

and sensible suggestion, and we will look at it. It might be that we need to add something there. It looks like he has a point.

Mr. Heath: I think that the hon. Member for Huntingdon (Mr. Djanogly) has made a sensible point, but it occurs to me that there is an ancillary point involving those who are given anonymous protection under the Serious Organised Crime and Police Act 2005, where that protection extends to other persons who are not the individual in question. The Minister might like to cross-reference that enactment to see whether another amendment needs to be made.

Ms Harman: As we are going to look at the question of children, I shall take up the hon. Gentleman's suggestion that we look at that as well.

If I may, I shall deal quickly and in detail with the question of the effect of the amendments and why we suggest that they should not be pressed. Amendments Nos. 15, 2 and 3 would vary the provisions of anonymous registration. As I have said, those provisions will set up a scheme through which a person may register to vote without their name and address appearing on the electoral register. Anonymous registration is designed to protect vulnerable people in society, whose safety might be at risk if their address were made public. It is also designed to be limited to those who genuinely need it; there will be no question of simply opting out. In Australia and New Zealand, where such systems operate, about 0.15 per cent. of the electorate avail themselves of such provisions.

Amendment No. 15 would set out in the Bill the evidence required from a person wishing to register anonymously. While we agree that evidence must be required, and that a simple desire for privacy must not be grounds for anonymity, we cannot accept the amendment because, in our view, the appropriate place for a list of evidence is in regulations made by affirmative order. That allows for parliamentary scrutiny and a degree of flexibility. Setting out a definitive list of evidence in the Bill would risk excluding groups of people that perhaps ought properly to be covered.

We have consulted and gained the support of groups, including Victim Support, and the Network for Surviving Stalking and Refuge. We will continue to consult them as we implement these measures, and indeed on the question of children, on which we will also consult the hon. Member for Huntingdon.

From consultation so far, we envisage that the evidence needed to show a threat to safety will include injunctions and court orders, which the hon. Member for Somerton and Frome (Mr. Heath) has already mentioned, as well as restraining orders, participation in a witness protection scheme or a letter from a police officer confirming a specific threat.

Amendment No. 2 would require a registration officer to register a person in the usual way if their anonymous registration application failed. For the reasons I gave to the hon. Member for Somerton and Frome, that would reverse our policy on failed applications for anonymous registration. That is why we do not want to accept that amendment. It would, in effect, work against the purpose of anonymous registration.

Another reason for rejecting the amendment is that applying for anonymous registration will be voluntary. It will not be part of the annual canvass; instead, it will be more akin to rolling registration. As with rolling registration, therefore, a person should not be entered on the electoral register unless they have expressly applied to be so.

There is already a process for ensuring that people register to vote—the annual canvass. If a person's application for anonymous registration fails, they will be sent an annual canvass form in the normal way in due course. Through that existing process—not through a change of policy that could discourage vulnerable people from applying to be franchised safely—we should seek to ensure that all eligible people are registered.

Amendment No. 3 would mean that when a person's anonymous registration was terminated, that person would have an ordinary entry on the register if they were to make a rolling registration application. We believe that it is unnecessary. Although it is not explicitly stated, a person retains the ability to register through rolling registration when their anonymous entry expires. Specific provision as it would be inserted by the amendment is therefore not required.

For those reasons, I ask hon. Members not to press their amendments. We will return to these issues in due course.

Mr. Djanogly: I thank the Minister for her clarifications and her offer to consider the clause further. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 10 ordered to stand part of the Bill.

Clause 11

ALTERATIONS OF REGISTERS: PENDING ELECTIONS

Mr. Andrew Turner: I beg to move amendment No. 27, in page 8, line 26, leave out subsection (2).

The First Deputy Chairman: With this it will be convenient to discuss the following amendments: No. 10, in page 8, line 28, leave out "fifth" and insert "seventh".

No. 16, in page 8, line 28, leave out "fifth" and insert "fifteenth".

No. 11, in page 9, line 1, leave out "fifth" and insert "seventh".

No. 17, in page 9, line 1, leave out "fifth" and insert "fifteenth".

Mr. Turner: I shall be as brief as I can. I propose the removal of subsection (2). I have three objections to it. First, I have a fundamental objection to changing the list of electors in the middle of an election. Secondly, I believe that people should take responsibility for their own registration. We should not over-complicate the system for returning officers, and indeed those engaged in elections, to accommodate those who have failed so to do. Thirdly, the system should balance the opportunity to do what is lawful against the temptation to do what is unlawful.

For many months at the beginning of this year, the Government denied that the postal vote system is open to abuse, but that blew up in their face in the Birmingham city council 2004 elections case, and indeed in the Blackburn case of 2002. I do not want us to get into a position whereby vote stealing is replaced by wrongful registration as a means of fiddling election results. Those are my philosophical reasons for objecting to the measure. In a moment, I shall move on to my practical reasons.

Chris Ruane: Can the hon. Gentleman cite any research on the level of vote fiddling?

Mr. Turner: Of course I cannot cite any research evidence as to what vote fiddling there would be in relation to the clause, because the clause is not yet law. It is my hope that it will not become law, but we know that there was vote fiddling and widespread fraud in the 2004 Birmingham city council elections, and more than 200 votes were abused in Blackburn in 2002.

My practical reasons for objecting to the clause, and indeed to the Liberal Democrat amendment, involve, first, postal votes and, secondly, the capacity of candidates to communicate with their electors. I intend to rely on the D-minus system to enumerate the days leading up to elections, whereby D minus one is the day before the poll and D minus 17 is the date of proclamation or issue of writ in a general election.

Under the Government's proposals, people would have to apply by D minus 11 to be on the register by D minus five. Under the Liberal Democrat proposals, people would have to apply by D minus 13 to be on the register by D minus seven. Under the proposals tabled by my hon. Friends on the Conservative Front Bench, people would have to apply by D minus 20 to be on the register by D minus 15. If people want a postal vote, they have to apply by D minus 11. They will be eligible to apply for a postal vote only if my amendment, or the proposal tabled by my Front-Bench colleagues, is agreed to.

The second problem involves candidates communicating with their electors. The Royal Mail indicative timetable for the freepost, which I have in front of me, shows that the latest acceptable day for unaddressed items in the highlands, islands and rural areas is D minus 10. For addressed items, it is D minus seven. The latest day for addressed mail in any other part of the country is D minus three.

That makes it practically impossible to get literature into the freepost, addressed from the printers to the addressing company, from the addressing company to the Royal Mail, and from the Royal Mail into the post, in time to communicate with electors. It is fundamental that candidates can communicate with electors. The clause, which is not, as far as I can see, recommended directly either by the Electoral Commission or the OPDM Committee, makes it too easy to do something, and thereby makes it too difficult for candidates and others to communicate with electors.

There are 1,200 days in the average four-year parliamentary term during which someone can apply to be registered. It is a great pity if they can only apply in the three or four days after a general election is called.

7 pm

Mr. Heath: I can also be brief. I support the Government's view that the maximum amount of time should be allowed for late registrations. We have all had the experience of knocking on doors during a general election campaign and speaking to people who are distraught because they are not on the register when they thought that they were, and who find that they cannot vote as they want to do. It seems appropriate that we give them the maximum time to register. Either they are entitled to vote or not. The hon. Member for Isle of Wight (Mr. Turner) says that, if they are tardy or feckless, they should not be allowed to vote. I am sorry, but I do not agree. If they are entitled to vote, they should be able to do so, within the constraints and practicalities of the registration process.

My amendment moves the relevant date from the fifth to the seventh day before the poll. That is partly a probing amendment, because I want to clarify that we are referring to working days. If that is not the case, the deadline on the fifth day before the poll will be on Saturday evening, and that is not in practical terms the most sensible deadline to give registration officers for the registration of new electors. I would have thought that Thursday evening would be a more sensible deadline.

I also want to deal with the problem mentioned by the hon. Member for Isle of Wight: once someone has gone on to the register at that late stage, it is appropriate that they receive something from the candidates to inform their vote if the parties are capable of doing that. The amendment provides a little extra scope to do that without defeating the objective of the Government. I would be interested to hear the Minister's response.

Mr. Binley: I am an old campaigner and, in the old days, as the Minister will know, we used to publish B and C lists. The whole concept of the register was open to scrutiny by everybody. That was one of the ways in which we maintained a fairness and credibility in the register of electors, which I was sorry to see go.

As I understand it—there might be a built-in opportunity to do this—most electoral registration officers are willing to take comment if people feel that a mistake has been made. In that respect, my concern is that five days is just not enough time to go through that process. We have already argued that it is right and proper that everybody should have the right to vote, but it is equally right and proper that the register, which is a public document, should be seen to be fair and open to scrutiny. Enough time should be allowed for that scrutiny to take place, and some mechanism should be available to amend the register if mistakes are made. I therefore appeal for a longer period than that suggested in the Bill.

Mr. Djanogly: The amendment of my hon. Friend the Member for Isle of Wight (Mr. Turner) would maintain the status quo. We believe that moving the last day for registration closer to polling day could benefit registration, so we shall not support his amendment. Although moving the last day for registration to 11 days before polling day is in alignment with the close of nominations, we are concerned that that is too close to polling day. To that extent, we believe that my

[Mr. Djanogly]

hon. Friend points in the right direction. The Liberal Democrats propose a change of only two days, and we struggle to see what difference that would make, although I would be interested to hear the Minister's views.

There is no doubt that a change in the deadline is welcome. The current rolling registration law means that the register is updated every month, but, to vote, a person must be on the register for the month in which an election begins. The closing date is usually midway through the previous month, which means that the deadline for the 2005 general election was fully six weeks before polling day. Moving the last registration day closer to polling day will allow people to register when they hear that the general election is called and is a valid way of encouraging greater registration, as interest and awareness among the electorate tends to peak closer to polling day.

It has also been proposed that registering to vote and submission of postal votes will have the same 11-day deadline. We are concerned that that will put enormous pressure on electoral registration officers. Does the Minister agree that there simply will not be enough time for the appropriate checks to be carried out on each application? Will EROs really be able to manage such a large number of last-minute applications at one of the most hectic times of the year? Will the objection process for questioning dubious registrations work effectively? That could be an issue of concern, particularly in marginal seats and as we attempt to combat fraud in the electoral system. What provisions will be in place for the Royal Mail to deliver election literature via the freepost to late applicants? Will there be an opportunity for last-minute mailing to them?

The questions go on, and time does not allow me to ask all of them, but I think that the Minister sees where I am coming from on this issue.

Ms Harman: The last general election took place on 5 May, but the closing date for registration was 11 March, almost two months prior to polling day and before the election had even been called. For the reasons given by the hon. Member for Somerton and Frome (Mr. Heath), that is a problem. The momentum to register often comes when parties are out and about on the doorstep. That is an important opportunity to get unregistered people on the register and it is frustrating if the deadline has already passed.

The clause to which the amendments relate seeks to correct the situation by moving the closing date for registration to 11 days prior to the day of the poll. The amendments would put the deadline further back, either by retaining the status quo under amendment No. 27, or by moving it to 13 days prior to polling day under amendments Nos. 10 and 11 or to more than 20 days before the day of the poll under amendments Nos. 16 and 17. Amendment No. 27 would also affect the correction of clerical errors, which I will mention later.

Setting the closing date for registration to vote involves finding the correct balance between making the system accessible to electors while not putting undue burdens on those administering the system. The proposal to move the deadline for registration to 11 days before polling day came initially from the Electoral Commission's report, "The Electoral Registration Process". The commission held a full consultation and concluded that the correct deadline for registration was the day on which nominations close. In parliamentary elections, that is 11 days prior to polling day.

Electoral registration officers will add names to the register only when they have made a determination that it is correct to do so. If they cannot make that determination—perhaps because of public objections—they will not add a person's name to the register. The clause therefore does nothing to weaken the protections in place to prevent fraud.

Mr. Love: Is not the critical factor that a general election, with all the general publicity and with field workers knocking on doors daily, presents an opportunity to put people on the register? If we close that opportunity too soon, we simply do not allow people to vote in that election.

Ms Harman: My hon. Friend is exactly right and that is exactly why we have included this clause in the Bill.

Separately from the Bill, through secondary legislation in due course, we propose to move the closing date for applying for a postal vote back from six days prior to an election, which is the current provision, to 11 days prior. The change is intended to give administrators more time to perform checks on the veracity of applications and relieve the administrative burden on them in the period before polling day.

It has been argued that moving to an 11-day deadline for both registration and postal vote applications might create an unmanageable spike in administrators' work loads. I believe that that view is incorrect. The proposed change to the deadline for postal vote applications will give administrators significantly more time to consider and process applications. It will not be the case that they must all be processed en masse on the day of the deadline. After all, until nominations have closed, it will not be possible to print ballot papers and begin to post them out. The combination of deadlines should therefore pose no significant administrative problems.

Synchronisation will make the system clearer for electors. I fear that it will never be very clear, but at least it will be a bit clearer. Local authorities and the Electoral Commission will be able to publicise a single deadline for people to meet to secure their vote by registering and applying for a postal vote. That should make the process easier to understand and reduce the likelihood of a person being disfranchised due to either not registering or not applying for a postal vote.

I am happy to be able to reassure those Members who have expressed concern that the requirement to alter registers five days before the day of poll might create a burden on administrators over the weekend, as polling day is traditionally a Thursday. Sections 13B and 119 of the Representation of the People Act 1983 provide that, when we refer to a period of days of less than seven in this part of the Bill, we refer to working days. There is no possibility, therefore, of anything happening on a Saturday night.

As I mentioned earlier, amendment No. 27 also affects clerical errors. Clause 11 gives effect to an Electoral Commission recommendation to move the final date for correcting errors such as a misspelled entry on the register or an accidental omission to the day of poll. The amendment would have the effect of retaining the status quo of only allowing corrections up to five days prior to polling day. That is a considerable problem. Clerical errors can mean that quite large numbers of people cannot vote and that does not make sense. Given that clerical errors are most likely to come to light on polling day, when a person attempts to vote, the Government believe that it is right to allow registration officers to correct errors and allow a person to cast a ballot.

As with moving the registration deadline, there can be no question of this change opening the door to fraud. Firstly, it is not possible for a person purposefully to have their entry created incorrectly. Secondly, if the registration officer cannot determine that an error has been made—for example, by checking the information held on file—he is under no obligation to make the amendment. Freepost will not be affected.

I ask the hon. Gentleman to withdraw the amendment.

Mr. Andrew Turner: I will certainly think about what the Minister said and I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clauses 11 and 12 ordered to stand part of the Bill.

New Clause 1

REGISTRATION OF SERVICE PERSONNEL

'(1) After section 10A of the 1983 Act (Preparation of registers) insert—

"10B Right to be registered

(1) A person who may be entitled to vote as an elector at parliamentary elections for which any register is to be used is entitled to be registered in that register, subject to subsections (2) and (3) below.

(2) A person who on the qualifying date has a service qualification is not entitled to be registered as mentioned in subsection (1) above except in pursuance of an appropriate service declaration; and in this subsection and in subsection (3) below "appropriate service declaration" means—

(a) in the case of a person who on the qualifying date is a member of the forces or the wife or husband of such a member, a service declaration made in accordance with section 15 below and in force on that date; and

(b) in any other case, a service declaration made in accordance with that section with reference to that date.

(3) Subsection (2) above does not apply to a person who on the qualifying date is the wife or husband of a member of the forces if on that date—

(a) that person has no other service qualification;

(b) that person is resident in the United Kingdom; and

(c) no appropriate service declaration is in force in respect of that person.".'.—*[Mr. Tyrie.]*

Brought up, and read the First time.

7.15 pm

Mr. Andrew Tyrie (Chichester) (Con): I beg to move that the clause be read a Second time. [HON. MEMBERS: "Hear, hear."] It is gratifying to hear such noises in the Committee; I have the sense that they may have come from more than one part of it.

The purpose of the clause is simple to explain. It is to restore the armed services personnel scheme that used to exist and to take the armed services back to the position they enjoyed prior to the 2000 Act. It will mean that at the next election all service personnel will be registered to vote.

The fact that we need a clause such as this tells its own story. It is a story of a Government who took us to war in Iraq having just disfranchised a large proportion of the servicemen who were fighting in it. But it is worse than that. It is a story of a Government who were warned repeatedly that this would be the consequence of what they put on the statute book in 2000. I warned the Government repeatedly in the nine months prior to the election that as many as half of all service voters would be disenfranchised unless they took urgent action. I have discovered that a number of senior officers also warned the Government that their men did not have the vote, but no action was taken.

I fear that we may get some promises and assurances but nothing more concrete from the Minister and I *really do not think that is going to be enough* this time. We must not be put off with a few more assurances. It is all too reminiscent of what I heard from the then Under-Secretary of State for Defence, the then hon. Member for Hove, in a debate in Westminster Hall. He committed himself to discussions with the Electoral Commission and said he would come back to me. The fact is that he did virtually nothing more than sit on his hands. The Government and the Electoral Commission could, and should, have done much, much more.

To her credit, the Minister has admitted that a serious mistake has been made by the Government and, again to her credit, is now committed to trying to do something about it. Whether she can carry her Cabinet colleagues—I am told that there is not uniformity of view on the issue—is another matter.

Nobody who knows anything about the scheme that I am proposing that we put back on to the statute book is suggesting that it is perfect. It carries the problem that the register can be out of date and that service personnel can lose any connection with the area in which they vote. It means that a higher proportion is likely to be voting by proxy. But at least they will be registered. It will force the MOD to track each serviceman and process their application. Of course, the MOD might prefer not to have that chore and I have no doubt that it will be briefing behind the scenes about polishing up the new arrangements, rather than going back to the old scheme.

I recognise the problems with the old scheme, but at least it worked. I do not think that we can take any more risks with service personnel registration. We cannot afford to go into another election, as we did the last, with so many off the register. I am worried that some clever scheme is in the process of being cooked up in an interdepartmental committee as an alternative to getting back to the old scheme. I put it to the Committee that the only sensible way forward is to put the clause into the Bill. At least we would then know that, at the next election, servicemen will get the vote.

The statute book is littered with faulty clauses, and the unintended consequences that flow from them, that were drafted on the hoof while legislation was passing through this House. On this issue, we cannot afford another such mistake and we cannot rely on a

[Mr. Andrew Tyrie]

Government assurance about coming back to us and possibly drafting another clause in another place. That is why I hope the Committee will be able to support my new clause tonight.

Ms Harman: I said at the outset that our motivation was to ensure that everybody entitled to vote was on the register. We talked about socially excluded groups—poor people, people living on council estates and new Commonwealth citizens—but there is a great deal of concern on both sides of the Committee in relation to service personnel. I recognise that, on Second Reading, there was what I would describe as zero tolerance for any service personnel not being on the register. I sense that hon. Members feel not only that it is important that those who serve our country in the armed forces should be on the register, but are slightly baffled as to how it is that people can be recruited, employed and engaged in the armed forces but somehow we cannot get the rocket science working to register them.

This problem requires us to deal with the electoral system, but also with how the armed forces are organised, on which many hon. Members will be more expert than me. My ministerial colleagues in the MOD are more expert than me and this important issue is of concern to them. We have met the Electoral Commission with MOD colleagues and are considering actively how we make absolutely sure that we do not have another attempt to improve the situation that does not work. We do not want to move from one problem to another and I do not think that returning to the status quo ante of 2000 is a good idea.

We accept many of the hon. Gentleman's criticisms of the current scheme. It was changed because it was characterised both by low registration rates—albeit probably not as low as the present rates—and by inaccurate registers that were wrongly inflated in certain areas. There was a problem that we needed to address. We might have made it worse; we are trying to make it better.

Mr. Djanogly: Has the Minister considered returning to the old system, but ensuring that the military have an obligation to tell registration officers when people leave?

Ms Harman: That is a good point, but it is for the MOD to consult the armed services.

The hon. Member for Chichester (Mr. Tyrie) does not want to receive assurances and then wonder where the beef is when nothing transpires. I accept the arguments of Members who have made their case and proved their point. As far as I can see, we have yet to find the right formula to solve the problem. We need a fail-safe system to back up the efforts already being made by the MOD, the armed forces and the Electoral Commission, but I do not think that returning to the status quo ante is good enough. We are trying to find solutions and we will consider, in consultation with the MOD and the armed services, whether we need to include powers in the Bill that we could use if what is being done by the Electoral Commission and the MOD does not work.

I entirely accept the spirit of the new clause and the criticisms that have been made. I remind Members that efforts are being made to sort the matter out and that we intend to consider whether we need primary legislation in the form of a new clause to sort it out once and for all.

I do not want it to be possible for people to be out in the armed services in different parts of the world without its being possible to enfranchise them in our democracy. I accept that that is not satisfactory and I am determined that we shall do something about it.

Mr. Heath: The present situation is entirely unacceptable. The hon. Member for Chichester (Mr. Tyrie) has done the Committee a service by proposing a measure that would at least return us to a more acceptable position. I heard what the Minister said and do not doubt her good intentions, but this is not a matter for the Secretary of State for Defence to discuss with the military; it is for the Minister to discuss with the Secretary of State for Defence why he is not performing his duties to the people in his care by giving them the franchise. Until there are concrete proposals, the Committee should support the new clause.

Mr. Andrew Robathan (Blaby) (Con): Let me say briefly that I had a meeting with—

It being two and a half hours after commencement of proceedings on the Bill, THE FIRST DEPUTY CHAIRMAN OF WAYS AND MEANS *put forthwith the Question already proposed from the Chair, pursuant to Order [25 October].*

Question put, That the clause be read a Second time:—

The Committee divided: Ayes 217, Noes 288.

Division No. 81] **[7.24 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Campbell, Mr. Gregory
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Mr. Quentin
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine

Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Harper, Mr. Mark
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, Mr. Gerald
Huhne, Chris
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Johnson, Mr. Boris
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
May, rh Mrs. Theresa
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Matthew
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Viggers, Peter
Villiers, Mrs. Theresa
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Henry Bellingham and
Mr. David Evennett

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Ms Dawn
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane

Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick

Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Ussher, Kitty
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. John Heppell and
Mr. Ian Cawsey

Question accordingly negatived.

Clause 13

REGISTRATION: PERSONAL IDENTIFIERS

Mr. Heald: I beg to move amendment No. 18, in page 11, line 11, leave out subsections (2) to (4) and insert—

'(2) In section 10 (maintenance of registers: annual canvass), after subsection (4) there is inserted—

"(4A) Subject to subsection (4B) below, the information to be obtained by the use of such a form for the purpose of a canvass shall include—

(a) the signature of each of the persons in relation to whom the form is completed;

(b) the date of birth of each such person; and

(c) in relation to each such person—

(i) his national insurance number or a statement that he does not have one,

(ii) a statement of whether or not he has been resident in the United Kingdom for the whole of the three-month period ending on 15th October in the year in question, and

(iii) any address in the United Kingdom in respect of which he is or has applied to be registered (other than the address in respect of which the form is completed), and the power in subsection (4) above to prescribe a form includes power to give effect to the requirements of the subsection.

(4B) The Chief Electoral Officer may dispense with the requirement mentioned in subsection (4A)(a) above in relation to any person if he is satisfied that it is not reasonably practicable for that person to sign in a consistent and distinctive way because of any incapacity of his or because he is unable to read.".

(3) In section 10A (maintenance of registers: registration of electors)—

(a) after subsection (1) there is inserted—

"(1A) Subject to subsection (1B) below, an application for registration in respect of an address in the United Kingdom shall include—

(a) the signature of each of the persons to whom the application relates;

(b) the date of birth of each such person; and

(c) in relation to each such person—

(i) his national insurance number or a statement that he does not have one,

(ii) a statement of whether or not he has been resident in the United Kingdom for the whole of the three-month period ending on the date of the application, and

(iii) any other address in the United Kingdom in respect of which he is or has applied to be registered, and the power in subsection (1) above to prescribe requirements includes power to give effect to the requirements of this subsection.

(1B) The Chief Electoral Officer may dispense with the requirement mentioned in subsection (1A)(a) above in relation to any person if he is satisfied that it is not reasonably practicable for that person to sign in a consistent and distinctive way because of any incapacity of his or because he is unable to read.",

(b) in subsection (5), at the beginning there is inserted "Subject to subsection (5A) below,",

(c) after subsection (5) there is inserted—

"(5A) A person's name is to be removed from the register in respect of any address if—

(a) the form mentioned in section 10(4) above in respect of that address does not include all the information relating to him required by virtue of section 10(4A) above; or

(b) the registration officer determines that he is not satisfied with the information relating to that person which was included in that form pursuant to that requirement.".

(d) in subsection (6), after "above", there is inserted "or his name is to be removed from it by virtue of subsection (5A) above,", and

(e) in subsection (8), after "5", there is inserted ", (5A)".

(4) In section 13A (alteration of registers), after subsection (2) there is inserted—

"(2A) Subject to subsection (2B) below, an application for registration under subsection (1)(a) above in respect of an address in the United Kingdom shall include—

(a) the signature of each of the persons to whom the application relates;

(b) the date of birth of each such person; and

(c) in relation to each such person—

(i) his national insurance number or a statement that he does not have one,

(ii) a statement of whether or not he has been resident in the United Kingdom for the whole of the three-month period ending on the date of the application, and

(iii) any other address in the United Kingdom in respect of which he is or has applied to be registered, and the power in subsection (1)(a) above to prescribe requirements includes power to give effect to the requirements of this subsection.

(2B) The Chief Electoral Officer may dispense with the requirement mentioned in subsection (2A)(a) above in relation to any person if he is satisfied that it is not reasonably practicable for that person to sign in a consistent and distinctive way because of any incapacity of his or because he is unable to read.".'.

The First Deputy Chairman: With this it will be convenient to discuss amendment No. 20, in clause 15, page 14, line 23, after 'provisions', insert

', including collection of National Insurance numbers,'.

Mr. Heald: The purpose of the amendment, which follows the wording of the Northern Ireland legislation, is to include national insurance numbers in the personal identifiers listed in the clause. It is also designed to make it not just a pilot, but a permanent scheme, with national insurance numbers included.

Why? We know that postal voting on demand has led to an upsurge in postal voting, which is welcome, but there is a need for proper anti-fraud measures. We have already discussed this evening strengthening the accuracy of the register, but most of those who have looked into the problem believe that individual voter registration, coupled with proper personal identifiers, is the answer. Ensuring proper verification is important.

The hon. Member for Sheffield, Attercliffe (Mr. Betts) spoke earlier about the Australian system. In Australia, it is an offence not to vote, so if someone on the register is to be prosecuted for not voting, the register has to be an accurate. That has been the spur in Australia. Personally, I am not in favour of compulsory voting, but I believe that we should have an accurate register, and the amendments provide an opportunity to bring that about.

The amendments follow the wording and pattern of what was successfully introduced in Northern Ireland. The Electoral Fraud (Northern Ireland) Act 2002 introduced individual voter registration, coupled with personal identifiers—and it worked. The numbers registered have fallen, but the levels are still high—92 per cent. of census—and the accuracy is excellent. The Northern Ireland Office and the Select Committee praised the new system, saying that it had been successful in reducing the perception among the electorate of the prevalence of fraud and the actual level of fraud.

Some suggest that some of those who are entitled to vote have missed out and that 120,000 have been disenfranchised, but that is simply untrue. The Electoral Commission said clearly:

"We do not agree with the assertion that 120,000 . . . were disenfranchised".

Anyone who has spoken to Denis Stanley, the electoral registration officer in Northern Ireland, will know that that argument is simply unsustainable.

I am the first to agree with Government Members who say that we need not only accuracy, but a really good campaign to increase registration.

Chris Ruane *rose*—

Mr. Heald: It looks as though the hon. Gentleman, who wants to intervene, has been pressing that case strongly. I agree with him about that. I am not saying that we need only measures to make the register more accurate; I am saying that we should do both. It was said of the late, great Spiro Agnew—perhaps not so great—that he was a man who found it difficult both to walk down the sidewalk and chew gum. I think that we can do better.

Chris Ruane: The hon. Gentleman referred to Northern Ireland statistics. Let me repeat that when the changes were introduced there, the electoral register went down to either 84 or 86 per cent., even after the advertising and the political campaign. According to Sam Younger in a letter of last week, it is still only at 91 per cent. Does the hon. Gentleman believe that 91 per cent.—effectively 10 per cent. of people disenfranchised—is good enough?

7.45 pm

Mr. Heald: My figures relate to September, when I spoke to the electoral registration officer, and it was 92 per cent. I believe that that is an accurate and up-to-date figure. The hon. Gentleman and his colleagues have talked about circumstances in which far fewer percentages than that were registered on the mainland. It is all very well saying that 3 million or so are not registered: I agree, but let us remember that it has been like that for 10 years and there has been no improvement. It has to be said that the worst areas are often controlled by Labour councils.

Mr. Jim Devine (Livingston) (Lab): The hon. Gentleman is correct that voter registration has fallen over the last 10 or 15 years—coincidental with the introduction of the poll tax. People were concerned that the information that they provided would be used by other bodies. Is the hon. Gentleman not concerned that his proposals might put off even more people from registering? If national insurance numbers were to be used, for example, people might be concerned about identity theft.

Mr. Heald: I would credit the hon. Gentleman for just one point there. He may not remember, but the poll tax or community charge was longer ago than 10 years. It may be fresh in his memory because it is mentioned so often in his leaflets. It is often argued that nobody knows their national insurance number, but I am glad that the hon. Gentleman did not make that point, because it is a terribly middle-class point to make. The fact is that the deprived people in our society—people claiming benefits, those in receipt of weekly pay packets and so forth—know their national insurance numbers, because they see them more often than others. I know my national insurance number and I suspect that the hon. Gentleman knows his. I want to continue with my argument because I am making a serious point about individual registration and do not want to talk just about national insurance numbers.

If we believe in one person, one vote, then individual voter registration is the right way forward. Why should someone else register for us? The concept of a head of household is an old-fashioned and, I believe, inappropriate way of dealing with the problem. Many homes in multiple occupation simply do not have a head of household to whom one could point. It also reinforces a stereotype, saying to young people that this is someone else's business, not theirs. If the form is completed and personal identifiers are adduced for a whole household in multiple occupation, there is a risk of electoral fraud.

Chris Ruane: The hon. Gentleman mentions houses in multiple occupation. The west ward of Rhyl, in which my office is based, is the poorest ward in the whole of Wales—the poorest out of 865 wards. There are 900 HMOs there and since 1997, voter registration in that area has gone down by 30 per cent. under the current system, which allows the head of household to register in that way. Does the hon. Gentleman believe that the number of people registering to vote in that ward of Rhyl will go up or down as a result of single signatures?

Mr. Heald: The hon. Gentleman makes an important point: people in HMOs are poor at registering to vote. Why is that? It may be because one person is being sent the form for the whole household—the reality being that a group of people share the flat—and that that person simply cannot be bothered to fill the form in for the others. I believe that a more individual approach, targeting each person in turn, is more likely to succeed than the current failed approach, which the hon. Gentleman seems to want to continue with. He admits that registration has gone down in that ward by 30 per cent. in recent years and he invites us to build on that success. Surely we should look at why the system has failed so badly.

I am all in favour of data matching, and think that it is a good idea. I want us to be proactive in this matter, because a register must be accurate in two ways: it should not contain names that should not appear; and it should contain names that should.

We need to get beyond the use of names such as Hootie McBoob and Gus Troobev—the latter is an anagram of "bogus voter"—on voter registration forms. That still happens, but the Electoral Commission has taken a constructive approach. Instead of insisting on full individual voter registration now, it proposes that we try to tackle the problem of postal voting fraud. In its evidence to the Select Committee, it suggested a very modest approach. It said:

> "The transitional arrangement we discussed with the Select Committee would give people the option to provide their signature and date of birth on a voluntary basis when responding to the annual canvass. But it would be mandatory for those wishing to vote by post or proxy".

That transitional approach is a very modest proposal, compared with what the Electoral Commission asked for originally, but it is not the potty piloting proposed in the Bill. Piloting individual voter registration or personal identifiers in one district council will tell us nothing. After all, it could be said that a successful pilot scheme has taken place already in Northern Ireland, which is a whole country.

Regardless of party allegiance, many hon. Members will not be satisfied unless action is taken on individual voter registration and personal identifiers. Therefore, I hope that the Minister agrees that the time has come for some movement on this important issue.

Miss Anne Begg (Aberdeen, South) (Lab): I want to speak about some concerns that the organisation Scope has brought to my attention, and I look forward to the response from my hon. Friend the Under-Secretary of State for Scotland, who will answer the debate.

Scope supports the idea of personal identifiers very strongly, but considers that the registration process, if carried out appropriately and correctly, could help disabled people exercise their right to vote. I shall come back to what Scope would like to happen with the piloting, but it recommends that registration forms should have enough space so that people can make clear their preferred format for any communication that they receive. In addition, the form should allow disabled people to set out their access needs if they are required to attend a polling station. Scope says that that would help registration officers in their forward planning for elections, as they would have a rough idea of how many people with disabilities any given polling station would have to cater for.

However, Scope is worried that the registration forms could become too crowded and busy if all that information were to be included. It reports seeing some mock-ups of forms that might be used, but says that there is a concern that there may be insufficient space for identifiers. Moreover, the organisation says that the forms should use a reasonable print size—at least 12 point—so that people with a visual impairment can read them.

Scope thinks that piloting is a good idea, but is keen that consideration be given to piloting both household and individual registration at the same time, to ascertain which option is more effective. That approach may deal with some of the problems raised on Second Reading and in today's debate, and settle the argument about which method would ensure that the largest number of people were registered.

The Bill does not specify that the pilot schemes must be conducted in respect of household registration only, so I hope that my hon. Friend the Under-Secretary of State can assure me that there is a possibility that individual registration could be piloted as well.

Scope is also keen to ensure that personal identifiers are easily understood. The Opposition propose that national insurance numbers be used for that purpose, but Scope does not agree with that, as not everyone has a national insurance number, and the number itself is not the easiest thing to remember. The hon. Member for North-East Hertfordshire (Mr. Heald) said that he knew his number, but I am afraid that I do not know mine. I think that a lot of people would struggle as well. Even so, most disabled organisations welcome the use of personal identifiers. Part of the reason is that the only identifier presently in use is a person's signature, and many disabled people find it very difficult or impossible to sign their names.

I hope that my hon. Friend the Under-Secretary of State will assure the House that pilot schemes will be held for collecting individual identifiers using both the household registration form and the individual registration form. In that way, we will be able to see which approach is correct.

Mr. Heath: This clause and these amendments are important because there is real concern about the potential for fraud in our electoral system.

Chris Ruane *rose—*

Mr. Heath: Before the hon. Gentleman starts giving us statistics, I hasten to say that I am talking about the potential for fraud in the system, and not the reality. The problem is especially severe in the context of postal voting, and there is an urgent need to address it.

That urgency is not lost on Ministers, who understand that something must be done. It is a great shame, therefore, that they have rejected the Electoral Commission's clear proposals in respect of individual registration and personal identifiers. We have gone down this road before: the Government have previously rejected the Electoral Commission's views, and rued it later when their alternatives have been shown to be unworkable. That is why I believe that we need to take the commission's opinions in this matter seriously.

I detect some confusion between individual registration and personal identifiers. The two are not identical, nor necessarily linked: we can have personal identifiers without individual registration, and individual registration without personal identifiers. I believe that both are constituent parts of an appropriate system for preventing false registration and voting, but it is still possible to separate one from the other. For the moment, I shall set aside the question of individual registration and deal with personal identifiers, which are central to amendment No. 18.

It has been accepted in the debate that we want to extend the franchise as far as possible. That means that we must get as many people to register as we can manage, but at the same time we have to prevent fraud. A spectrum of barriers and encouragements to registration has been considered, as has the Bill's place in that spectrum of potential solutions. Any personal identifier could be construed as a barrier of one sort or another. We have to determine whether a barrier could be surmounted easily and so would not reduce the registration level, or whether it would cause a significant reduction in the number of people wanting to register. I contend that a signature is not a difficult barrier to overcome. Most people, if asked, can contrive to provide a signature or identifying mark. If they cannot, it is unlikely that they will be able to complete a ballot paper successfully. So the requirement to provide a signature is not a barrier to registration, but it is a personal identifier that allows the registration officer or presiding officer to do his job.

8 pm

Other personal details that are not difficult to provide could be used as identifiers—for example, date of birth. Some people may pretend not to know their date of birth, but I suspect that most people, if pushed, could come up with a consistent date of birth to use as a personal identifier.

Chris Ruane: The Queen has two.

Mr. Heath: Yes, but she does not participate in the electoral system, so that is not a significant objection.

Other possibilities for personal identifiers include the sort of thing that the average bank, building society or other financial institution ask people to provide before giving or receiving information over the telephone. Again, such information would not be difficult for most people to provide, but it would be a slightly higher barrier and might prove difficult for some individuals in some circumstances.

Mr. Love: Amendment No. 18 mentions the need to supply a national insurance number, but it would also require from an applicant

> "a statement of whether or not he has been resident in the United Kingdom for . . . the three-month period . . . and . . . any other address in the United Kingdom in respect of which he is . . . registered".

The rationale for that appears to be that it reflects the provision in Northern Ireland. Is that a reasonable rationale or would it erect additional barriers to registration?

Mr. Heath: I think that the hon. Gentleman heard what I said on Second Reading and knows that I think that it is too high a barrier. I am concerned about the amendment not because I do not share the view that we need a process of individual registration and personal identifiers, but because the personal identifiers that may have been appropriate for Northern Ireland are not necessarily those that we need in this country.

The hon. Member for North-East Hertfordshire (Mr. Heald) suggested that it is a middle-class affectation not to know one's national insurance number. As an aspiring jobbing lawyer, he is of course not part of the middle classes and therefore does not have that problem. He knows his national insurance number because he sees it on his pay packet every week—

Mr. Heald: And I know my place.

Mr. Heath: The hon. Gentleman may well know his place, but many people cannot readily bring to mind their national insurance number. For example, many women in the ethnic minority community will never have used their national insurance number, are not familiar with it and would not be able to produce it. Given that they are a key part of the community that we

[Mr. Heath]

seek to reach to increase registration, it would be perverse to put a barrier that they would find almost insurmountable in their way.

There are other problems with using national insurance numbers. For a start, they are not unique. They are supposed to be unique, but the same number is sometimes unfortunately issued to more than one person. They also persist after death. That may be a macabre way to put it, but national insurance numbers still exist for people who are sadly no longer with us. Therefore, they might provide an opportunity for electoral fraud that did not previously exist.

Nor are national insurance numbers entirely personal, because they are held in personnel departments or in employers' records. It would not be difficult for someone who wished to perpetrate a widespread fraud to collect a significant number of national insurance numbers by looking at employment records. For all those reasons, I do not think that national insurance numbers are the right personal identifiers to use, but we need to use something.

In a few moments, we shall debate pilot schemes. I am not convinced by them, but I do not want to pre-empt that debate. We need something to use now that goes a little further than the Government are presently prepared to accept, and we may wish to look closely at the transitional arrangements that the Electoral Commission put before the Committee so ably chaired by my right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith) as proposals around which we can coalesce. It is better to arrive at a consensus than to proceed on a partisan basis. That solution may commend itself to the Government in due course. I would prefer us to reach that consensus in this elected Chamber, especially on a matter that relates to the conduct of elections, than for it to be reached in the non-elected House with only limited opportunity for us to discuss it. I ask the Minister to consider seriously and give us at least a glimmer of an indication whether the proposal from the Electoral Commission—the so-called transitional process, which was mentioned earlier—might be acceptable. If so, by far the best solution would be for the Government to put it into their own words and bring it forward as an amendment on Report. I have no doubt that it would receive support from both sides of the House. Otherwise, we would have to keep on arguing the toss about something on which we should be able to reach a consensus, and that would be unfortunate.

Mr. Beith: As well as the merits of the case put forward by the Electoral Commission for the proposal it has made in the past few days, there is a further reason for accepting it. The authority of the Electoral Commission is not well served if the Government repeatedly reject its recommendations, especially as in this case they follow reconsideration of objections to its first proposals. Given that we press on other countries the need for an authoritative electoral commission, it is incumbent on the Government to attach some authority to the one that we have.

Mr. Heath: I could not agree more with my right hon. Friend. The Electoral Commission does not arrive at its conclusions in a capricious way. It thinks carefully about these matters, as it was set up to do. It is not just another group lobbying us for a particular cause; it is the body that the Government set up to consider electoral arrangements and advise them and this House. We should take what the Electoral Commission says seriously and if the Government are minded not to agree with its proposals, they should have to provide extremely sound grounds for doing so. Nor should those grounds be partisan between the sides of the House.

The hon. Member for Aberdeen, South (Miss Begg) made several points that relate to the points that I made earlier about amendment No. 1. It is essential that we have proper arrangements for registering people with disabilities, in the same way as it is essential that we find ways for people to vote on the day or by post. Individual registration would assist that process. The Minister also needs to consider other issues, such as registration in nursing homes, which has not always been entirely appropriate. Those who run nursing homes have not always received the necessary encouragement to ensure that the people in their care are given the opportunity to register and vote. We need firmer guidelines on that aspect.

There are issues about capacity, and although they are probably outwith the amendment, they need to be dealt with at some stage during the passage of the Bill. The hon. Lady's basic contention is absolutely right: we must provide all sections of our community with opportunities to be registered properly, while maintaining the integrity of the electoral system. I think that is what the hon. Member for North-East Hertfordshire is trying to achieve through his amendment, although I disagree with him about the precise details, as he knows. Nevertheless, I applaud his intention and I hope that the Minister will respond appropriately.

Barbara Keeley: I want to talk about registration and personal identifiers. On Second Reading, I said that I wholeheartedly agreed with the Minister's caution in not making a change to individual registration. That caution is the key thing. Today, as we did on Second Reading, we have debated the crisis in registration—that about 3 million to 4 million citizens are not included on our electoral registers. That is a serious matter.

The Electoral Commission has pointed out that under-registration is high among certain groups. The figures from the commission's research are borne out when we check out such groups. One of the groups most under-represented on the register were people who had moved during the past two to three months. When I checked with the Salford ERO, I was told that the areas with the most problems were those where there are six-month tenancies. The problem is serious. A large number of people—between 30 and 35 per cent.—in inner-city wards and polling districts are not registered.

As I said earlier, we should not be raising additional barriers to electoral registration when a third of people in a polling district or an area may not be registered. We should be doing the opposite. As Members have already said, we should be encouraging people to register and targeting the groups most subject to under-registration. When prompted, people who had not registered said that it was a chore or time-consuming, or that they did not understand the process. Another important point, which relates to the amendments, is that people said that they were nervous of bureaucracy. All the proposals in the amendments would make that situation worse.

We know that the change to personal identifiers in Northern Ireland, including national insurance numbers, caused a 10 per cent. drop in registration, so it is astonishing that the hon. Member for North-East Hertfordshire (Mr. Heald) talked about success and said that registration was high in Northern Ireland. I do not regard 91 or even 92 per cent. as high. When 89 per cent. of people in a community are disfranchised after an exercise to develop a better register, that is not acceptable.

Mr. Heald: The hon. Lady is continuing with a statement that the Electoral Commission has said is untrue. Sam Younger told the Committee that

> "there was a drop but not as big a . . . drop as . . . 10 per cent . . . While one cannot put an absolute figure on it, a goodly part of that was actually names that should not have been on the register anyway".

Barbara Keeley: We debated under and over-registration earlier; it changes from place to place. I was citing examples, borne out by the Electoral Commission research, which show that in some inner-city areas as many as 35, 37 or 38 per cent. of people are not registered. When, as the commission agrees, a total of 3 million to 4 million people are not registered, that is a crisis. The hon. Gentleman has just quoted evidence from the Select Committee session with the Electoral Commission last week and I shall quote from that, too. Sam Younger referred to the tension between participation and security, which is what we are debating, and said:

> "We do not feel national insurance numbers are something we should be asking people to provide at registration."

The commission does not agree with a chunk of the amendment, and Sam Younger made that clear under our questioning. He sees the tension and the difficulty.

I have two quotes from electoral officers in the north-west. I have used them before, but they are still appropriate. In evidence to the Joint Select Committee in 2004–05, the ERO for Trafford—now, sadly, a Conservative-run authority—said that whole areas of the electorate would not respond to requests for individual registration, particularly the under-registered groups. I know and have respect for that officer. He told me that, in his view, individual registration would be like a

> "throwback to the poll tax",

as it would make registration numbers drop like a stone and not recover for many years.

8.15 pm

Mr. Mark Harper (Forest of Dean) (Con): The hon. Lady and several of her colleagues referred to the crisis of under-registration. That may indeed be the case, but as I said on Second Reading, we are talking about extremely mechanical methods of fixing the problem. We may think that it is a crisis, but the millions of people Members say are not registered do not appear to agree. It is easy for them to solve by filling in a straightforward form. We are talking about barriers. If such a relatively simple thing as filling in a simple form and signing their name is such a problem for our fellow citizens that they are willing to give up voting, that is the problem we need to solve rather than tinkering around with mechanical details.

Barbara Keeley: People in some of the under-registered groups probably do not see registration as a priority. Research showed that some people admitted to being politically disengaged and some might be politically hostile. That is sad, but we all accept it. However, the MORI research identified groups of people who do not understand the process, who do not see the benefit of being registered or who are nervous of bureaucracy.

Chris Ruane: Does my hon. Friend think that the official Opposition might show greater concern about under-registration if the under-registered groups lived in Acacia gardens instead of Corporation street?

Barbara Keeley: I am sure that the Opposition would. I do not speak as someone who has a problem in her constituency. Worsley has between 92 and 94 per cent. registration, but my colleagues in neighbouring constituencies with more inner-city wards find after the annual canvass that the ERO is fighting to pull up registration from 64 per cent.

Mr. Heald: The hon. Lady will be aware that there has been much criticism of the Labour party over election fraud. In the areas that she is talking about where there is substantial under-registration, which councils have been indifferent over the years? Not Conservative councils, but Labour councils.

Barbara Keeley: I do not want to talk about postal voting pilots, but when I was in local government I worked on several highly successful pilots—two in Trafford, which is now a Tory authority. We worked as an all-party group; there was all-party consensus and we held successful postal voting pilots—*[Interruption.]*

The Temporary Chairman (Derek Conway): Order. The hon. Member for North-East Hertfordshire (Mr. Heald) must let the hon. Lady speak.

Barbara Keeley: I said on Second Reading that part of the difficulty with postal voting ballots is that many authorities did not want them and dragged their feet. That is part of the difficulty, but in both Trafford and Salford I worked on incredibly successful postal voting pilots where there was no suggestion or suspicion of fraud. The question is really whether you want to do it, whether all parties want to do it and whether you work at it.

Sam Younger does not believe in including national insurance numbers, so that is a dead duck. If the Electoral Commission does not support you, you should not be making that proposal—*[Interruption.]* Well, you cannot have it both ways.

The Temporary Chairman: Order. The hon. Lady keeps referring to the hon. Member for North-East Hertfordshire (Mr. Heald) as you. She must not, as in fact she is referring to me.

Barbara Keeley: I am sorry, Mr. Conway.

[Barbara Keeley]

I cited two EROs who say that in their experience the proposals would make the whole situation worse. It is right that we proceed with caution and pilots are the way forward. From what has been said today, I am sure that there would be many volunteer local authorities and many Opposition Members would be desperate to hold pilots in their constituencies. Let them do so. I hope that their local authorities will work hard on that. By enabling the setting of performance standards for local authorities, so that they can work more effectively at building the register, we shall deal with the issues.

Mr. Betts: I shall deal with the two key issues in the debate: first, the personal identifiers and the possible use of national insurance numbers; and secondly, whether people should fill in a household form or an individual form. It is important to try to work towards some sort of general agreement across the Chamber on those matters. On electoral law and the conduct of elections, if we could reach a consensus that would endure for a number of years, it would help the electorate to have stability.

On national insurance numbers, I hope that the Conservative party might reflect again, for two reasons. First, national insurance numbers are not necessarily secure. That point has been well made. The hon. Member for Somerton and Frome (Mr. Heath) said that people could use duplicate numbers fraudulently. Indeed, I accept that such numbers are used in Northern Ireland, but people can sign a statement to say that they do not have one. If people can do that, what is the point of requiring them to give their number in the first place? That is a hole in the system. A few years ago, a Select Committee report identified how many extra national insurance numbers existed than people entitled to have them, so there are problems with that proposal. It will not greatly add to the security of the system.

Secondly, the use of such numbers might be worth considering if it were not for the fact that that would be a disincentive to people registering. Some people will be able to lay their hands very easily on their last salary or wage slip and read their national insurance number, but the point has been well made that some people cannot do so—for example, those who have been out of work for a period. Women will be particularly discriminated against because many of them will have taken time off to have a family, which is a fairly normal course of events. People who are unemployed probably cannot remember where they put their last pay slip. In the circumstances, if they must go and hunt for it the likelihood is that they will just say, "Oh, I'll get round to that in due course", and they will end up not filling in the registration form. I hope that hon. Members will accept that those difficulties can be a barrier to people who are unemployed, to women and, probably, to people in the ethnic minority communities. Some of the very people who we want to encourage to register will be discriminated against. So I hope that that proposal will be reconsidered.

If Opposition Members are really keen on people having a discrete, unique number to use on the forms and a secure form of electoral registration that is more efficient than anything else, they should opt for the national identity system with ID cards. People would then have a number to put on the form. Moreover, there would be a straight read across to give us a register that would be about 99.9 per cent. accurate. That shows another benefit of ID cards, but national insurance numbers would not eventually provide that security.

Mr. Beith: Does the hon. Gentleman realise that Irish citizens, for example, are entitled to vote in this country and would not be obliged to carry identity cards?

Mr. Betts: I accept that there is no absolute read across, but the basics of a pretty accurate register would be provided. Certain things would have to be done to add people and perhaps to exclude others as well, but a firm base would be created on which to proceed.

I listened carefully to what my hon. Friend the Member for Aberdeen, South (Miss Begg) said about whether there should be a household form or an individual form. We need not necessarily have one sort of form or the other. Indeed, we do not have one or the other now, do we? The canvass goes out using a household form, but if people apply to register during the year, they apply on an individual form. Both systems operate. I accept that that can get a bit confusing, but I am with the hon. Member for North-East Hertfordshire (Mr. Heald) in spirit about individual registration. Ultimately, I think that we may get that system, but it would be very difficult to move the whole step at this stage.

I do not know whether the hon. Member for North-East Hertfordshire has tried to address some of those practical problems. However, given the amendment moved by the hon. Member for Huntingdon (Mr. Djanogly) that we discussed in the first group, the Opposition accept that there are people on the register who should not be there, that some people registered at certain households may not live there, and that there are houses where no one is registered. So how do we decide how many individual forms to send to those houses?

If no one is registered at a house, do we send one, two or three forms? What happens with a house in multiple occupation? It is all right to say that forms will be sent to the people whom we think live in a certain place, but if those people are not there because they are last year's students, rather than this year's students, how do we know the number? Does the hon. Member for North-East Hertfordshire favour sending individual registration forms around the system like confetti, when he is arguing that we should have a more secure system that stops people registering if they are not entitled to register?

Those practical problems need to be thought through, but we might get such a system in the end. When we develop a much more accurate registration base and when we start to use data from different sources, we can then write to people, as is done in Australia, on the basis of the information held by the Post Office, the utilities, the college or the driving licence people to say that there has been a change in circumstances at an address and that we understand that so-and-so is living there now. We could send the registration form to the individual whom the registration officer—or the Electoral Commission in Australia—is told now lives at that address. That is how individual registration could build a completely new system, but that would be difficult under the current arrangements when we have an inaccurate register and do not know to whom we are sending the forms.

Again, I return to the fact that there may be a case for both systems. I want to address a practical problem. I listened to what my right hon. and learned Friend the Minister said about registration officers being encouraged to go out into the community and knock on doors as part of the existing arrangements. If that sort of canvassing is done, I hope that the officers go with both forms. If they find the head of household in, I hope that they get that person to register everyone at the address while they are there. If they knock on the door and the head of household is not there, I hope that they have taken some individual registration forms so that they can at least register those people who are present and get them signed up on the spot.

Mr. Djanogly: In some ways, the hon. Gentleman has answered his own question—ultimately, the canvassing needs to go ahead—but what about a university hall of residence, for instance, where foreign students have been registered and students are moving in and out without being taken off the register? What would he do in that situation? How could that be dealt with other than by canvassing?

Mr. Betts: Clearly, the university must provide information about who is resident in those halls. That is simple to do—some universities do it and some do not. That is why I am in favour of having a legislative requirement for certain bodies to provide the electoral registration officer with information or for the officer to be able to gain access to that information. We would then have national standards—we will come to them later—that require registration officers to behave in a certain way when they receive information that people's circumstances have changed or so that they know what do to if a form is not sent back.

Different registration officers deal with those situations differently. Some officers keep people on the register and some do not. Some officers take them off after one year, and others after two years if they do not have corresponding evidence from council tax documents that those people still live at the address. We must deal with those approaches by laying down national standards. However, we are talking about the forms and whether we need one form for the whole house or a form for each individual. The reality is that we have a mix at present. We will eventually move to individual registration as we put in place all the other arrangements, but in the meantime, while we are conducting the canvass, I hope that we use both sets of forms to try to ensure that when we knock on the door and find someone in, we get the maximum amount of information for registration purposes that we can.

The Parliamentary Under-Secretary of State for Scotland (David Cairns): We have had an extremely useful and enlightening debate. It has been our first canter around issues regarding individual registration, the forms for such registration and the nature of piloting, with which I will deal in a moment. First, however, I want to respond to several specific points made during the debate.

I entirely agree with the hon. Member for North-East Hertfordshire (Mr. Heald) that we need a campaign to increase the numbers on the register. The entire purpose of the two-and-a-half-hour debate that we had earlier was to set out the basic parameters of that campaign. At a later stage, we will talk about the performance standards to which we will expect electoral registration officers to perform. We are thus in agreement about the need for such a campaign, and I welcomed the commitment that he gave.

The hon. Gentleman said that everyone who has studied the matter has concluded that individual registration will improve security without having an impact on numbers on the register. However, not everyone agrees with that. Several hon. Members who spoke, the EROs who contacted my hon. Friend the Member for Worsley (Barbara Keeley), and my electoral registration officer, Mr. Edward Duffy from Renfrewshire valuation joint board, certainly do not agree. Mr. Duffy wrote me a letter last week that said:

> "Of course having identified residents, there still remains the problem of trying to persuade them to complete and return the canvass form. This is likely to become more of a problem with the requirement to collect signatures and dates of birth."

That view of an experienced registration officer is echoed by registration officers throughout the country. It is not just Labour Members who are saying that collecting information from people on individual or household forms might impact negatively on the register. That is why we propose to follow the route of piloting, which we will discuss in more detail during our consideration of the next set of amendments.

My hon. Friend the Member for Aberdeen, South (Miss Begg) raised the legitimate concerns that have been expressed by Scope, Sense, the Royal National Institute of the Blind and other bodies about the design of any such form. The Department has not produced any mock-up forms, so I am not sure of the provenance of the forms to which she refers. We will not create any such mock-up forms or proceed on the matter without consulting the organisations to which she rightly drew attention. We give a firm commitment that if the process moves forward—the Bill allows for individual identifiers—we will consult those organisations and others with a vested interest in ensuring that we get the design of the forms right. My hon. Friend also said that several of those organisations have reservations about the requirement on national insurance numbers that is proposed in amendment No. 18, for reasons of complexity.

8.30 pm

The hon. Member for Somerton and Frome (Mr. Heath) rightly said that there was a need to take action on fraud. He also acknowledged, graciously, that we are taking such action. The new fraud offences regarding both registration and applications for a postal vote have tough sanctions. We are not sanguine about fraud—there will be zero tolerance of it, as it has been said—and we are proceeding with tough new measures.

The hon. Gentleman said that the requirement to give a signature and date of birth was not a difficult barrier, but that is a point of contention. My electoral registration officer thinks that it could well be a barrier, as do the registration officers of the Minister of State,

[David Cairns]

my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman), and my hon. Friend the Member for Worsley. There is no consensus that the measure would not have the undesired consequence of increasing what have been described as the catastrophic drops on the register.

The hon. Members for Somerton and Frome and for North-East Hertfordshire talked about the so-called transitional arrangement proposals put forward by Sam Younger. We must remember that Mr. Younger was setting out a fallback position, in a sense, because he does not want the pilots. We are thus effectively having this discussion the wrong way round because we should talk about the pilots first.

I have read the letter that Mr. Younger sent to my right hon., learned and noble Friend the Secretary of State, which I noticed was faxed to him at 6 pm on Friday evening. The letter makes serious suggestions, so the proposal clearly must be studied with a view to its possible ramifications. A prima facie reading of the letter leads me to ask two questions about the proposal. If it will be voluntary to provide such information on the form, will that provide the increased security that people want? Secondly, would it not add to the confusion surrounding the forms if there was a space for people to provide their dates of birth and signatures, but they did not have to fill them in if they did not want to? People would say, "If I don't fill this in, will I be somehow worse off than if I do?" We could explain to them that they would not be worse off because it would be voluntary to provide the information, but that would add to the confusion about which my hon. Friend the Member for Worsley spoke when she cited the MORI polls. People find such forms confusing enough as it is, without adding another layer of possible confusion. However, I have made only a prima facie reading of the proposal. We will give it greater study, but I am not immediately attracted to it.

Mr. Beith: An answer to the Minister's first question is that if people do not provide a signature, they will not get a postal vote. As the greatest concern about fraud relates to postal voting, the proposal would address that specific problem, although it would not deal with wider security problems that must be addressed in other ways.

David Cairns: We are examining fraud in postal vote applications. I accept that one has to sign for a postal vote application. However, at the time at which people filled in the form to go on to the electoral register, they might not want a postal vote. They might decide later that they want such a vote. We would be introducing a further hurdle at a late stage if we said to people, "Sorry, you can't get a postal vote because you didn't sign the form when you filled it in because that was optional." I understand the logic behind the suggestion as a default position in opposition to pilots, but it would send a slightly mixed message. I have already mentioned the excellent contribution of my hon. Friend the Member for Worsley, who said that we were right to be cautious. She used the experience of her own electoral registration officer, just as I used the experience of my ERO, to demonstrate that there is no consensus. My hon. Friend the Member for Sheffield, Attercliffe (Mr. Betts) spoke about the problem of using national insurance numbers as well as serious practical issues. If individual forms are sent to houses in multiple occupation on the basis of how many people lived at the address in previous years, the number of forms delivered could far exceed the number of residents, which opens the door to more fraud.

As our debate has demonstrated, there is no consensus about the way in which we should proceed. Some people are highly sceptical about individual registration, predicting catastrophic drops, but others are in favour of it. However, there are differences among its supporters. The Liberal Democrats want individual registration to be rolled out across the country in one go, but they do not want national insurance numbers to be used. The Conservatives want individual registration, but they insist on the use of national insurance numbers. In the absence of consensus, the Government's approach is pragmatic and practical. On Second Reading, I said that the measure includes

> "three interlocking principles: access to voting for all who are entitled, participation by all who wish to participate and fairness for all through zero tolerance of fraud and intimidation. None of those principles is optional.—[*Official Report*, 25 October 2005; Vol. 438, c. 268.]

My right hon. and learned Friend the Minister of State referred to those principles as the three legs of a stool. Our concerns about individual registration and national insurance numbers stem from the negative impact that could have on the first of those three legs.

Mr. Heath: I fear that the Minister may inadvertently have misrepresented our position. We have not said that we want individual registration to be rolled out across the country in one go. We want the Government's own personal identifier scheme to be rolled out across the country in one go, because that is a sine qua non for ensuring that postal voting at the next election is fraud-free.

David Cairns: I apologise if I inadvertently mischaracterised the hon. Gentleman's argument. If anything, however, his intervention adds to the lack of consensus rather than clarifies the position.

As has been said, the Electoral Commission found that up to 3.5 million people in England and Wales and an unknown number in Scotland cannot vote in elections because they are not registered. Individual registration and the use of national insurance numbers could make that situation worse. There has been disagreement about the position in Northern Ireland, but when individual registration was introduced there, registration levels dropped. In one Belfast ward, registration dropped from an already low 41 per cent. to just 23 per cent. Some hon. Members argued that registration levels were 150 per cent. across the Province and dropped to 90 per cent., but that Belfast ward, albeit an extreme example, shows that there was a catastrophic drop from an already low starting base. However, individual registration has benefits for the security of postal voting, particularly through the collection of personal identifiers such as a signature and date of birth. We have therefore provided in the Bill for the collection of personal identifiers, but to test and evaluate their impact on registration levels we intend to proceed through a programme of pilots that we shall discuss in relation to a later group of amendments. Proceeding in that way will ensure that our approach is evidence-based and will prevent us from introducing policies that serve one leg of the stool to the detriment of another.

Amendments Nos. 18 and 20 seek to extend the full Northern Ireland individual registration system to Great Britain, including inter alia the use of national insurance numbers. My hon. Friend the Member for Edmonton (Mr. Love) drew the attention of the Committee to the Northern Ireland provision for three-month residency. That provision was introduced because it was feared that once an election was announced, residents of the Republic of Ireland might cross the border and register in constituencies in the north. Because Northern Ireland citizens can vote in UK elections they could then take part in such elections. There is probably consensus that that is unlikely to happen.—*[Interruption.]* The hon. Member for North-East Hertfordshire is shrugging his shoulders, but it would be far-fetched to believe that there were hordes of people in the Republic of Ireland waiting to come over here so that they can take part in our elections. That scenario, however, is dealt with in the amendment.

A controversial provision in amendment No. 18 deals with national insurance numbers. In Northern Ireland, national insurance numbers are used to share data with the Department for Work and Pensions. That process allows external confirmation of a person's identity and is useful in relation to security. It is possible, however, because Northern Ireland is relatively small—1.1 million electors—and has a centrally held register.

By contrast, Great Britain has around 43 million electors and more than 400 locally held registers. The infrastructure is therefore simply not in place for the Northern Ireland-style use of national insurance numbers to be extended to Great Britain at this time. In that context, we believe that the collection of national insurance numbers would add nothing to security and simply deter people from registering to vote. As the hon. Member for Somerton and Frome has pointed out, many people do not know their national insurance number, and we believe that they would not take the extra step of discovering it in order to register.

When we have the co-ordinated online record of electors, which we will discuss later in Committee, we could use a national insurance system in Great Britain as in Northern Ireland. The Bill allows for such a system to be added both in pilots and at roll-out at a later date via an affirmative order, and the provision is included in clause 14.

In short, amendments Nos. 18 and 20 would introduce a policy which, although it is not currently appropriate, could be of use in the future. However, since the Bill already provides for that possibility, and since the time is not right for its implementation, I hope that the hon. Gentleman will withdraw the amendment.

Mr. Heald: I congratulate the Minister's civil servants on the lines of argument that they have managed to construct for him, because the case is shilly-shallying and pathetic, so constructing any argument at all was a major achievement. I shall give Ministers longer to consider the matter, because the issue is important. It is urgent that we tackle postal-voting fraud, and what has been suggested so far is not adequate. The pilots are completely unacceptable, and it is time Ministers came up with something better—the Electoral Commission has come up with some ideas.

It is all well and good for the Minister to say, "Give way on important points", but what movement have we seen so far? The problem is urgent, and all Ministers have come up with are pathetic, potty, little pilots, which have already been tried out in a country—Northern Ireland. It will not do, and we need something better from Ministers. We shall return to the subject, when we hope that Ministers will do better. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 13 ordered to stand part of the Bill.

Clause 14 ordered to stand part of the Bill.

Clause 15

PERSONAL IDENTIFIERS: PILOTING

Mr. Heath: I beg to move amendment No. 4, in clause 15, page 14, line 17, leave out subsection (1).

The Temporary Chairman: With this it will be convenient to discuss the following: Amendment No. 5, in page 14, line 26, leave out from 'to' to end of line and insert—

> 'one or more electoral regions as defined for the purposes of the European Parliamentary Elections Act 2002 (c.24)'.

Amendment No. 6, in page 15, line 1, leave out subsections (10) and (11).

Amendment No. 7, in clause 16, page 15, line 40, leave out

> 'local authority in response to whose proposal'

and insert

> 'local authorities within the region or regions in which'.

Amendment No. 8, in clause 16, page 15, line 43, leave out

> 'local authority in response to whose proposal'

and insert

> 'local authorities within the region or regions in which'.

Amendment No. 9, in clause 16, page 16, line 1, leave out first 'The' and insert 'Each'.

New clause 5—*personal identifiers: supplemental provisions*—

> 'Sections 13 and 14 shall not be brought into force otherwise than for the purposes of an order made under section 15.'.

Mr. Heath: We move on to the vexed question of pilots, which the Government have given rather a bad name. Pilots are the Government-speak equivalent of mañana: if one does not want to do something quickly, one runs pilots, pilots and more pilots, after which one can assess the pilots for a while, review the assessment and then run more pilots. However, the alternative is to roll out the whole scheme within a few weeks of installing the pilot scheme without any assessment of the evidence. Those are not appropriate ways of dealing with what many commentators have described as a matter of some urgency, particularly in the case of postal votes.

[Mr. Heath]

I have already conceded the point that individual registration raises some issues, and we must examine the matter carefully. My preference is for an individual voter registration scheme, which is a view echoed by the hon. Member for Sheffield, Attercliffe (Mr. Betts), who sees that as the direction in which we should be going, but also recognises the practical difficulties along the way.

I have given the Government credit for introducing new offences in the Bill in order to tighten up on fraud. If we are to make those offences bite, however, other than making threats that are never brought to court, we must provide the means by which returning officers and registration officers can detect fraud, otherwise we are simply rattling sabres without any expectation of success. That is particularly the case in terms of postal voting fraud, which we know has occurred because there have been successful court cases. We heard quoted on Second Reading what the learned judge in one such case said about the inadequacy of the current systems. If we accept the Government's proposed pilot scheme, we will not have these precautions in place by the time of the next general election. If that happens, we should hang our heads in shame, because this House will have failed in its primary duty of ensuring the integrity of our electoral system. We need an alternative to the Government's proposals.

8.45 pm

When he was responding to the previous group of amendments, the Minister suggested—although he recanted when I intervened on him—that I had said that a full system of individual registration and personal identifiers should be rolled out across the country at a single stroke. I have not said that. I have said that the Government's scheme, which they have identified as being appropriate in the pilot areas, is appropriate across the country because it is a minimal scheme with very little likelihood of having a significant effect. If it were to have a significant effect, we have a fall-back position, which has already been described by the Electoral Commission.

The Government were wrong to suggest pilots in the first instance. People in the Whitehall Departments should be taken away and given some elementary scientific training as to how to conduct a controlled experiment. Too often, we have pilots that tell us practically nothing, and this is a case in point. The Government propose that local authorities opt in by offering the opportunity to run pilots in their local authority area. That gives us a self-selecting group of local authorities, no control over the kinds of authorities that are being used because they are self-selecting, and, with no control authority, no ability to make proper comparisons of what is happening. What is observed in the experimental conditions might be entirely random instead of helpful in ascertaining any sort of trend.

If the Government are insistent about going ahead with pilots, the very least that we can expect is that they identify a region and run the registration experiment across it. That would mean, first, that they have a suitable size of response in order to get meaningful results; secondly, that they can compare one region with a similar region, thereby providing the control that I suggest; and thirdly, that they have sufficient data to recommend changes in the future. None of that is accomplished by the Government's proposed pilot scheme.

There is a better solution. The Government do not propose to go as far as the Northern Ireland experiment because—I agree with them on this—they want not to use the Northern Ireland system of personal identifiers, which includes the national insurance number, but a basic version based on a signature and date of birth. That is not such a drastic step as suggesting a catastrophic reduction in registration but it is the minimum required to maintain the integrity of the voting system, especially for postal votes. Amendment No. 4 would set aside the concept of the pilot and go for a change in the law to provide basic protection.

Later amendments propose an alternative sort of pilot, which would be based on a larger area—an electoral region. Of course, we held such a pilot for the European parliamentary elections because that was believed to be appropriate. It was not based on one region—we had to go much further and half of England was used for the experiment because the Department took a completely different view of what was appropriate then. We had the Dane law, which covered an experimental area rather than a few local authorities dotted around the country.

Let me consider the so-called transitional arrangement that the Electoral Commission proposed. It is a pity that the hon. Member for Worsley (Barbara Keeley) is not in her place, because she so strongly advocated never disagreeing with the Electoral Commission's proposals. She suggested that it would be outrageous to disagree with them and I should therefore have liked her to be here to endorse my comments. The Electoral Commission has made it clear that it does not agree with the Government about the piloting approach. I have a letter from Sam Younger that outlines the Electoral Commission's reasons for that. I received the letter at 6.15—the Minister obviously received it first, which is right and proper.

The Electoral Commission has proposed a transitional approach. It does not give me everything that I want—it is a compromise—but its great merit is that it does two things. It enables the Government to behave cautiously, as they say they want to do on the introduction of the overall arrangements and towards the normal voting procedure, but it ensures that minimum standards for postal votes are in place long before the next general election. That meets the Government's objection to my position and my objection to theirs. That is a strong place to start. The Under-Secretary shakes his head. He obviously has a preconceived view that he will not find the approach acceptable. That is a shame because, on Report, it might form the basis on which we wish to proceed. If we cannot do that, the measure will, unfortunately, go to a non-elected House for arbitration.

Mr. Betts: I am struggling a little with the hon. Gentleman's fall-back position. It appears that he does not object to the principle of pilots but simply to the areas in which they will take place. He argues that such an area should be a Government region, for example, the constituencies for European parliamentary elections. That would preclude the method that we use for conducting pilots on other matters such as electronic voting, whereby some wards in a local authority area are designated for the pilot and others are not. One can then compare what happened in the same local authority area. The hon. Gentleman would prevent such pilots from being conducted for those purposes, yet they might lead to some interesting results.

Mr. Heath: All sorts of things might lead to interesting results. However, I see no inconsistency between saying that I do not agree with a piloting approach but also that, if there is to be one, it needs to be on a quantum of local authorities that is sufficiently large to produce results, instead of the hotch-potch approach that has been used previously. Although we had some "interesting"—to use the hon. Gentleman's word—experiments on novel voting methods, what have we learned from them? We learned precious little because we had insufficient material to make a conclusive determination about the way in which we would like to progress. The end result was an election that inspired the least confidence of any in living memory. That is the environment in which we are addressing the issues in the Bill.

Mr. Betts: I thank the hon. Gentleman for giving way again. We had some interesting pilots in Sheffield on electronic voting, in which some wards had electronic voting and others did not. We learned that having electronic voting made virtually no difference to voter turnout, so the idea that it was going to provide some kind of panacea to get thousands more people to vote proved not to be the case. So pilots can prove that things will not work, as well as proving that they will. That is the idea of a pilot, and we should set out with an open mind as to what the result will be.

Mr. Heath: I agree with the hon. Gentleman. We should set out with an open mind. We had a similar situation with electronic voting in south Somerset. It was not the preferred voting method of the people there; more were interested in personal voting. However, that is an aside, because we are not talking about a revolutionary change to what the Government are proposing. We are simply talking about providing a signature and a date of birth. I really cannot get my head around the idea that that is such a difficult thing for people to provide in order to ascertain that they are who they say they are for the purpose of electoral registration. People sign on the dotted line every day for things that they wish to receive. They might be asked to sign when the postman comes. They do not say, "Oh, no, Mr. Postman, I cannot sign to receive this package. It is too difficult." They say, "Of course I will." They sign, and they receive their package, or whatever.

This proposal involves a basic, elementary approach, and we are making far too much of an issue of it. We are making it an obstacle to registration, which it simply is not. It involves a basic precaution to ensure that, the next time we have an election, we do not have the sort of headlines that we had after the last one, with electoral courts in session and people being accused and convicted of electoral fraud, simply because our returning officers and registration officers do not have the mechanisms to prevent that fraud from happening. That is the responsibility of the House and of the Government, and that is why I have tabled these amendments today.

Mr. Heald: I should like to start by agreeing with the hon. Member for Somerton and Frome (Mr. Heath). Not to tackle the public perception of postal voting fraud and the inaccuracy of the registers would be a recipe for disaster. We talk a good deal in the House about trying to connect with the public, and about public confidence in the voting system. We are right to do so, because there is a disconnection there, and to fail to tackle a problem of such importance to this place would be wrong. The serial piloting approach is a hopeless and pathetic response to it. This is an urgent problem and it needs urgent action.

Everyone will know by now that I support the tried and tested system in Northern Ireland. It has created security and there are still high levels of registration there. However, I am prepared to consider measures such as those proposed by the Electoral Commission for a transitional approach. The proposal that the hon. Member for Somerton and Frome has come up with in amendment No. 4 is worthy of support because it does not involve a potty pilot. It involves rolling out personal identifiers, which will provide real protection, and it involves doing so now.

Miss Begg: If the hon. Gentleman is saying that he wants to reach out and involve as many people as possible in voting, why on earth has he tabled amendment No. 23, which rules out all modern types of voting such as electronic voting, telephone voting and text message voting? Surely that amendment contradicts what he has just said.

9 pm

Mr. Heald: I am sure you would be very tough on me, Mr. Conway, if I strayed too far down that road, because it relates to the next group of amendments, although I will refer to the point made by the hon. Member for Sheffield, Attercliffe (Mr. Betts): when pilots involving electronic voting and the like were tried, they had no discernible effect on turnout. That has influenced me, as have my concerns about fraud, which I will refer to later, if I may.

The point I want to make is that it is right to be constructive when the problem is so important. I am prepared to be constructive, as is my party, so we will support amendment No. 4. I do not agree with the regional approach, because piloting is not the answer. A national approach is needed, and it is needed now.

Miss Begg: I sat through all the debate on Second Reading, and I have sat through a large chunk of the debate today. If any evidence were needed as to why we have to have a pilot, it has been provided by those debates. There has been a great deal of to-ing and fro-ing among Members on both sides of the Committee over whether one system will work and another will not; whether there should be household or individual registration; what the identifiers should be—for example, national insurance numbers; and whether those identifiers will act as barriers.

That is exactly why we need a pilot. We need to find out what does and does not work, and whether it is possible—particularly in terms of the personal

[Miss Begg]

identifiers to give a choice. Despite what the hon. Member for Somerton and Frome (Mr. Heath) says, some people find signing their name difficult, particularly in a consistent way. I give the example of my father, who has recently lost his eyesight. He is finding it extremely difficult to continue to sign his name in the way that he previously did with ease.

Mr. Heath: Provision for setting aside the personal identifier in such circumstances has already been made by the Government, who foresaw the problem. My amendment would not change that: it would simply introduce the provision across the country rather than in some parts of it.

Miss Begg: But earlier the hon. Gentleman described exactly what the barriers are. Which personal identifiers will be easiest? That is probably where we are looking to pilot. Should we use date of birth? I would go along with that: it is probably an easy identifier. Should we use a signature? Most certainly it would be easy for most people, but we might use the mother's maiden name or a range of other things that will be easier for an individual to remember than things that we might think are easy to remember. That is why I said in a previous intervention that using the national insurance number might be difficult. Remember, the purpose of this measure is to encourage more and more people to register. For people with a learning disability, for instance, something we have not thought of might be an easier personal identifier than the ones we have come up with.

I also referred earlier to the point made by Scope, the Royal National Institute for Deaf People and the Royal National Institute of the Blind, as well as other disabled organisations: whether it would be more successful to have individual registration with identifiers or household registration, also with identifiers; whether distributing the forms by household would make them too complex, too difficult to read and too difficult to access; and whether using an individual form would lead to a huge drop in the number of people who register. Nothing I have heard during our debates makes me think that we have the answers to those questions, which is why we need a pilot.

On Second Reading, I also made a plea for consistency across the different electoral regions. I might seem to be contradicting myself, but I think that we need pilots to find out what is easy and what is accessible. Having been registered in more than one electoral district—indeed, for a short time I was registered in three—I know that the variety of information and the differences between information that one receives in different areas can make it either easier or more difficult to work out how to register and what the form says.

I have puzzled over the exact meaning of a number of forms, especially in relation to declaration of citizenship, as it is not always clear whether that is mandatory. In one electoral register, one must declare one's nationality, while in my home register in Aberdeen, one does not have to do so. There is still confusion about exactly what is needed, and that is why the Government are right to pursue pilots. I accept the point made by the hon. Member for Somerton and Frome that the pilots must ultimately come up with a final solution. I hope that, as a result of the pilots, we will find out what works, what does not work, what is easy, what is accessible, and above all, what leads to security of poll and cuts out fraud to make sure that everyone has confidence in the electoral system.

Mr. Harper: To pick up the point about pilots, I agree with my hon. Friend the Member for North-East Hertfordshire (Mr. Heald) that we seem already to have had a pilot of sorts in Northern Ireland, from which we learnt some things. We should pay attention to the Electoral Commission, which recognised that there were some negative effects on registration, and advised that to tackle that we should couple a move to individual registration with other measures such as campaigning and publicity work.

I am not sure how far forward the running of pilots will take us. One of two things will happen. The use of basic identifiers such as a signature and date of birth will not show a significant drop, which I am not convinced will satisfy some Labour Members—who have already seen examples of a drop in Northern Ireland—that there will not be a problem in rolling that out across the country. Alternatively, it will show a significant drop, but the reasons for that, and the reasons why there are such barriers, will not necessarily be clear.

In relation to the reasons why people do not register, the Committee chaired by the right hon. Member for Berwick-upon-Tweed (Mr. Beith) stated in its report on page 26:

> "Most of the figures quoted are from data collected in 1991."

It mentioned that the Government were conducting

> "a qualitative piece of research trying to get into the minds of individuals who perhaps do not register actively. What puts them off from registering? That is due to be completed some time around April [2005]."

Will the Minister tell the Committee what progress has been made on that, and whether that information will be available? Clearly, if some of what seem to be relatively straightforward identifiers act as significant barriers, we need to know why they are acting as barriers. I do not see how we can get much more straightforward identifiers than signature and date of birth for most people. If the introduction of such identifiers causes a massive drop in registration, I am not sure what other sorts of identifiers would not have a similar effect. We therefore need to be clear about why a drop in registration has been caused.

If a signature and date of birth is that off-putting, that either reflects levels of education among some of the groups who are not registering to vote, or, as I have said previously, the extent to which they could care less about voting. I accept the point made by the hon. Member for Aberdeen, South (Miss Begg) that for some individuals a signature might be a problem, and the Bill provides for that, but if most people are so disinterested in voting that asking them to sign a piece of paper and give their date of birth will cause a catastrophic drop in registration—as some Labour Members were saying—it strikes me that we have a more serious problem with voting and democracy in this country than is recognised.

If the Minister could answer my key question about some of the research on barriers to voting, that would be helpful.

Chris Ruane: Before I move on to new clause 5, I want to pick up a few points mentioned by other hon. Members.

The hon. Member for Somerton and Frome (Mr. Heath) said that he would like to see a pilot in one region. We have already had that—that region was Northern Ireland—and we have seen the results. He said that he could not get his head round the idea that people are not prepared just to sign their name and give their date of birth. The hon. Gentleman cannot get his head around that notion. He is a well-balanced Liberal Democrat, a professional politician. Obviously, he sees no problem. If he lived in a house of multiple occupation, if he were unemployed or on the minimum wage or if he were part of an ethnic minority—obviously he is not—perhaps he would see that there are problems. There are problems for those people who are not registering under the current system. Any other measure that is put in their way will act as a disincentive to register.

We have learned the lessons from Northern Ireland, where the figure went down to 84 per cent. The hon. Member for Forest of Dean (Mr. Harper) said that we needed a registration campaign in conjunction with advertising, but that was undertaken in Northern Ireland. The figure went from 86 per cent. up to—according to the hon. Member for North-East Hertfordshire (Mr. Heald)—92 per cent, a figure with which he said he was satisfied. I certainly am not. I do not represent Northern Ireland, but I am a democrat and I do not believe that democracy should be functioning on the basis of 92 per cent. of the population being registered. If we want an efficient and effective democracy with all sectors of society catered for, we need 100 per cent. registration.

I also wanted to speak about the timing of any pilots, which is key. I would urge the Minister not to start any pilot in any area of the UK until we have the 3.5 million to 4 million missing people on the register. If pilots go ahead, we should have it at that point. The people missing from the register are the most sensitive to any change. If we introduce pilots before they are on the register, we will not get a true reflection of the impact.

Mr. Harper: The hon. Gentleman has mentioned the level of registration in Northern Ireland at great length and a number of times. What is the level in his own constituency?

Chris Ruane: In 1997, there 55,000 voters, which went down to 48,000. I raised the issue in the House two or three years ago and, lo and behold, an extra 2,000 to 3,000 voters were put on the register. Currently the figure stands at about 52,000 electors, 3,000 down on 1997. In the last 10 years, the population of my county—my constituency makes up 65 per cent. of my county—has gone up by 4 per cent., while registration has gone down by about 10 per cent.

Mr. Harper: The hon. Gentleman is very generous in giving way. What I was looking for was the percentage of those eligible to vote in his constituency who are on the electoral register.

Chris Ruane: Whatever the percentage is, it will be a lot worse—*[Interruption.]* I think that I have given enough statistics about my constituency and I hope that hon. Members have statistics of their own. I have also supplied every Labour MP with their percentage fall since 1997 for 2001 and 2004. I have also cross-referenced that with the census database and supplied that information. I have given enough information about voting populations in my constituency and, indeed, 300 or 400 other constituencies.

New clause 5 would ensure that this House was properly consulted, through primary legislation, before any national scheme for national identifiers was rolled out as a result of the pilots. The very fact that we are debating these matters on the Floor of the House gives an indication of how important we feel this Bill is. Important changes that could result from a pilot scheme should not go through on the nod but should be properly and fully debated in this House. I oppose any measures that would further reduce the size of the electorate in my constituency and those of other Members. We must be very careful about the way in which we implement pilot schemes involving personal identifiers and signatures, and even more careful when deciding what will happen when the schemes have run their course.

9.15 pm

The Bill had its genesis in the furore and fallout from a number of high-profile postal-ballot fraud cases during the 2004 local elections. There was wall-to-wall coverage of those cases on television and radio, and in the press. The Government, being a listening Government, decided to act on the concern. The initial thrust of that action was to secure the votes. When the Government listened further, especially to representations from Labour Members on the other issue, widening participation, they realised that it was a question not just of security but of ensuring that people were on the register.

I believe that, since the Bill's inception, its balance has been evened out. I believe that there has been a trade-off between securing the vote and widening participation. Pilots will show us what impact additional security initiatives will have on voter registration and participation. As I have said, my main concern is the widening of participation. I would oppose an automatic roll-out as a result of any pilot studies that might be undertaken.

Members may be tired of hearing a statistic that I have already mentioned, but I think it essential to repeat it until people know the true figures. According to the Electoral Commission, between 3.5 million and 4 million people are missing from the electoral register under the current rules. Had the Government listened to the press, had they listened to the Opposition and, dare I say, had they listened initially to the Electoral Commission, we would be implementing a system that could lead to a drop of a further 10 per cent. in the number of electoral registrations if the Northern Ireland pattern were repeated. Given an electorate of 44 million,

[Chris Ruane]

that could constitute 4.5 million missing voters. There could have been a total of 8.5 million missing voters had Labour Members not intervened.

Some people are concerned about security. Let me put the matter into perspective. Replies to a parliamentary question that I tabled about postal-ballot fraud suggested that there were no prosecutions in the case of general elections, and only one or two per year in the case of local elections. That is one or two too many, but I feel that the greater evil is represented by a potential 8.5 million voters missing from the register. I realise that pilot schemes were introduced in an attempt to compromise, but I think that the results should be carefully monitored. Each and every one of us should have an opportunity to comment. If there is cause for concern, primary legislation should be initiated, and should be fully debated in the Chamber before any permanent national changes are made. I do not want such legislation to go through on the nod.

Nothing is so precious to a Member of Parliament as his boundaries and the size of his electorate. To me, as a Labour Member, size does matter: the bigger the better. If any changes made in my constituency or others would have a negative impact on an already diminished electorate, I want a say in them. As a democrat, I believe that if changes that might affect 8.5 million of the most disadvantaged people in society are to be pursued, they are worthy of a debate, a vote and primary legislation.

David Cairns: The debate is yet further evidence of the lack of consensus on individual registration and personal identifiers. Amendments Nos. 4 to 9 would put pilots of personal identifiers on a compulsory and regional basis. New clause 5, as my hon. Friend the Member for Vale of Clwyd (Chris Ruane) said, would prevent the rolling out of personal identifiers on a permanent and nationwide basis without further primary legislation.

Let me deal first with amendments Nos. 4 to 9. The Government believe that, when a new system is tested, there is a balance to be struck between ensuring that it is tested on a large enough scale for the results to be meaningful and not taking unnecessary risks. Members will be aware that, for previous electoral pilots, we initially conducted tests at voluntary and local level. When we were confident that the system was ready to be used more widely, we scaled it up. What we have not done is to move to a regional scale without being clear that the benefits outweigh the risks.

The potential benefit of personal identifiers is an increase in the security of the electoral process. We are doing much to address this issue and personal identifiers may help us to do more. There is a risk of a significant drop in the number of people registered to vote. As we have heard repeatedly, in excess of 3.5 million people already cannot vote because they are not registered and we do not intend to exacerbate the problem.

Through pilots, we hope to measure the impact of identifiers in terms of both benefits and risks. We believe that a voluntary and local scheme will allow us to do that effectively. In our view, a compulsory regional scheme would attract an unacceptable level of risk, while not providing significantly more information about how the new system would operate.

Mr. Harper: If voluntary pilot schemes are to rely on local authorities coming forward, how can we ensure that such schemes are piloted in regions where there are significant numbers of people who are not registered? In order to tackle some of the issues that we have discussed today, we need to pilot areas where significant numbers are not registered. Moreover, if we discover that there are barriers and a drop in registration occurs, what are we going to do to find out why?

David Cairns: Those are two perfectly valid questions and I am literally just about to address them in turn.

I was about to say that it might be useful at this stage if I gave more detail on how we intend to take the pilots forward. We believe that they should last for at least two years, and that shorter tests would not be sufficient to provide the evidence that we need to make a decision on rolling out. We intend to create one generic scheme—in consultation with the Electoral Commission and volunteer local authorities—and to pilot this same scheme across a variety of areas. In this way, we will be able to test the impact of personal identifiers simply, without the confusion that would be caused if we tested a variety of slightly different schemes.

In selecting local authorities, we will ensure that local elected representatives are consulted. My briefing note says that there will be no question of a Member of Parliament being taken by surprise by a pilot in their area. That rather brings to mind the image of a British Airways captain leaping out on us from a darkened doorway, but the point is made.

In response to the argument that regional pilots would be preferable because they encompass areas with different social and demographic profiles—the point alluded to by the hon. Member for Forest of Dean (Mr. Harper)—we will seek to hold our local pilots in a wide variety of areas with different make-ups. The Office for National Statistics has grouped local authorities into seven classifications, some geographical and others more widespread. They are London centre, London suburbs, prospering UK, coastal and countryside, cities and services, and mining and manufacturing. There are also a number of sub-groups. We will seek to pilot in areas in each of these classifications in order to learn lessons from different areas with differing circumstances.

We have not yet issued a prospectus seeking volunteers, but we intend to do so shortly. Even in the absence of such a prospectus, a number of local authorities have already informally expressed an interest in piloting. I therefore foresee no problem in gaining enough varied volunteer local authorities to carry out a full and thorough test of the new system.

I mentioned earlier that I felt that the risks of regional registration pilots were too high. Let me explain why. The smallest UK electoral region is the north-east, which has some 2 million electors; the largest is the south-east, which has approximately 6 million. At the top end, a pilot covering two or three regions could cover a population of as many as 10 million to 15 million electors. A 10 per cent. drop in registration in such areas, as seen in Northern Ireland, would equate to the disfranchisement of between 1 million and 1.5 million people. Some Members may be sanguine about the prospect of disfranchising 1 million people, but we are not. If a local pilot had such a negative impact, the Government and the local authority in question could work together to rebuild registration rates. With a regional pilot, however, the catastrophic scale of the drop in registration would make such rebuilding far more difficult to achieve.

The purpose of holding pilots is to test a system that we feel is not yet ready to be rolled out. Here, there is a clear dividing line. We are testing the system because we are uncertain whether the benefits will be delivered without a catastrophic drop in the register; indeed, that is the whole principle behind piloting it.

My hon. Friend the Member for Vale of Clwyd spoke to new clause 5, which would prevent the rolling out of the use of personal identifiers on a permanent and nationwide basis without further primary legislation. As I said, there is no consensus on that issue. The Electoral Commission tells us to roll out personal identifiers now. My hon. Friend, who has tabled more parliamentary questions on the matter than anyone else—more perhaps than is altogether healthy—believes that, following pilots, a new Bill should be required to provide for national implementation.

Our position, as I have explained, is an attempt to respond practically to both sides of the argument. We will hold pilots that will be thoroughly evaluated—and they will be evaluated, to answer the second point of the hon. Member for Forest of Dean (Mr. Harper), by the Electoral Commission. The Secretary of State will then take a decision as to whether he believes that the system is ready to be rolled out nationally.

My hon. Friend the Member for Vale of Clwyd made a strong and powerful case, asserting the key role that the House must play if we are to institute such a far-reaching new scheme throughout the entirety of the UK. He clearly believes that it would be more appropriate for such a fundamental shift to be occasioned by primary, not secondary, legislation. The interest shown in the debate so far suggests that he advanced a powerful argument. However, my right hon. and learned Friend and I would like to reflect further on the implications of such a move. Given my assurances on how we are going to conduct the pilots, I hope that my hon. Friend is not minded to press the new clause.

Mr. Heath: I am grateful to all those who participated in this brief debate, but hearing the Minister say that it was outrageous to suggest that an electoral experiment—a pilot—should be extended to anything as large as a region when the Government had no compunction about forcing four regions through an electoral experiment only a little while ago against the express views of the Electoral Commission and every single party represented in the House other than the Government takes the biscuit.

David Cairns: We did not move immediately to all-postal regional pilots. They were piloted at a local and voluntary level and lessons were learned before the regional voting pilots that the hon. Gentleman mentioned. It would help if he were to clarify that that was the point that I was making.

Mr. Heath: The hon. Gentleman again attempts to clarify what he said, but the fact remains that, following that election, we had the biggest crisis of confidence in the electoral system of this country that we have ever seen. For the first time, we had people genuinely doubting whether the election in which they had just taken part was conducted freely and fairly. We should not tolerate that. What is the Government's response? Are they prepared to go into the next general election with the same postal voting precautions in place? Yes, they are. Their answer is, "We'll do something, but mañana—tomorrow, whatever." That is not a satisfactory position. We need to do something urgently. The Electoral Commission has given us a clear steer about how we should go forward and I wish to test the opinion of the Committee.

Question put, That the amendment be made:—

The Committee divided: Ayes 201, Noes 283.

Division No. 82] **[9.28 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Campbell, Mr. Gregory
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Curry, rh Mr. David
Davies, Mr. Quentin
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Herbert, Nick
Hermon, Lady
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart

Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Johnson, Mr. Boris
Kawczynski, Daniel
Keetch, Mr. Paul
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Malins, Mr. Humfrey
Maples, Mr. John
May, rh Mrs. Theresa
McCrea, Dr. William
Miller, Mrs. Maria
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris

Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Taylor, Mr. Ian
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Villiers, Mrs. Theresa
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Wiggin, Bill
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Sir Robert Smith and
Jo Swinson

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Bell, Sir Stuart

Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin

Burnham, Andy
Butler, Ms Dawn
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick

Hamilton, Mr. David
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Law, Peter
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah

McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Owen, Albert
Palmer, Dr. Nick
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Ussher, Kitty
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Winnick, Mr. David
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Claire Ward and
Mr. Frank Roy

Question accordingly negatived.

Mr. Heald: I beg to move amendment No. 21, in page 15, line 24, at end insert—

'(16) In section 10 of the Representation of the People Act 2000 (Pilot schemes for local elections in England and Wales), after subsection (1), insert—

"(1A) No pilot scheme shall take place by all-postal voting or involve sending ballot papers to electors who have not expressly and explicitly requested to vote by post.".'.

The Chairman of Ways and Means (Sir Alan Haselhurst): With this it will be convenient to discuss the following amendments:

No. 23, in page 15, line 24, at end insert—

'(16) In section 10 of the Representation of the People Act 2000 (Pilot schemes for local elections in England and Wales), after subsection (1), insert—

"(1A) No pilot scheme shall include provision for remote electronic voting, telephone voting, text message voting, internet voting or voting by analogous electronic means.".'.

No. 24, in clause 16, page 16, line 9, at end insert—

'(9) In section 10 of the Representation of the People Act 2000 (Pilot schemes for local elections in England and Wales), after subsection (1), insert—

"(1A) No order is to be made containing provisions authorised by any section of this clause unless a draft of the order has been laid before Parliament and approved by a resolution of each House.".

(10) In section 11 of the Representation of the People Act 2000 (Revision of procedures in the light of pilot schemes), after subsection (1), insert—

"(1A) No order is to be made containing provisions authorised by any section of this clause unless a draft of the order has been laid before Parliament and approved by a resolution of each House.".'.

Mr. Heald: Amendment No. 21 provides for no pilot schemes by all-postal voting. As Members on both sides of the Committee will be aware, the Electoral Commission has twice said that there should be an end to all-postal voting. It is clear—*[Interruption.]*

The Chairman: Order. There is too much noise in the Chamber and it is difficult to listen to the debate.

Mr. Heald: It is clear that the public value the tried and tested ballot-box polling station—the traditional British way of voting. They should not be forced to vote by other means such as postal voting if they do not want to do so. That is the recommendation of the Electoral Commission; it has been restated twice and it is time that the Government agreed to it.

Amendment No. 23 deals with pilot schemes for local elections and states that they should not include

"electronic voting, telephone voting, text message voting, internet voting or voting by analogous electronic means".

The point was made by the hon. Member for Sheffield, Attercliffe (Mr. Betts) that such pilot schemes have shown no sign of increasing turnout in the past. The concern with electronic voting is that there is no proper way to establish an audit trail, so we propose in amendment No. 23 that we should not introduce such measures when there is no justification for them.

9.45 pm

As for the experts, the Foundation for Information Policy Research has warned that

"the only safe way to allow electronic voting is through machines controlled by election officials that produce an auditable paper trail. Anything else is an invitation for fraud".

Let us not have that invitation. Mr. Ben Fairweather—a research fellow at De Montford university—has said:

"I have seen most if not all of the pilot schemes demonstrated, and have spotted substantial flaws . . . How do you know who's in the room with someone when they vote and how can you be sure they are not trying to influence someone's vote? . . . There are serious worries about SMS voting."

He goes on to describe all the difficulties with that. Let us take the same cautious approach to those issues as the Government claim they want to take.

We are concerned that piloting is becoming a serial occupation of the Government. They pilot and pilot and pilot, and then they pilot and pilot and pilot. That has been said before in the debate, but it is getting to the

[Mr. Heald]

point where some controls should be put in place, so we suggest that Parliament should approve the pilot schemes.

Miss Begg: The hon. Gentleman describes the current position with electronic voting or text messaging, but five years ago, I could not even text: the technology is moving at an incredibly rapid pace. Those types of voting could be secure in five years' time, but they would be ruled out if we were to agree to the amendment. It is very narrow minded and backward looking to rule out those innovative ways of voting.

Mr. Heald: The hon. Lady cannot have it both ways. We have tried an accurate system of voter registration in Northern Ireland. The Government have lauded it to the skies, but they will not introduce it in England. She is now saying, "We've tried electronic voting. It's failed. Let's introduce it." She cannot have it both ways.

Mr. Heath: The hon. Gentleman is accurate in saying that the Government's intention is to pilot and pilot and pilot, given that the Minister seemed to postulate a three-stage pilot process, with a local, then a regional and then a supra-regional pilot scheme. So none of these things will ever be put in place.

Mr. Heald: I am afraid that the hon. Gentleman is right. I think that we both heard the rustle of the long grass, as the Minister kicked these proposals well into that territory. He then thought that that was perhaps not far enough, so he kicked them a bit further. In fact, piloting is a method of delay: the Government will not grasp the nettle.

Barbara Keeley: I disagree most profoundly. As I said earlier, I have experience of a number of successful all-postal pilot schemes. We had great success with them in Trafford and in Salford. Piloting is important because we are changing a system that people have used all their lives. If they are middle aged or older, they may have been voting in a certain way for a number of years. It takes a fair amount of work to make pilot schemes successful. I agree that some local authorities did not get together and work hard enough to make them a success, but some of them have been successful. The reason why the Government keep supporting pilots schemes is that we are changing the way that people vote. That is a profound change for a lot of people, and we need to try out different ways of doing it.

Mr. Heald: It is becoming an abuse—that is the truth of it. We were happy to agree to some pilots in 2000 to try ideas out, but here we are, five years later, still piloting. The Minister seems to want to carry on with pilots for another five or 10 years. This really will not do. If we are to have pilots, we ought to have proper parliamentary approval. I see that the hon. Member for Bolsover (Mr. Skinner) agrees—*[Interruption.]*

The Chairman: Order. I do not think that that was an invitation to the hon. Member for Bolsover (Mr. Skinner).

David Cairns: The amendments relate to pilot schemes for local elections in England and Wales under section 10 of the Representation of the People Act 2000. Amendment No. 21 would prevent local authorities from making applications to the Secretary of State to conduct pilots of all-postal ballots.

In 2002, there were 13 all-postal pilot schemes. Those pilots secured significant increases in turnout in many areas. There was a 38.7 per cent. turnout on average in all pilots, compared with a national average of 32.8 per cent. In 2003, 33 all-postal pilots took place. The average turnout was just under 50 per cent., compared with the general picture of around 33 per cent.

Subsequently to those first two trials—this is the point that I was making earlier, although I think that the hon. Member for Somerton and Frome (Mr. Heath) mischievously chose to misrepresent me slightly—all-postal pilots were held in four English regions: east midlands, north-east, north-west and Yorkshire and Humber. Some 14.1 million electors were involved. At that election, turnout more than doubled in the pilot regions from the 1999 levels. In 2004, turnout in the pilot regions was 42 per cent., compared with 37 per cent. elsewhere. It is performance such as that that has led to many local authorities supporting all-postal ballots, as they keep turnout up.

Clear and sincere concerns have been expressed about how we can tackle fraud in the midst of all that. I outlined earlier the fact that there are anti-fraud measures in the Bill, albeit only in brief because the matter was not especially germane to that group of amendments. Further measures to combat fraud in postal voting will follow in secondary legislation. The measures include a requirement for the address of the electoral registration officer to be on the postal vote application form and will require a reason for redirecting a postal vote. All applications for postal votes will have to be confirmed in writing and replacement postal voting papers will be available up to 5 pm on the day of the poll. Some of the learning and development that supports those changes has come from pilots in which specific problems have been highlighted.

The Government believe that those measures will support all-postal pilots in the future, but we want them in place before any further pilots are carried out. As a result, the prospectus issued by the Department for pilots for the May 2006 elections specifically states that the Government are not seeking applications for all-postal pilots. While we have no intention to roll out all-postal voting as the default position for local elections in general, there might be instances in which such a pilot can be conducted effectively without any security concerns. In order to consider whether there is a case for allowing such elections to continue on an all-postal basis, we need to ensure that pilots of voting in such a way can be run to test and improve systems before any wider implementation.

Miss Begg: People are worried about changing the electoral system and pilots because of the possibility of abuse through fraud. However, if anything illustrated how seriously electoral fraud is taken, it was the court cases that resulted from the 2004 local elections in England. If anyone thought that such fraud would be treated lightly, they were soon disabused of that view because of what happened to the councillors who took part in it.

David Cairns: Let me say this clearly: the Government condemn fraud wherever it occurs and whomsoever is guilty of it. If the people who commit fraud are members of the Labour party or Labour councillors, that in no sense diminishes our outrage. In fact, it increases our outrage that such practice takes place. I utterly condemn fraud and the people who attempt it. We are introducing measures through the Bill to minimise the risk of fraud. My hon. Friend was right to say that the judgment was serious. We are learning the lessons from that and making it absolutely clear that there will be zero tolerance of fraud, irrespective of who commits it.

Mr. Binley: The night is getting late, my mind is slowing down and the Minister speaks very quickly. Did the Minister say that there would be postal voting pilots for local council elections? If so, will he give a commitment that he will allow local government to decide whether or not it wants that pilot, or will it be done by Government edict?

David Cairns: No, I specifically said in the prospectus for the next local council elections that we are not inviting invitations for all-postal pilots, although there will be other pilots to test various locations where people can vote and so on. I can give the hon. Gentleman an assurance that we will put anti-fraud measures in place, along with the other measures that I outlined. He might ask the hon. Member for South Staffordshire (Sir Patrick Cormack) why I am speaking so quickly to this group of amendments.

Sir Patrick Cormack (South Staffordshire) (Con): Yes, let us get on.

David Cairns: I apologise to the hon. Member for South Staffordshire.

Mr. Heald: The Electoral Commission said that all-postal voting should not be pursued and that

"the option of sending ballot papers automatically to every registered elector should not be pursued".

Why will the Minister not just give the Committee an assurance that all-postal voting will be abandoned?

David Cairns: We see merit in all-postal voting. There is a clear difference between our position and that of the Electoral Commission, as there is on several other issues. I remind the Committee that the vast majority of the recommendations in the Bill were made by the Electoral Commission, and we listened to it carefully on a range of issues. However, as my right hon. and learned Friend the Minister of State said on Second Reading, it is for the commission to make recommendations to the House, but it is for the House to decide how to implement those recommendations. On this issue, we do not agree with the commission, but we accept that additional anti-fraud measures must be put in place before we proceed any further.

Mr. Heath: Does the Minister accept that there are two principal objections to all-postal ballots? One is the requirement that there should at least be an opportunity for people to vote in person if that is their preference, and the other is the fact that identifiers are not in place to allow an all-postal ballot to be conducted without threat of fraud. QED, such arrangements should be made sooner, which is why we do not want the pilots to be long-haul.

David Cairns: The hon. Gentleman is tempting me to revisit a discussion on a previous group of amendments. Let me reiterate that we are concerned to put anti-fraud measures place before we proceed with further all-postal ballots. It will be appropriate to hold such ballots when there is a minimal security threat. An example is the recent Downham Market parish by-election, which passed off entirely without fraud.—*[Interruption.]* If the hon. Member for Somerton and Frome (Mr. Heath) is casting aspersions on the voters of Downham Market I am outraged, and I disassociate the Government and myself from those allegations. We do not want to paint ourselves into a corner and say that we will never hold a postal ballot again, because that is not wise.

Mr. Love: May I share with my hon. Friend the real dilemma about piloting? What happens if all the local authorities that wish to participate in pilots have high registration in middle-class areas? What if, for example, none of the London authorities offer themselves for pilots, because they think that the response will be negative for them? Would the Minister roll out the scheme, knowing that certain areas of the country did not believe that the pilot would be successful for them?

David Cairns: I am not certain whether my hon. Friend was in the Chamber when I addressed that issue in relation to a previous group of amendments. In relation to the pilots for individual identifiers and registration, I gave a clear commitment that we would seek to draw from as wide an area as possible within the seven categories outlined by the Office for National Statistics. Postal balloting is a different issue, but I take the point that my hon. Friend is making.

Amendment No. 23 seeks to place a ban on the piloting of electronic voting. Research for the Electoral Commission released in 2003 shows that there is significant demand for electronic voting and that it may help to stem the declining turnout at elections. The research reveals that more than half—55 per cent.—of adults in England said that being offered electronic voting in some form would encourage them to vote at the next local election. We are all safely outside the youngest demographic group, 18 to 24-year-olds, who are most keen to try the new methods, with three-quarters of them saying that e-voting would encourage them to participate.

10 pm

The electoral process must fit with modern lifestyles, because many people spend little if any time in the locality of their polling station in the course of their working day. As my hon. Friend the Member for Aberdeen, South (Miss Begg) has said, as the population in general becomes more comfortable with conducting transactions electronically, enabling e-voting could promote increased participation in elections. Local authorities have also

[David Cairns]

demonstrated an interest in using electronic voting as an option in local elections. In recent years, a number of pilots have been conducted, and they have provided some important lessons, which were outlined in various contributions earlier in Committee.

Piloting electronic voting in local elections allows new technologies to be tested and the identification of ways in which the security of the vote may be improved. While the Electoral Commission has identified areas in which previous electronic voting pilots have needed improvement, it also sees such developments as important in increasing future participation in elections.

Finally, amendment No. 24 proposes an additional parliamentary layer in the sign-off process for pilots run under section 10 of the Representation of the People Act 2000, which allows local authorities to propose innovations on how they run their elections. Those proposals are based on local experience of what might work in local elections as well as local expectations about what might work better. The proposals are currently assessed by the Department, and the Secretary of State determines which pilots should proceed following consultation with the Electoral Commission. Pilots are assessed for suitability against a framework of criteria that takes account of the Electoral Commission's recommendation and Government policy on electoral modernisation.

This is not a great issue of principle for the Government—it is an issue of process. The argument advanced by the hon. Member for North-East Hertfordshire was slightly disingenuous, because he was trying to scupper the whole notion of pilots, both now and in the future, whereas we are trying to improve the process.

Mr. Harper: Although I agree with my hon. Friend the Member for North-East Hertfordshire (Mr. Heald) on the Front Bench about ruling out all-postal pilots completely, the Minister has not addressed the importance of allowing electors to choose how they want to vote. If the Government want to pursue the concept of all-postal pilots, will they consider giving electors the option of voting in person? At this year's election, a number of my constituents who had previously registered for postal voting contacted the council to deregister, because, among other reasons, they were concerned about fraud and wanted to vote in person because they thought it more secure.

David Cairns: I hear the hon. Gentleman's point, but it is axiomatic that if people take their ballot paper to a polling station, it is not an all-postal pilot. However, no immediate plans exist for any further all-postal pilots, which are not included in the prospectus for the local elections in 2006. We want anti-fraud measures in place before we consider any further such pilots.

Returning to amendment No. 24, it is not clear how an additional level of parliamentary oversight of such pilots, particularly when they are already independently assessed by the Electoral Commission, would automatically add value to the process. If we were to move towards the system outlined by the hon. Member for North-East Hertfordshire, we would be concerned about placing any additional constraints on an already tight timetable for proposing, approving, establishing, conducting and reporting on those pilots. However, the Government acknowledge the importance of Parliament having the final say on whether any local government pilot scheme should be adopted on a permanent basis, which is why section 11(3) of the Representation of the People Act 2000 includes an affirmative resolution procedure. As that is already law, amendment No. 24 is unnecessary.

I hope that the hon. Member for North-East Hertfordshire is satisfied and that he will withdraw the amendment.

Mr. Heald: I am not satisfied, but I intend to make that request to the Committee.

On the parliamentary scrutiny of piloting, when piloting was originally agreed, we did not get the sense that the process would involve piloting, piloting and piloting for ever and a day, allowing Ministers in effect to choose the arrangements in any particular area for elections over a sustained period. There is the risk of abuse in the long term if that continues. We believe that it is a good idea to have that parliamentary protection.

Given that the Minister said that he is thinking about these issues, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 15 ordered to stand part of the Bill.

Clauses 16 and 17 ordered to stand part of the Bill.

Clause 18

OFFENCES AS TO FALSE REGISTRATION INFORMATION

Mr. Heald: I beg to move amendment No. 25, in clause 18, page 17, line 15, after 'electors', insert 'knowingly'.

The Chairman of Ways and Means: With this it will be convenient to discuss amendment No. 26, in clause 18, page 17, line 18, after 'who', insert 'knowingly'.

Mr. Heald: We support the creation of the new offence of providing false information when registering or applying for a postal or proxy vote. The amendment would add the word, "knowingly". We tabled it as a probing amendment to find out whether householders who act in error but in good faith would be able to mount a defence in the courts. As most defences have a mental element, we are simply asking the Minister what the situation is in this case.

Mr. Heath: I shall make an equally short contribution. As the hon. Gentleman knows, it is always difficult to prove intent in such matters, and I am not sure that his amendment is appropriate in these circumstances. I do not want to give the green light to the people who appear every year without fail in a tabloid newspaper saying that their pet dog, goldfish or toddler has been registered and that the local authority is absurd to have done so although it is they who have filled in the name on the registration form. If we can avoid that happening by pain of this offence, we will have done a service to the electoral system.

David Cairns: We agree with the intention behind the amendment. It is right that someone should not be prosecuted for making an innocent mistake on a form. However, the amendment is not necessary to achieve that outcome. Clause 18 amends section 13D of the Representation of the People Act 1983. The offence will be set out in subsection (1) of section 13D and must be read with subsection (4), which provides that a person does not commit an offence of providing false information if

"he did not know, and had no reason to suspect, that the information was false."

Although we agree with the sentiments that the hon. Gentleman expresses, his amendment is unnecessary and I hope that he will withdraw it.

Mr. Heald: That is a most satisfactory assurance from the Minister. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 18 ordered to stand part of the Bill.

New Clause 3

DEATH OF CANDIDATE

'In Schedule 1 to the 1983 Act (parliamentary elections rules) for rule 60 (countermand or abandonment of poll on death of candidate) and the cross-heading preceding it substitute—

"Independent candidate

(1) This rule applies if at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named in the ballot papers as an independent candidate has died.

(2) Subject to this rule and rules 61 and 62, these rules apply to the election as if the candidate had not died.

(3) The following provisions of these rules do not apply in relation to the deceased candidate—

- (a) rule 32(1)(c) and (d) (admission to polling station);
- (b) rule 44(2)(b) to (d) (attendance at count);
- (c) rule 53(4) (forfeiture of deposit).

(4) If only two persons are shown as standing nominated in the statement of persons nominated the returning officer must—

- (a) if polling has not begun, countermand the notice of poll;
- (b) if polling has begun, direct that the poll is abandoned;
- (c) subject to rule 65, treat the election as an uncontested election.

(5) For the purposes of this rule a person is named or to be named on the ballot papers as an independent candidate if the description (if any) on his nomination paper is not authorised as mentioned in rule 6A(1) or (1B).

Deceased independent candidate wins

61 (1) This rule applies if at an election mentioned in rule 60(1) the majority of votes is given to the deceased candidate.

(2) Rule 50(1) (declaration of result) does not apply but the returning officer must—

- (a) declare that the majority of votes has been given to the deceased candidate,
- (b) declare that no member is returned, and
- (c) give public notice of the total number of votes given for each candidate together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

(3) Rule 53 (return or forfeiture of candidate's deposit) does not apply in relation to the remaining candidates.

(4) The returning officer must not return the writ and the proceedings with reference to the election must be commenced afresh subject to the following provisions of this rule.

(5) The writ for the election must be taken to have been received on the first working day after the end of the period of seven days starting on the day of the election mentioned in rule 60(1).

(6) No fresh nomination is necessary in the case of a person shown in the statement of persons nominated as standing nominated, and no other nomination may be made.

(7) The last day on which a notice of withdrawal of candidature by a person who stands nominated by virtue of paragraph (6) may be delivered is the seventh working day after the day on which the writ is taken to be received.

(8) Rule 9 (deposit) does not apply.

(9) The poll must be held on a day in the period which starts 15 working days after the day on which the writ is taken to have been received and ends 19 working days after that day.

(10) For the purposes of this rule a working day is a day which is not a day specified in rule 2(1)(a) to (c).

Deceased independent candidate with equality of votes

62 In an election mentioned in rule 60(1), if—

- (a) rule 49 applies (equality of votes), and
- (b) any of the candidates to whom that rule applies is a deceased candidate, the deceased candidate must be ignored.

Party candidate

63 (1) This rule applies if—

- (a) at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as a candidate in the ballot paper has died, and
- (b) that person is standing in the name of a registered political party.

(2) The returning officer must—

- (a) countermand notice of the poll, or
- (b) if polling has begun, direct that the poll be abandoned.

(3) The proceedings with reference to the election must be commenced afresh subject to the following provisions of this rule.

(4) The writ for the election must be taken to have been received on the first working day after the end of the period of seven days starting on the day the proof is given to the returning officer.

(5) No fresh nomination is necessary in the case of a person shown in the statement of persons nominated as standing nominated.

(6) No other nomination may be made except for a person standing in the name of the same registered political party in whose name the deceased candidate was standing.

(7) The last day on which a nomination mentioned in paragraph (6) may be delivered is the seventh working day after the day on which the writ is taken to be received.

(8) The last day on which a notice of withdrawal of candidature by a person who stands nominated by virtue of paragraph (5) or in pursuance of paragraph (6) may be delivered is the seventh working day after the day on which the writ is taken to be received.

(9) The poll must be held on a day in the period which starts 15 working days after the day on which the writ is taken to have been received and ends 19 working days after that day.

(10) For the purposes of this rule—

- (a) a person stands in the name of a registered political party if his nomination paper contains a description which is authorised as mentioned in rule 6A(1) or (1B);
- (b) a registered political party is a party which is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000;
- (c) a working day is a day which is not a day specified in rule 2(1)(a) to (c).

[Mr. Heald]

Speaker of the House of Commons seeking re-election

64 (1) This rule applies if at a contested election—

(a) one of the candidates is the Speaker of the House of Commons seeking re-election, and

(b) proof is given to the returning officer's satisfaction before the result of the election is declared that that candidate has died.

(2) The returning officer must—

(a) countermand notice of the poll, or

(b) if polling has begun, direct that the poll be abandoned.

(3) The proceedings with reference to the election must be commenced afresh subject to the following provisions of this rule.

(4) The writ for the election must be taken to have been received *on the first working day after the end of the period of seven days* starting on the day the proof is given to the returning officer.

(5) The last day on which—

(a) nominations, or

(b) notice of withdrawal of candidature,

may be delivered is the seventh working day after the day on which the writ is taken to be received.

(6) The poll must be held on a day in the period which starts 15 working days after the day on which the writ is taken to have been received and ends 19 working days after that day.

(7) For the purposes of this rule a working day is a day which is not a day specified in rule 2(1)(a) to (c).

Abandoned poll

65 (1) This rule applies to—

(a) a poll which is abandoned in pursuance of rule 60(4)(b) as if it were a poll at a contested election;

(b) a poll which is abandoned in pursuance of rule 63(2)(b) or 64(2)(b).

(2) The presiding officer at a polling station must take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he is required to take on the close of the poll.

(3) The returning officer must dispose of ballot papers and other documents in his possession as is he required to do on the completion of the counting of the votes.

(4) It is not necessary for a ballot paper account to be prepared or verified.

(5) No step or further step is to be taken for the counting of the ballot papers or of the votes.

(6) The returning officer must seal up all the ballot papers (whether the votes on them have been counted or not) and it is not necessary to seal up counted and rejected ballot papers in separate packets.

(7) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply subject to paragraphs (8) and (9).

(8) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(9) No order is to be made for—

(a) the production or inspection of any ballot papers, or

(b) the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on the day of the poll,

unless the order is made by a court with reference to a prosecution.".'.—*[Sir Patrick Cormack.]*

Brought up, and read the First time.

Sir Patrick Cormack: I beg to move, That the clause be read a Second time.

The Chairman of Ways and Means: With this it will be convenient to discuss new clause 2—*Candidate not to stand in more than one constituency*—

'In Schedule 1 to the 1983 Act (parliamentary elections rules), in rule 8(3) (candidate's consent to nomination), after paragraph (b) insert—

"(c) shall state that he is not a candidate at an election for any other constituency the poll for which is to be held on the same day as that for the election to which the consent relates,".'.

Sir Patrick Cormack: I am delighted to be able to move new clause 3 and grateful to you, Sir Alan, for grouping it with new clause 2. It has been a long wait, but not quite as long as the wait that I had before I got here in the summer.

I begin by paying a genuine tribute to the Minister and her staff, who have been unfailingly courteous and helpful to me. When I sought leave to introduce my private Member's Bill under the ten-minute rule on 6 July, the Minister immediately got in touch with me and told me that she was minded to support my Bill, but that it might be better to incorporate it into the Bill that she proposed to introduce to the House in the autumn. That is why we are where we are today, as I said on Second Reading.

The new clauses would incorporate in the Bill most of the provisions of the measure that I sought to introduce after my delayed return to the House of Commons because of the tragic death of one of my opponents, the Liberal Democrat candidate. I am grateful to colleagues in all parties for their support. Those who have put their names to the new clause give some indication of that support.

However, I believe that, for once, there has been an error because the hon. Member for Livingston (Mr. Devine), who has newly arrived in the House in place of the late Robin Cook, was one of my supporters, but I see that his name has been translated into that of the right hon. Member for Southampton, Itchen (Mr. Denham), who chairs the Select Committee on Home Affairs. I am sure that he would equally support the new clause, but I wanted to put on the record my gratitude to the hon. Member for Livingston for stepping into Robin Cook's shoes because he was one of the sponsors of the original Bill.

I do not want to detain or weary the House, but I wish to explain briefly the effect of the new clauses. They appear to be rather more complicated than the measure that I tried to introduce because the Minister's officials and the parliamentary draftsmen have taken a belt-and-braces approach to the matter, for which I am grateful.

Delay was one of the principal causes of concern. Under the new clause, had my opponent died between 20 and 27 April, the election would have been postponed by three weeks at the most. My opponent died on 30 April and I would have faced either a three-week or a four-week delay. I say "either/or" because it depends on the time of year. My opponent died before a period that included the bank holiday. The problem of delay is therefore tackled fairly effectively.

The new clause provides that the death of an independent candidate would not delay an election. I have previously argued that an independent candidate is by definition and sui generis a unique individual. If, sadly, that individual dies, he or she cannot be replaced. The draftsmen wanted to cover every eventuality and the new clause therefore makes one exception. If the Speaker dies in his constituency, he would not be treated as an independent candidate and the election would be rerun. We all know that the Speaker stands as Mr. Speaker seeking re-election. He is not a member of any political party but is in a unique position and the new clause recognises that.

The new clause also covers what would happen if the deceased independent candidate won. There would be no contest unless it was simply a two-horse race, in which case the one who did not die is declared elected. I hope that that will not put too many ideas into people's heads. The days of the straight fight appear, perhaps sadly, to be over.

I was anxious to tackle the problem—I know that that applies to the Minister, too—of small and eccentric parties. We have not yet cracked that one; perhaps it might be possible to do so in another place. I am sure that if an ingenious Lord devised an amendment, the Minister and her colleagues would probably view it sympathetically. As the new clause stands, every registered political party, regardless of its size or nature, is treated the same. The new clause does not, therefore, deal with that.

Rule 65, entitled "Abandoned poll", deals with keeping documentation in the event of a candidate's death. As we all know, the documentation following an election has to be kept for a prescribed period. That would remain the case if an election were abandoned.

10.15 pm

Kelvin Hopkins (Luton, North) (Lab): The hon. Gentleman referred to small and eccentric parties. What about large and eccentric parties such as the Natural Law party? Is there any provision for them?

Sir Patrick Cormack: No, there cannot be. In this wonderful democracy of ours, it is entirely up to people to register as political parties if they meet the criteria, and if they have money to spend they can fight as many elections as they like. No, this provision would not cover the Natural Law party or the British National party. It would not cover any party registered as a political party. It would not cover the Vote For Yourself Rainbow Dream Ticket party, to which I have referred in the House before, a lady representative of which stood in all four seats in Cardiff. She got one vote in one of them. Presumably, as she was a member of a vote-for-yourself party, it was her own vote. That party would not be covered.

I hope that we can have further examination of this particular problem. Among those 13 or so candidates who stood against the Prime Minister, some were indeed independents, but others belonged to strange and eccentric parties. I hope that we can find a mechanism for differentiating between the parties represented in the House tonight and those other fringe parties, but we have not yet done so.

Mr. Peter Robinson: This is a problem and it needs to be resolved. It is possible that a euthanasia party or a hara-kiri party could be registered and, as part of their election campaign, their candidates would obviously die. Such parties might be small and eccentric, but the problem has to be dealt with. Could we not set a threshold of a certain number of votes polled at the previous election, or a number of Members of Parliament returned at the previous election, to overcome the problem?

Sir Patrick Cormack: I put forward that proposal in my first speech, when I introduced my Bill. I had talks with the Minister and her officials and with the chairman of the Electoral Commission, but they all felt that it would be difficult to agree on any particular point. I also suggested—this might be given further consideration—that the criteria by which a political party gets a political broadcast might be brought into play in this context. However, we still have a potential problem, and the hon. Member for Belfast, East (Mr. Robinson) has underlined it in rather graphic and dramatic form.

Dr. Rudi Vis (Finchley and Golders Green) (Lab): Will the hon. Gentleman please tell us what would happen if two people from minority parties died at the same time? I should be most interested to hear his analysis of such a situation.

Sammy Wilson (East Antrim) (DUP): You call in the police.

Sir Patrick Cormack: As the hon. Member for East Antrim (Sammy Wilson), who is in fact on the Northern Ireland Policing Board, says, we call in the police. Perhaps we should leave that one there.

My plight before 5 May underlined a very real problem, and Members in all parts of the House were extremely kind in recognising that. I do not pretend that the Bill meets every eventuality, and nor would the Minister so claim, but it does meet most of them. One other problem that it does not address is one with which the Minister's officials and I struggled. We wondered whether it would be possible to give the afflicted party, if I can put it that way, the opportunity of knowing whether it should continue. But, of course, that would depend on when the death occurred, and the party would have to have some time to make that decision. We did not feel, therefore, that we could include that provision.

There is one provision in the new clause that was not in my original Bill, and I am grateful to the Minister for its inclusion. It states that a party is not allowed to substitute its candidates. In my case, for instance, the Liberal Democrat candidate died, and there had to be an opportunity for the Liberal Democrat party to field another candidate. However, the Labour party changed its candidate, too. I want to stress that I am not making any criticism of the two people in question, with whom I was on extremely good terms. I understood the reasons why that had happened. What they did was also entirely legal, as the law stands. However, the Minister feels, and

[Sir Patrick Cormack]

I agree with her, that the death of one candidate should not provide an opportunity for other parties to substitute candidates.

The new clause would also not allow new candidates to enter the field. In my election on 5 May, I had three opponents, but I subsequently finished up with seven. That would not be allowed. If the general election is being replicated—I was elected legally at the general election—there should not be the opportunity for new candidates to enter the field. New clause 3 deals with all those points.

New clause 2 addresses a specific and remaining problem—not one that arose in my case, but one that I was able to highlight when I talked to the lady who stood in the four Cardiff seats. As Members on both sides of the House probably know, there is nothing to prevent any one of us, provided we can provide the requisite number of signatures and the requisite deposits, from standing in as many constituencies as we wish. The Minister and I believe that the days of that being permissible are long gone. It is up to an individual to decide which seat he or she wishes to contest, without being able to stand in a range of others.

My case showed what might happen—this picks up on a point made by the hon. Member for Belfast, East in his intervention—so one can envisage an individual standing against every member of the Cabinet or shadow Cabinet, or against the Speaker and all the Deputy Speakers. If that person died, committed suicide or was assassinated, all those seats would be without Members for a period.

At the last election, the complexion of the Government was not in doubt on 6 May, nor did it depend on the result in South Staffordshire, but I have been a Member of the House for a very long time and I remember that there was no overall majority after the first election in 1974. There was a weekend of bargaining between the late Sir Edward Heath, whose memorial service many of us attended today, and Mr. Jeremy Thorpe to see whether a coalition of some sort could be cobbled together.

Later that year there was another election, after which the Labour party had an overall majority of four. You have only to imagine, Sir Alan, what might happen if a candidate standing in half a dozen seats died or killed himself in such a situation. There could be constitutional chaos. So, new clause 2 addresses that specific point and will make it impossible for any individual to stand in more than one seat.

The two new clauses meet virtually all the points that I addressed in my Bill on 6 July. I am grateful to the Minister for her co-operation; I am extremely grateful, as I said at the outset, to her officials. I hope that the House gives the new clauses a fair wind so that they can be incorporated in the Bill and so that nobody, in any part of the House, has to face what I faced in those seven rather difficult weeks in May and June this year.

Mrs. Eleanor Laing (Epping Forest) (Con): It gives me great pleasure to support the new clause tabled by my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack). Indeed, my hon. and right hon. Friends and I have put our names to it. It is extremely necessary.

This constitutional difficulty became clear because of the sad death of a candidate. My hon. Friend reiterated that this evening, as he did very well when we debated this point on Second Reading. We should not forget that we would not be having this discussion had this anomaly not been brought to our notice by that sad death.

However, we should all support these proposals—I am pleased that the Minister has indicated the Government's support for the new clause—because the anomaly that left us without my hon. Friend for several weeks after the general election could, as he has just so eloquently put it, in different circumstances cause serious constitutional difficulties in this place. It is fortunate that we have this opportunity to put the matter right.

On first reading, the newly drafted new clause 3 and consequent amendments are not the simple proposals that my hon. Friend the Member for South Staffordshire brought forward when he first introduced the idea. After carefully reading through the Government's thorough draftsmanship, however, I have realised that in seeking to close a loophole we must be careful not to allow further loopholes. As various Members have said this evening, what would happen should an unforeseen situation arise? While no legislation can foresee all the circumstances that it is intended to remedy, should the remedy be required, it seems that the thorough drafting takes into consideration all the situations that we can currently envisage that might cause a constitutional problem.

The hon. Member for South Staffordshire is absolutely correct in wanting to change the situation whereby new candidates would be allowed to stand, or candidates would be substituted, in an election that would result under the legislation. If there is to be a proper replication of a general election, it must be exactly as it would have been on the day of the general election, except for the absence of the person who has sadly died. The complicated wording is therefore necessary to ensure that that occurs correctly.

My hon. Friend the Member for South Staffordshire is also absolutely correct to distinguish between an independent candidate and the Speaker, were the Speaker to be involved in such a situation, because the situation is not the same as for a candidate who represents a party. If we are seeking to replicate a general election, it is essential that that distinction should be included.

Clearly, the loophole that led to the absence of the hon. Member for South Staffordshire for so many weeks after the general election should be closed. Unlike on many other parts of the Bill, the Committee is in complete agreement. I therefore commend the new clause to the Committee.

Mr. Heath: I applaud the way in which the hon. Member for South Staffordshire (Sir Patrick Cormack) introduced the new clause, and I thank him for the kind words of tribute that he paid to his opponent from my party, who sadly lost her life during the campaign. The hon. Member for Epping Forest (Mrs. Laing) was absolutely right that the circumstances in which the new rules apply involve a personal tragedy of a candidate dying during a campaign, which we should not forget.

The intricate proposals, which have been worked out, as I understand it, with the support of parliamentary draftsmen working for the Government, appear to meet the bill. In saying that they appear to meet the bill, I am not suggesting that I do not support them, but I want to enter one note of caution. It is very easy, because of the affection and regard in which the hon. Member for South Staffordshire and those who have supported his proposals are held, not to do those proposals proper justice in terms of scrutiny. The Floor of the House is quite a difficult place on which to do that. I wonder whether it might be appropriate for the Constitutional Affairs Committee to have sight of the amendments before they complete their parliamentary passage, so that we can be assured that the potential consequences have been considered.

Some questions arise in my mind, and perhaps the Minister or the hon. Member for South Staffordshire can help me as to how the provisions would apply in the case of other elections. Clearly, they are predicated on a death during a general election. They would also apply in a parliamentary by-election. I am not sure whether we need to consider parallel conditions for other elections, such as local authority elections, mayoral elections or European parliamentary elections. Perhaps the Minister will consider that.

As far as the precise provisions are concerned, the proposal seems to cover almost every eventuality. The circumstance in which there are only two candidates and an independent candidate dies, in which case the other candidate is declared the winner, seems to be not so much a process of election as of natural selection. Under paragraph 62, the phrase

"the deceased candidate must be ignored"

seems over-brutal. Those are mere observations along the way.

10.30 pm

Sir Patrick Cormack: I am most grateful to the hon. Gentleman for his support. The only circumstance where the death of one candidate in a two-candidate race could conceivably happen is where one of the candidates was the Speaker, because it is the custom that the major parties do not normally contest that election. That is why we specifically separated the Speaker's election from any other. I do not think that there are any other circumstances in which that would be likely to happen.

Mr. Heath: I entirely accept what the hon. Gentleman says and do not want to detain the House any further, other than to give my general support to the view that we need to deal with the anomaly, and to hope that we do justice to the hon. Gentleman's new clauses.

Ms Harman: I have nothing to add, except to say that I completely agree with all the points made by the hon. Member for South Staffordshire. The tragic death of the candidate in South Staffordshire shone a light on a problem that, with a great deal of hard work and consultation, he has solved. Should, tragically, a candidate die in future, the Cormack clause will swing into effect and will ensure that democracy is delayed as little as possible.

The House is in the hon. Gentleman's debt. I thank him for his work and ask the House to agree to the new clauses.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 2

CANDIDATE NOT TO STAND IN MORE THAN ONE CONSTITUENCY

'In Schedule 1 to the 1983 Act (parliamentary elections rules), in rule 8(3) (candidate's consent to nomination), after paragraph (b) insert—

> "(c) shall state that he is not a candidate at an election for any other constituency the poll for which is to be held on the same day as that for the election to which the consent relates,".'.—*[Sir Patrick Cormack.]*

Brought up, read the First and Second time, and added to the Bill.

Bill (Clauses 9 to 18 and new clauses 2 and 3) reported, with amendments; to lie upon the Table.

PETITION

IsItFair Campaign

10.34 pm

Mr. James Arbuthnot (North-East Hampshire) (Con): I wish to present a petition collected by Mrs Janet Kelly of Whitehill in my constituency. It is part of the IsItFair council tax protest campaign.

To the House of Commons

The Petition of the IsItFair council tax protest campaign declares:

That the year-on-year, inflation-busting increases in Council Tax are causing hardship to many and take no account of ability to pay: further that the proposed property revaluation and re-banding exercise will make an already flawed system even worse.

The Petitioners therefore request that the House of Commons votes to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income, such tax to be based on a system that is free from any geographically or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.

And the Petitioners remain, etc.

To lie upon the Table.

Pensioner Poverty (North Belfast)

Motion made, and Question proposed, That this House do now adjourn.—*[Gillian Merron.]*

10.34 pm

Mr. Nigel Dodds (Belfast, North) (DUP): I am grateful for the opportunity to draw attention to the important issue of senior citizens and poverty in north Belfast.

My constituency has one of the highest numbers of senior citizens in Northern Ireland. Levels of long-term illness, disability and poverty are also among the highest in Northern Ireland constituencies. The problems of poverty and deprivation that afflict senior citizens and pensioners in my area are common to senior citizens throughout Northern Ireland, but they are, if anything, felt more acutely in my constituency. I therefore urge the Minister to bring some hope of relief to a significant section of the community that has made an enormous contribution to our society. It has brought us through some dark, difficult and challenging days in our history. Even today it contributes massively to the richness of our community, especially in north Belfast.

The Government will say that people over 75 benefit from free television licences, winter fuel payments, home security measures, free prescriptions and so forth. In Northern Ireland, pensioners can also avail themselves of free public transport—courtesy of Democratic Unionist party Ministers in the old devolved Assembly. No doubt the Government will also say that older people are identified as a priority under the Promoting Social Inclusion initiative, among other measures. It appears to me, however, that in north Belfast and throughout Northern Ireland there is no joined-up approach in Government or among statutory bodies and funders, to tackling issues of concern to senior citizens.

Let me give an example. The north Belfast senior citizens forum does enormously good work under the sterling leadership of its chairperson Meg Holmes. It is an umbrella organisation formed from some 30 older people's groups in north Belfast that are dedicated to promoting the welfare of older people and contributing to the relief of poverty, sickness and disability among senior citizens on both sides of the community—for the forum is a truly cross-community organisation. It gives older people a voice through lobbying and advocacy, but also gives them practical help through an outreach advice service—a handy persons scheme. It is a valuable source of information. It has been instrumental in raising concern about the safety and wellbeing of older citizens, and has played a leading role as a founder member of the north Belfast older people's community safety partnership.

The forum is part of a thriving voluntary and community senior citizens sector in Northern Ireland. Age Concern Northern Ireland and Help the Aged (Northern Ireland) are the best-known organisations of this kind, but consortiums of older people's organisations such as the north Belfast senior citizens forum and the Northern Ireland pensioners convention are working hard in their local areas. However, the forum and other groups now face a funding crisis. I recently brought together a number of statutory organisations and funders to meet the forum. I urge the Minister to become involved not only in helping the forum but in bringing together statutory bodies, Departments and funders in a joined-up approach to the financing and resourcing of such groups, so that there is a coherent strategy in all parts of the Province.

I was told at the meeting that a group in the Newry area was receiving substantial funding—up to £100,000—from the local health trust. Yet the North and West Belfast Health and Social Services Trust is not giving anywhere near such help and resources to the group in my area. Indeed, in other parts of the Province no help whatsoever has been given, so there is clearly an inconsistent approach. There needs to be more joined-up thinking and a much more coherent approach to funding these groups, which are doing sterling work in their local areas.

Many of my older constituents suffer from long-standing illnesses. Research indicates that in Northern Ireland, 19 per cent. of people aged over 50 have mobility problems, compared with 10 per cent. of the population as a whole. Some 64 per cent. of people aged 65 or over have long-standing illnesses or disability. The fact that 6 per cent. of those aged over 75 still live, in this day and age, in unfit dwellings is part of the problem. Many older people in particular still live in inadequate housing that is not suitable for their needs. Service providers must address the provision of advice and information, and the links between housing, health care and support.

One issue that constituents frequently raise with me in my advice surgeries is what will happen to them when they fall ill in their old age, and what services they will be able to avail themselves of in Belfast, North—a point that applies across the board. They are concerned about how they will provide for themselves and how they will be cared for. People with dementia and their carers comprise an especially marginalised group of mostly older people.

A major issue affecting the quality of older people's lives is long-term care. The royal commission dealing with this subject recommended that both nursing and personal care should be free, based on an assessment of need. Indeed, during the lifetime of the old Assembly, a number of colleagues and I had the pleasure of presenting a motion to that Assembly, urging the introduction of free nursing and personal care in Northern Ireland. It was adopted unanimously.

In a written parliamentary reply to me in July of this year, the Minister with responsibility for health matters in Northern Ireland said that he had asked officials to update the interdepartmental group's report on personal care, which had been submitted to the Northern Ireland Executive on 8 August 2002. I urge the Government to make progress in this area. People are looking for a response, and it will not be good enough for the Government to adopt the line that they will await making a decision until the possible restoration of the Assembly. They do not adopt the same attitude when it comes to pressing ahead in other areas, notably the education sector. We are looking for answers.

Recent announcements by the Government have increased concern among my constituents that the level of poverty among pensioners will increase. We in Northern Ireland are familiar enough with the problems of fuel poverty. Tragically, many pensioners have had to make a choice between heating and eating. But we now have the real prospect of tens of thousands of people, many of them pensioners, being plunged into water poverty.

I accept that Northern Ireland's water service requires substantial sustained investment in its infrastructure. However, underfunding by successive Governments in the past 30 years has deprived it of the investment that is needed to replace and update much of a system that has served Northern Ireland for more than a century. The Government have determined that the only solution is to make the water service self-funding by charging consumers for the service provided. It is clear to me and to many in Northern Ireland that the introduction of water charges fulfils a key objective of this Government: to increase significantly the level of local taxation paid by households in Northern Ireland.

I do not wish to get into a general debate on water charges this evening, except to say that the argument that Northern Ireland needs to be brought into line with the rest of the United Kingdom in that regard would carry more weight if the same argument were applied across the board. It does not take into account the fact that Northern Ireland average household income levels are some 19 per cent. lower than in the rest of the UK, or that almost a quarter of those aged 60 or older in Northern Ireland are in receipt of income support compared to 13.5 per cent. in England and Wales. It does not take into account the fact that household essentials, such as energy and fuel, are much more expensive.

The proposed water charges, coupled with massive rises in the regional rate, with which I shall deal in a few moments, will place an extremely heavy burden—an intolerable burden, in my view—on older people. It will worsen the position for pensioner households that are already in poverty and it will add to the numbers of households and people in poverty overall.

The Government state that they are committed to eliminating pensioner poverty, but it seems to me to be totally at variance with that objective for them to impose what I regard as such a regressive tax. The age sector reference group in Northern Ireland highlighted the lack of proper consultation with older people or of proper analysis of the consequences of the introduction of water charges, especially for older people.

The original proposal for a 25 per cent. discount for those in receipt of housing benefit rent rebate was totally inadequate. I welcome the fact that the Government have delayed the introduction of water charges, but they must radically reassess the position. The report of Paddy Hillyard and Fiona Scullion of Queen's university demonstrated that the highest risk of water poverty will be experienced by pensioner households. It also concluded that the scheme will have an adverse effect on the poorest sections of the community in Northern Ireland. Those are reasons enough to make the Government reassess their whole approach to this matter.

Senior citizens in my constituency have spoken to me not just with anxiety, but with real fear about what the future holds for them, when they are faced with the prospect of having to make water charge payments as well as paying higher fuel prices, higher rates bills and having to survive on an inadequate pension.

I mentioned fuel poverty earlier. It is defined as a spend of more than 10 per cent. of income, excluding housing costs, on heating, lighting and various appliance uses. The Department for Social Development has estimated that 170,000 households are at risk of fuel poverty. Given that the income of a pensioner household is estimated to be only a third of that of households that are in work, fuel poverty clearly affects older people badly. Figures indicate that 50 per cent. of fuel-poor households are aged 60 or more and 22 per cent. aged 75 or more.

The rate of excess winter deaths among people in my constituency and across Northern Ireland is totally unacceptable. Despite the various energy efficiency schemes and the introduction of winter fuel payments, 1,300 older people died from cold-related illnesses in 2002, accounting for over two thirds of all winter deaths. Those deaths could and should have been avoided. It is, quite frankly, a scandal that in this day and age we should be talking about figures like that. There must be proper resourcing and targets to eliminate fuel poverty.

I welcome the launch of the fuel poverty strategy for Northern Ireland and I welcome the warm homes scheme, which was introduced when Democratic Unionist party Ministers were in office in the old Assembly, but it needs to be extended and more resources need to be put into it. I recognise the fact that the Minister has taken a personal interest in this issue, but more needs to be done, particularly in respect of more resources. The scheme should not be restricted to older people who are in receipt of qualifying benefits such as pension credit, since many do not claim it, even though they are entitled to it.

The decision to increase the regional rate by 19 per cent. represents a double whammy for people in Northern Ireland, but particularly for our senior citizens. Looming on the horizon is the reform of the domestic rating system, and there is much concern about the impact that that will have on older and vulnerable people.

No one is under any illusion about the great difficulties involved in reforming the current rate system, but there are real concerns about the suggestion that the capital value of a person's home is broadly linked to that householder's economic resources. Groups working with older people in my constituency point out that a large proportion of them live in properties that they bought 30 or 40 years ago. Although the value of properties may have rocketed thanks to their location and the natural rise in house prices, it is not right to assume that their owners have a lot of disposable income as a result. One pensioner in four lives in poverty, and 74 per cent. of older people between 60 and 74 years of age live in privately owned homes. The reform of the domestic rating system will have an enormous impact on them.

I accept that housing benefit is one way to alleviate the difficulties experienced by people in paying their rates bill. However, many people do not apply for it, either because they are not aware that they are entitled to it or because they are put off by the complex administration procedure and the stigma attached to means-testing.

Means-testing remains a major problem. For example, it is estimated that tens of thousands of eligible pensioners do not receive pension credit. Older people

[Mr. Nigel Dodds]

find means-testing demeaning, stigmatising and intrusive, and believe that it is complex, bureaucratic and inaccessible. We will not tackle the problem of pensioner poverty in north Belfast or Northern Ireland—or anywhere in the country—until we accept that means-testing benefits is not the way to proceed. Alternatives to means-testing must be found but, in the meantime, targets must be set to ensure the full take-up of benefits and reliefs.

I note that the reform of the council tax system in England has been put on hold, but I wonder why the Government are in such a pressing rush to go ahead with the reform of the rates system in Northern Ireland, given that it will have the effects—especially on senior citizens—that I have already outlined.

The overriding issue for older people in my constituency and throughout Northern Ireland is the need for a decent pension that lifts them out of poverty. Average pensioner income in Northern Ireland is 10 per cent. lower than in the UK as a whole. In 2002–03, gross income for pensioner couples in Northern Ireland was £346 a month, compared with £387 for the UK as a whole. In the same year, one fifth of pensioners in Northern Ireland had incomes below the most commonly used poverty threshold. Means-testing the benefits that make up the difference is not working for pensioners in my constituency and across Northern Ireland. More needs to be done to tackle that problem.

I conclude by drawing particular attention to the position of women in relation to pensions. Recently, a lady visited my advice centre who had worked for a considerable period of her life but who was facing the prospect of real poverty in her retirement because she had not accumulated enough pension benefits when she was in work. That problem needs to be tackled. Women remain more likely to be in part-time work, or to stay outside the work force altogether. The problem is exacerbated in Northern Ireland because female participation in the work force is lower than in the rest of the UK.

Given that, on average, women's earnings remain substantially lower than men's, the Government risk condemning generations of women to an old age of poverty. There needs to be a change in pensions policy, so that the future for older women is secured. The Turner commission is due to report soon, and we need to tackle the problem that I have described as part of that debate.

North Belfast has many older residents and the Minister will know the deprivation there from his visits to the area and the work that he has done. My constituency contains wards and areas that are among the most deprived in Northern Ireland and in the country as a whole. It is essential that the problems that I have set out are tackled and I look forward to his response.

10.54 pm

The Minister of State, Northern Ireland Office (Mr. David Hanson): I am grateful to the hon. Member for Belfast, North (Mr. Dodds) for the opportunity to discuss the issue of pensioner poverty in Belfast, North. I am also pleased to see his colleagues the hon. Members for South Antrim (Dr. McCrea), for East Antrim (Sammy Wilson), for Lagan Valley (Mr. Donaldson), for Upper Bann (David Simpson), for Strangford (Mrs. Robinson) and for Belfast, East (Mr. Robinson) in their places, as well as my hon. Friend the Member for Ealing, North (Stephen Pound), who is an honoured member of the Northern Ireland Affairs Committee. The hon. Member for Aylesbury (Mr. Lidington) is also in his place on the Opposition Front Bench for the debate, and the attendance at this late hour shows the real interest in pensioner poverty in Belfast, North and throughout Northern Ireland.

I am acutely aware of the important issues that the hon. Member for Belfast, North mentioned. I hope that the Government are developing solutions to those problems while recognising that many issues are still of concern to him and his colleagues. I was pleased to note that he referred to the fact that the Government have done considerable work on providing support for pensioners in our time in office. He mentioned the winter fuel payments, which are still available and will be paid this very month. He also mentioned the free travel throughout Northern Ireland for over-65s, the free television licences, the free leisure facilities, the pension credit, the minimum income guarantee, free prescriptions for over-65s and several other important issues. I recognise that more needs to be done, and that is why the Government are keen to tackle some of the issues that he mentioned.

The hon. Gentleman mentioned the north Belfast senior citizens forum. If the opportunity arises as part of my visits to north Belfast, I would be happy to meet the forum to discuss some of the issues, if that would be helpful. I know, because I have discussed it with my officials, that the forum has funding difficulties and I assure him that officials in the Department for Social Development are keen to consider how we can resolve those difficulties at an early opportunity. The forum fulfils a useful function and I pay tribute to those colleagues whom he mentioned this evening.

It is clear that older people have specific needs in health, personal social services, economic support and community care, and the hon. Gentleman mentioned a range of important issues. It may be helpful if I explain to the House the Government's policy on tackling poverty among older people. In doing so, I shall try, in the limited time available, to refer to some of the points that he mentioned.

I draw the hon. Gentleman's attention—I am sure that he is already aware of it—to the document entitled "Ageing in an Inclusive Society". The Government have put a lot of work into that strategy and are looking at holistic action across health, employment, transport and community safety to ensure collaboration between Departments and the voluntary and community sector on a wide-ranging action plan that will be reviewed later this month by Lord Rooker. One of the key action points in that document is the establishment of a champion for older people. We are examining how we can progress that. I have every confidence that during this financial year we will be able to come to some conclusions on the establishment of that figure.

The hon. Gentleman will be aware that we are keen to target resources to improve the living standards of older people—in particular, the poorest pensioners. He mentioned means-testing, and I would say to him that the Department is making great efforts to reach older people to enhance the take-up of benefits. I know through my Benefits Agency role in Northern Ireland that we are trying to improve the uptake of benefits so that people get the benefits to which they are entitled, whether means-tested or otherwise. Indeed, there are three outreach services in Belfast—in Shankill, north Belfast and Newtownabbey—and the jobs and benefit offices are looking at how to improve benefit uptake.

The hon. Gentleman mentioned fuel poverty, which my Department and I are committed to tackling. Because he once had the honour—and I hope that he will have it again soon—of doing in the Assembly the job that I do now, he will know that we are taking a keen and active role in ensuring that we eradicate fuel poverty in vulnerable households by 2010. The budget for the warm homes scheme has increased over the past four years from just over £3 million in 2001 to just under £15 million in the current financial year. In Belfast, North about £1.6 million has been spent on more than 634 heating opportunities and about £472,000 on more than 1,600 insulation schemes. That will be replicated in constituencies across Northern Ireland.

The hon. Gentleman mentioned the increase in rates and water rates. In rushing through my speech in a limited time, I do not want to avoid the topic. He will be aware that the budget is currently open to consultation. I should welcome the comments of his colleagues in the Democratic Unionist party and we shall have an opportunity to debate the budget in detail in the Grand Committee next week. The Government recognise that the rate increase and the water charge proposals for 2007 will have an impact, so we have announced that a new rate relief scheme will be introduced in April 2007. We are working on the scheme and, as part of the consultation process, we should welcome suggestions about how we can target the scheme effectively to ensure that we mitigate the impact of rate rises and water rate rises on vulnerable households and among pensioners.

I forgot to mention at the beginning of the debate that I should declare a sort of interest. The hon. Gentleman mentioned Age Concern, and my wife works for that organisation.

There are a range of concerns about the rate increase, but we are committed to ensuring that we minimise the effects on vulnerable individuals, including people on low incomes and pensioner households, especially in relation to water charges, which are due to be introduced in April 2007. We are looking to phase in the charges over a three-year period, to skew the highest charges towards more affluent areas and to develop a special hardship scheme for people facing exceptional circumstances. The Government are determined to ensure that water charges are fair and affordable for consumers and that low-income households are protected.

The hon. Gentleman mentioned investment in health and social care. That is a large topic to cover in a few minutes, but I can say that during the last five years health spending in Northern Ireland has risen from £2.2 billion a year to £3.3 billion a year and it will rise to £3.6 billion a year by 2008. The national health service accounts for more than 40 per cent. of the Northern Ireland budget and, over the next two years, we have planned above-inflation increases of 6.8 and 5.3 per cent. That will not only help to reduce in-patient and out-patient waiting lists, but enhance community care services so that people in Northern Ireland have support to enable them to remain in their own homes, which I am sure the hon. Gentleman would want. A key health and social services priority for my colleague, the Under-Secretary of State for Northern Ireland, my hon. Friend the Member for St. Helens, South (Mr. Woodward), is the development of integrated primary and community care services.

The time for the debate is running out, so I conclude by assuring the hon. Member for Belfast, North that the Government are committed to developing services for older people. We believe that we are doing a reasonable job, although there are always more challenges. I am grateful for the opportunity to engage in that debate, which I hope will continue outside the House. I am grateful for the support of him and his colleagues. The debate will continue next week and I am pleased to have had this opportunity to outline the Government's case.

Question put and agreed to.

Adjourned accordingly at three minutes past Eleven o'clock.

House of Commons

Wednesday 9 November 2005

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

INTERNATIONAL DEVELOPMENT

The Secretary of State was asked—

Malawi

1. **Mr. Alistair Carmichael** (Orkney and Shetland) (LD): If he will make a statement on the humanitarian situation in Malawi. [25985]

The Secretary of State for International Development (Hilary Benn): Malawi had a poor harvest earlier this year due to severe drought. Almost 2 million people have received food aid since June and that figure will rise to more than 4 million before the next harvest in April 2006. A new assessment published this week indicates that some additional maize is needed due to an increase in the price. The Department for International Development's commitment of £15.2 million to help deal with the food crisis is the largest donor contribution and we are ready to do more if required.

Mr. Carmichael: This year's harvest in Malawi was exceptionally poor and the Secretary of State will be aware that there are another five months until the next one. The situation is bad and getting worse. Given that the Church of Scotland estimates that some 5 million lives may be at risk in Malawi, what steps can he take to ensure that those people are not left to die?

Hilary Benn: I share the hon. Gentleman's concern about the seriousness of the situation. The harvest was down by about a quarter and Malawi now seems to suffer a very severe drought every 10 years. However, the assessment system for anticipating the scale of the crisis has worked quite well. We currently estimate that, overall, about 4.4 million people will require food. Of course, the problem is not just the failure of the harvest but the impact of AIDS on people's capacity to cope, along with the high price of maize. From memory, maize costs some 16 kwacha per kilo in the north of the country and 46 kwacha per kilo in the south, where the problem is most acute. Trying to bring down the price so that people can afford to buy maize is important, but above all, it is about ensuring that food is distributed. I spoke to the Malawian President last week, and to the Finance Minister this morning, about the situation. The steps that are being taken suggest that the international community and the Government of Malawi, working together, will be in a position to deal with the crisis, but we keep the situation under very close review.

Hugh Bayley (City of York) (Lab): Drought is not the only cause of the food crisis in Malawi—a population weakened by AIDS is one that cannot get good agricultural yields. What longer-term help will my right hon. Friend's Department give to increase irrigation in Malawi, so that farmers are less subject to the vagaries of rainfall?

Hilary Benn: My hon. Friend makes a good point about the importance of ensuring that farmers have the means to get the most produce out of their land. That includes trying to harvest water where possible, but drought clearly makes doing so difficult. It is also about providing and distributing seeds and fertilisers, and part of the money that we have made available in response to the current crisis is for that purpose, so that farmers, particularly those who may have had to eat the seeds or who cannot afford to buy fertilisers, are in a better position in the new planting season to plant and—if the rains come, which I hope they will—to get a better yield next year.

Pete Wishart (Perth and North Perthshire) (SNP): The Secretary of State will be aware of the Scottish Executive's useful and timely mission in Malawi just now. Can he assure me that he, his Department and the Foreign and Commonwealth Office are doing all that they can to encourage and support the Scottish Executive in that mission? Does he further agree that the success of the mission demonstrates that the Scottish Parliament and other devolved institutions have a real and meaningful role to play in international development?

Hilary Benn: I welcome the initiative on the part of the Scottish Parliament and Executive to build on the historic links between Scotland and Malawi. My view is very simple. In the field of development—in trying to help people around the world to build for themselves and their communities a better life—there is more than enough work to be done, so I welcome the Scottish Executive supporting health and civil society organisations, non-governmental organisations and others. Everybody wants to contribute and we should welcome that fact.

Mr. Andy Reed (Loughborough) (Lab/Co-op): My right hon. Friend is right to concentrate on the long-term solution to the situation in Malawi, but is he aware that the World Food Programme estimates that it is $165 million short this year, while there is a food surplus in South Africa, just a few hundred miles away? Will he apply pressure internationally to ensure that enough money is put into the WFP, so that that short-term solution to the situation faced by 2 million Malawians is brought to fruition sooner, rather than later?

Hilary Benn: The overall position is that the United Nations Malawi appeal asked for $88 million, only about half of which was directly related to the food crisis; the rest was for funding other development and humanitarian activities. The UN has received $29 million so far, but the Government of Malawi have received $60 million, so, overall, Malawi has $89 million with which to respond to the crisis, rather than the $88 million that the UN asked for. I know from talking to the Malawian President and Finance Minister that every effort is being made to procure maize from wherever it can be found. Indeed, part of the procurement process in which DFID and the European Union have been engaged is resulting in trucks carrying maize entering the country almost daily. I also pay tribute to the United States of America, which is doing a great deal in this crisis.

Mr. Philip Hollobone (Kettering) (Con): The Secretary of State's Department has been criticised for the use of consultants in Malawi and for the extensive expenses that were built up. Can he tell the House how many consultants his Department employs around the world and what safeguards are in place to ensure that their expenditure is effective?

Hilary Benn: The number varies from time to time and I will see whether I can come back to the hon. Gentleman with a figure. DFID's total expenditure on consultants as a proportion of our bilateral budget has fallen from 10 per cent., as I recollect it, in 1997–98 to about 5 per cent. now, so it is a falling share compared with the position that we inherited in 1997. We use consultants for a range of activities, partly to help deliver programmes and partly to give us advice.

In respect of Malawi, I have to say that some of the criticism was ill founded, because the training programmes that the National Democratic Institute was engaged in were supporting civil society and parliamentarians in Malawi to think about how they could do their jobs more effectively. That included hiring rooms for training courses and feeding people who were attending them—a normal day-to-day activity that Members of the House and of all organisations engage in. The feedback from participants in those programmes was that that support and training was very helpful in assisting them to do their job as elected representatives.

AIDS

2. **Chris McCafferty** (Calder Valley) (Lab): What steps have been taken to improve the working relationship between the UN and international donors in respect of responses to AIDS. [25986]

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): The United Nations Secretary-General, Kofi Annan, chaired the Global Fund to Fight AIDS, Tuberculosis and Malaria replenishment conference in London in September. International donors, including ourselves, pledged $3.7 billion. A further conference will be held next year. At the same time, donors and UN agencies discussed progress of the global task team in improving AIDS co-ordination and we are continuing to play an active part in that team.

Chris McCafferty: Does my hon. Friend agree that not only that working relationship, but that of the sexual and reproductive health stakeholders and HIV/AIDS stakeholders needs to be improved? I hope that the Secretary of State will assure the House that he will engage the UN at the very highest levels to help secure a target for reproductive health within the millennium development goal framework. Will he also report back on progress and the success that he achieves?

Mr. Thomas: My hon. Friend will know that we and the European Union collectively have long thought that there should be a target on reproductive health in respect of the millennium development goals. The outcomes document from the millennium review summit called for universal access to reproductive health by 2015. We are discussing with the UN secretariat and a range of other players in the UN how best to take forward that commitment.

Alistair Burt (North-East Bedfordshire) (Con): May I commend the work of World Vision, with which my hon. Friend the Member for Buckingham (John Bercow) and I travelled to Mozambique in the summer to see its work for children orphaned by AIDS? In the Minister's dealings with the UN and international donors, will he urge them to stress to recipient Governments that commitments to children suffering from or orphaned by AIDS and to the most vulnerable people affected by it should be met, as it is all too easy for those commitments to fall behind in comparison with those of more vocal sufferers?

Mr. Thomas: I join the hon. Gentleman in paying tribute to the work of World Vision, which has been particularly active in campaigning to highlight the needs of orphans and vulnerable children affected by the HIV/AIDS epidemic. He may know that we have committed, with UNICEF, to host its annual global partners forum, which looks at the specific needs of orphans and vulnerable children. This year, we will look at some of the blockages in getting the aid through to the non-governmental organisations working with orphans and vulnerable children at the grass roots. I am sure that he will also be aware that we have committed £150 million over the next three years specifically for assistance to help orphans and vulnerable children affected by AIDS.

Ms Sally Keeble (Northampton, North) (Lab): I am grateful to my hon. Friend for the points that he has made. Will he confirm that, in the meeting with UNICEF, he will look into how aid is provided, particularly at feeding programmes through community-based groups in African countries to support orphans and vulnerable children affected by HIV/AIDS?

Mr. Thomas: I recognise the campaigning work that my hon. Friend has done on this issue. As I told the hon. Member for North-East Bedfordshire (Alistair Burt), we will consider what further action we can take to speed the delivery of aid to grass-roots NGOs of the type that my hon. Friend has worked for and consistently advocated. On my recent visit to Malawi and Zambia, I saw that delivery is speeding up, but more remains to be done. As she says, that will be the focus of our global partners forum meeting with UNICEF in February.

Mark Simmonds (Boston and Skegness) (Con): Effective prevention, education and treatment in respect of HIV/AIDS are essential if we are to progress control of the disease, and Opposition Members welcome the aspirations in that regard at the G8 summit and the global fund replenishment summit. Increasingly, however, DFID's budget is being spent through partnerships with Governments, multilateral organisations and institutions, and NGOs—channels that have minimal accountability. Will the Minister say what progress DFID has made since the critical report of November 2003 in monitoring and evaluating the channels through which British taxpayers' money is spent? How will partnership performance be assessed and resources allocated to ensure maximum prevention, and maximum treatment, of HIV/AIDS?

Mr. Thomas: I do not accept the hon. Gentleman's premise that there is minimal accountability for the aid that we dispense through budget support or multilateral organisations. There is a whole process of auditing and assessing how the Government deliver aid and whether our arrangements are appropriate. Where our arrangements in-country are not appropriate, we will not dispense aid through budget support but work through NGOs or UN organisations.

I absolutely accept the point about the need to continue to focus on prevention of HIV/AIDS as well as on treatment. Over the past two years, significant attention has rightly been given to the question of how we get more access to antiretroviral drugs. We need to continue that work and to return to the question of how we can ensure that people have more access to the various prevention measures, such as condoms. We must also step up our research into developing a workable vaccine and an effective microbicide. In the run-up to world AIDS day, we are hosting an event for EU Development Ministers to look at that precise issue.

Africa (Children's Literacy)

3. **Barbara Keeley** (Worsley) (Lab): What steps he is taking to promote best practice in improving children's literacy in Africa. [25987]

The Secretary of State for International Development (Hilary Benn): The education for all global monitoring report, published today, highlights the continuing problem of children learning to read and write in sub-Saharan Africa. The UK is helping African countries to strengthen basic education, particularly for women and girls. For example, in Zambia, where we support teaching children to read and write in their mother tongue before learning English, the programme has dramatically improved literacy rates.

Barbara Keeley: There are two objectives in the children's literacy strategy—to ensure that low literacy levels are lifted and, as my right hon. Friend noted, to close the gender equality gap. One of the millennium development goals is to close that gap by 2015, so will he say what progress is being made in that direction?

Hilary Benn: I share my hon. Friend's concern about the need to close the gender equality gap and to get all the children in sub-Saharan Africa who are not attending primary school into classrooms. Fulfilling those objectives depends on the capacity of the Governments of developing countries to raise the finance, employ the teachers and build the schools. In particular relation to girls, the task is to address the other factors that prevent girls from getting to school. Something as practical as a lack of toilet facilities can make parents reluctant to send their daughters to school. Another factor could be the lack of clean water, because if water has to be fetched and carried from somewhere else, we know that that burden falls on girls and women. If girls have to fetch and carry water, they cannot go to school.

School fees present another obstacle that has to be overcome, as they prevent poor families from sending their children to school. If those poor families have to make a choice, they may choose to pay fees for a boy but not for a girl. Those are the problems that we must address if we are to help developing countries reach the 2015 target.

Mr. David Evennett (Bexleyheath and Crayford) (Con): Is the Secretary of State worried about the brain drain of teachers who leave Africa in favour of other countries? That will affect progress towards achieving children's literacy in Africa. What steps could be taken or incentives offered to encourage trained teachers to remain in their countries and help increase literacy across Africa?

Hilary Benn: I share the hon. Gentleman's concern about the problem. As he knows, the real problem involves the factors that drive teachers and other skilled professionals out of developing countries, such as poor pay and working conditions, and the lack of opportunity for career and professional development. In the course of 2005, various commitments have been made to help developing countries improve pay and working conditions for teachers and provide more career and professional development, and the British Government have also increased aid to that end. Another obstacle is the lack of housing for teachers in rural areas: if there is no house to live in, is it any wonder that teachers are reluctant to go and work in a remote rural community? That is what we have to address, and our increased aid is supporting that effort.

For example, the new President of Burundi has just abolished school fees. On the first day, 500,000 children turned up for school, 300,000 of whom had not been to school before. Although there is still the same number of teachers in the schools there, we have given the country some financial assistance to help it to begin to address that enormous challenge.

Derek Wyatt (Sittingbourne and Sheppey) (Lab): Will the Secretary of State consider the BBC World Service, the Open University and the British Council coming together to create a web-based system to help literacy in Africa? Is there something we can do to enable that?

Hilary Benn: I welcome all steps and measures that those interested in the future of Africa's development are willing to take. In order to get access to the web, of course, people need a computer and electricity. We therefore need to recognise the order in which things have to change if students in Africa are to be able to take advantage of proposals such as the one that my hon. Friend suggests. When I was in Rwanda a week ago yesterday, I visited a school that has got some computers in use and hopes to get access next year to the internet for the first time in its students' lives. A very small number of children have access currently. Let us hope that we can see more taking advantage of it in the years to come.

Millennium Development Goals

4. **Danny Alexander** (Inverness, Nairn, Badenoch and Strathspey) (LD): What discussions he has had with the United States on progress towards the United Nations millennium development goals. [25988]

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): My right hon. Friend and I regularly hold discussions with members of the United States Administration on development issues, including progress towards the millennium development goals.

Danny Alexander: Given the enormous support shown for the millennium development goals by young people throughout the country, including those at Nairn academy, is it not disappointing that the Government have so far failed to use their leverage through the European Union and the G8 to convince the US to pay its fair share towards those goals? Rather than being seduced by the proximity and glamour of US power, should not the Prime Minister be using his influence on President Bush to persuade America to meet its international obligations?

Mr. Thomas: The hon. Gentleman will know of the concern of the Prime Minister and the rest of the Government about the lack of sufficient progress towards the millennium development goals, which was why we made Africa a key issue on the agendas of our G8 and EU presidencies this year. I am sure that he would want to pay tribute to the Prime Minister for his success in persuading the President of the United States to announce a doubling of aid to Africa between now and 2010.

Ann McKechin (Glasgow, North) (Lab): Does my hon. Friend agree that, if we are to reach the millennium development goals, both the European Union and the United States need to make meaningful reductions in tariffs and subsidies at the ministerial conference in December, as well as giving special differential treatment to the poorest nations?

Mr. Thomas: I agree that the trade talks in Hong Kong are hugely important. Although the movement that we have seen from the United States, and indeed from the European Union, is welcome, we want more movement from the US in terms of agricultural subsidies. We want stronger references to cotton and to special products if we are to achieve from the trade talks the outcome that we want and that is genuinely in the interests of developing countries.

Nick Herbert (Arundel and South Downs) (Con): In considering the millennium development goal of eradicating poverty, does the Minister agree that the recent declaration of an emergency in Africa over tuberculosis, which is closely linked with the AIDS epidemic, is of serious concern? It is killing 500,000 people a year. What is his Department doing in response to that emergency, and would he be willing to meet a delegation of parliamentarians, including myself, who recently visited Kenya, where we saw the impact of the disease and where life expectancy for a man is down to 41 years and falling?

Mr. Thomas: Either my right hon. Friend the Secretary of State or I would be happy to meet the delegation.

The hon. Gentleman is right to raise TB. Along with malaria and HIV/AIDS, it is having a devastating impact on Africa and, indeed, many other parts of the world. He will be aware of the Global Fund to Fight AIDS, Tuberculosis and Malaria. We hosted the replenishment conference for that fund in September and raised $3.7 billion for it. There will be a further funding conference next year, and we hope that further funding will be pledged.

Kashmir Earthquake

5. **Tony Lloyd** (Manchester, Central) (Lab): What objectives he has set in providing assistance to the authorities in Pakistan and the victims of the recent earthquake. [25989]

The Secretary of State for International Development (Hilary Benn): DFID's response to the south Asia earthquake helped to save the lives of those affected and will continue to support them through the winter months. To date, we have allocated £33 million for the immediate relief effort and are prepared to do more. Our immediate assistance has included search and rescue, provision of tents, blankets, tarpaulins and other supplies, funding of air transport, including helicopters, and support to the United Nations, Red Cross and non-governmental organisations. In addition, the European Commission has pledged €93.6 million for relief and reconstruction. The UK's share of that is £11 million.

Tony Lloyd: Hon. Members on both sides of the House will recognise that President Musharraf was right when he paid tribute to the role of the British Government and to my right hon. Friend. However, as winter approaches, many hundreds of thousands of people still face terrible conditions and possible death and the international community has not put in the effort that our Government have done. Will my right hon. Friend ensure that the money pledged by the EU and other donors is delivered—and soon—because time to rescue the people in the mountains is disappearing quickly? *[Interruption.]*

Mr. Speaker: Order. The Chamber is far too noisy.

Hilary Benn: I share my hon. Friend's view about the race against time in which the world community and the Government of Pakistan are engaged to save the lives of those who will otherwise freeze to death or die of respiratory tract infections because they are out in the cold when winter arrives. I assure the House that we will deliver every penny that we have promised and the record so far shows that that is the case. We have made a great effort to bring the scale of the crisis to the attention of others in the international community. Nobody can be in any doubt about the short time left. That is why we need more money from others in the international community and more help on the ground to turn that money into support that gets to people in the remote mountain communities of Azad Kashmir and North-West Frontier Province.

Mr. Andrew Mitchell (Sutton Coldfield) (Con): In the Government's capacity as president of the European Union, what efforts has the Secretary of State made to secure a fitting response from those member countries, highlighted by Oxfam and others, that have failed to donate to the Asian earthquake appeal? Is he aware that Spain, Portugal, Greece, Finland and Austria have contributed no additional funds?

Hilary Benn: I can tell the hon. Gentleman what we have done. Two days after the earthquake struck, we issued a presidency statement and I have now written twice to EU Development Ministers. Along with Jan Egeland, I briefed them at the informal meeting of EU Development Ministers in Leeds on 24 October. The issue was also raised by my right hon. Friend the Foreign Secretary at the General Affairs and External Relations Council on 18 October. Every country should look deeply into its conscience and ask itself if it is doing all that it can to help people who are in desperate need.

Mr. Mitchell: May I suggest to the Secretary of State a specific way in which he could assist with that matter? After the Asian tsunami, the EU considered several trade measures to improve market access for the affected countries. Will he press the EU to liberalise its trade with Pakistan to promote economic recovery in that country? In particular, will he consider the inclusion of Pakistan in the generalised system of preferences—the GSP-plus—from which it was excluded earlier this year?

Hilary Benn: I am sure that, as the European Union considers how it may provide support to the reconstruction process, it will be happy to look at all possible measures. Issues, and some difficulties, would arise from the proposal that the hon. Gentleman makes, but I simply say to him that the task of reconstruction will be big and take a long time. Our immediate concern has to be with helping to save the lives of those who are in desperate need as we speak. The time will come for reconstruction and my hon. Friend the Under-Secretary will attend the conference in Pakistan on 19 November. We will make a commitment there to support the reconstruction, in the same way as Britain has played an honourable role in helping to save the lives of those affected by that terrible catastrophe.

Andrew George (St. Ives) (LD): I agree with the Secretary of State about the ongoing gravity of the situation, but he should bear in mind the fact that small charities such as Shelterbox are delivering more tents than big Government in the UK. When it takes three weeks to deliver Chinooks to the region, does the Secretary of State agree that lessons need to be learned from the response to the emergency? When the dust settles, will he review the speed and effectiveness of the emergency response from this country—non-governmental organisations and Government?

Hilary Benn: I am happy to review the effectiveness, but I emphatically reject the implied criticism in the hon. Gentleman's comment that somehow the British Government have been slow. The fact is that we were the first country in the world to send search and rescue teams. We have provided 5,500 tents, 27,000 blankets and 30,000 tarpaulins. We could do that so quickly precisely because we had prepared and we had those things in stock. We have now funded 65 flights for the Disasters Emergency Committee, helping the NGO sector to bring in supplies. We are currently trying to find a way to lift the shelterboxes waiting to go. I simply ask Shelterbox to link up with one of the DEC agencies, as that is the most effective and easiest way of getting help to the region.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [25954] **Mr. Gordon Marsden** (Blackpool, South) (Lab): If he will list his official engagements for Wednesday 9 November.

The Prime Minister (Mr. Tony Blair): This morning, I had meetings with ministerial colleagues and others in addition to my duties in the House. I will have further such meetings later today.

Mr. Marsden: The parliamentary skills group, which I chair, has just published a report showing that MPs and businesses are concerned about funding and training in adult skills and learning, especially given the huge proportional rise in the population of older people that will occur over the next 10 years. Does the Prime Minister agree that we need to get rid of age barriers in apprenticeships and training, and does he accept that the Government need to bring the same passion and commitment as they have to other areas of education, and improve even on what they have already done in funding further education?

The Prime Minister: I agree with my hon. Friend and I welcome the publication of his report. We have increased funding for further education and training by almost 50 per cent. in real terms; indeed, over the next few years about £1 billion extra will go to that sector. I am delighted that, last week, figures showed that the milestone of 1 million adult learners achieving their first qualification had been exceeded. All that is good news, but my hon. Friend is absolutely right: we have to show the same commitment to adult skills and adult literacy and numeracy as we are bringing to the investment and reform programme in our schools.

Mr. Michael Howard (Folkestone and Hythe) (Con): Every Member of the House is united in a desire to take effective action against the new terrorist threat that—*[Interruption.]* There are people on the Benches behind me who fought terrorism on the streets of Northern Ireland and that response is disgraceful.

Since the Terrorism Bill was first presented to the House it has been amended to provide for High Court supervision of detention, annual renewal and revisions to the code governing the questioning of suspects. Does the Prime Minister agree that those changes, following on as they do from debates in the House, represent an improvement to the Bill?

The Prime Minister: We have made changes to try to reach a compromise; that is true. But I want to explain to the right hon. and learned Gentleman and to his hon. Friends why I believe this is so necessary. Let me emphasise again to the House: this proposal did not originate with the Government; it originated with the police and those responsible for anti-terrorist operations in our country. If I may quote from those responsible for conducting those operations, I will do so. The chief constable of Manchester, for example, said:

> "The reality of the terrorism threat that we currently face is so horrendous in terms of the implications that we are having to intervene far earlier in the investigation than we ever would have during IRA campaigns . . . because with mass casualty terrorism we cannot afford to take any chances."

Andy Hayman, who is the senior police officer charged with leading anti-terrorist operations in this country, said:

> "We are not looking for legislation to hold people for up to three months simply because it is an easy option. It is absolutely vital. To prevent further attacks we must have it."

That is the police saying to us that they need these powers to prevent terrorism in this country. In the last week, we have learned that, since 7 July, two further terrorist plots have been foiled in this country. Yesterday, Australia announced—*[Interruption.]* Well, perhaps those who foiled the plots might have their advice taken a little more seriously. Secondly—*[Interruption.]* Did the hon. Member for Broxbourne (Mr. Walker) just say, "A police state"?

Mr. Charles Walker (Broxbourne) (Con): We are not a police state.

Mr. Speaker: Order. The hon. Member for Broxbourne (Mr. Walker) must not shout at the Prime Minister, and Government Back-Bench Members must not shout at the Leader of the Opposition.

The Prime Minister: We are not living in a police state, but we are living in a country that faces a real and serious threat of terrorism—terrorism that wants to destroy our way of life, terrorism that wants to inflict casualties on us without limit—and when those charged with protecting our country provide, as they have, a compelling case for action, I know what my duty is: my duty is to support them, and so is the duty, in my view, of every Member.

Mr. Howard: Let me repeat that we all accept that we face a new threat of terrorism and that we all want to take effective action against that threat. Let me remind the Prime Minister of what he said in the past in relation to anti-terrorism issues. He said:

> "The view of the police must be taken into account, but . . . the objections received from a very broad range of opinion on these proposals should be properly tested."—[*Official Report*, 9 March 1994; Vol. 239, c. 302–3.]

And what we seek to do—this ought to be capable of cool and rational debate—is to test the extent to which the 90-day proposal can be justified. So let me ask the Prime Minister this specific question: can he identify a single case in which it has taken the police 90 days after arresting a suspect to find evidence sufficient to charge that person with a terrorist offence?

The Prime Minister: I really have to say to the right hon. and learned Gentleman that I find it quite extraordinary that he seeks to suggest that there is somehow no evidence that the police are putting forward for the case that they are making. They have put forward detailed reasons as to why they believe these powers to be necessary. For example, just this last weekend, we arrested people on a terrorist operation. There were 750 gigabytes of data—that is 66,000 ft-worth of data—that would be printed out and have to be investigated. Just with the events of 7 July, there are two warehouse-fulls of exhibits.

We know that each of these terrorist operations has links to abroad. We know, for example, that it took two weeks, just in respect of the bomb factories in Leeds, to make them safe. That is what the police have set out time and again. That is why it is important that they have this power, as they say, to make our country safer, and they have given details of why they say that these powers are necessary.

Yes, it is true that we have agreed a sunset clause. Why? Because it is important. If people have these concerns, and I understand them, let us test it over the year. Let us see if the worries that people have are justified, or not. That is a reasonable thing to put forward. We have an independent review of the system—Lord Carlile will also report on it—but let us send out a signal from the House that, when it comes to defeating terrorism, we are going to give the police the powers that they need and back them.

Mr. Howard: Does not the Prime Minister recognise that it is the duty and responsibility of every single Member of this House to test the arguments that are put forward by the police? The Prime Minister and the Home Secretary have published various papers from the police. None of those papers includes a single case about which the police say that it took 90 days after arresting someone to find the evidence required to charge them. I think that there is a general mood in the House for an increase in the time during which the police should be entitled to hold people without charge. The question is whether that period should be 90 days.

I ask the Prime Minister again a very specific question. Can he provide the House with a single case in which it has taken the police 90 days after arresting a suspect to find evidence sufficient to charge that person with a terrorist offence?

The Prime Minister: I suggest, before we have the vote, that Opposition Members and the right hon. and learned Gentleman once again read the report that Andy Hayman provided that gave precise examples of the circumstances in which he needed a detention period of up to 90 days. There is an idea that the police have simply put this forward without any proper evidence and we have simply sat there and said, "Well, if they want it, we'll do it." This has been done on the basis that the police have put forward a cogent and intelligent argument as to why they need the power.

Let me quote again from the Association of Chief Police Officers terrorism committee—*[Interruption.]* Perhaps hon. Members will just listen to this. It said:

> "We were asked for a professional opinion. And it's not just the Police; it's prosecutors; it's the security services. It's the professionals that are actually involved on a daily basis in trying to protect this country from terrorism . . . This is what we actually need."

In those circumstances, I appeal to the House to have some sense of responsibility here—*[Interruption.]* This is an occasion when it is important that we do what is responsible, right and necessary to protect this country's security.

We have already indicated that there will be a sunset clause, so we can judge what happens over the year. Every seven days that someone is held, they will go back in front of a High Court judge. Hon. Members talk about civil liberties, and of course it is important that we protect the civil liberties of terrorist suspects. It is also important that we protect the civil liberties of this country and the right to life and protection from terrorism. That is why we have put the proposals forward. We do that in a reasonable way and I ask, yet again, for the right hon. and learned Gentleman's support.

Mr. Howard: We all want to fight terrorism effectively, but we do not have to look very far beyond our shores to see what happens if minority communities are alienated. What is likely to be the state of mind of someone who spends the equivalent of six months in prison on the basis of no evidence whatever and is then released without charge? What will that person's friends, relatives and community think? How likely would we be to receive intelligence from such communities? How does the Prime Minister think that we can effectively fight terrorism without intelligence from those communities?

The Prime Minister referred to the document from Mr. Hayman. I have read the document very carefully. It refers to the difficulties caused by the inability of the police to question after charge; we have tabled amendments to deal with that. It refers to the difficulties caused by the disclosure regime; that, too, can be remedied. What it does not do is justify 90 days. Does not the inability of the Prime Minister to identify a single case in which the police have needed 90 days go to the heart of his failure to justify the 90-day period? Does that not prove beyond doubt that the Home Secretary is right when he says that there is nothing crucial about 90 days?

The Prime Minister: First, Andy Hayman's letter and document set out very clearly why the 90 days are necessary. Let me explain again the basic argument of the police. Most reasonable people would see what they are trying to say. Because of the nature of the new terrorism that we face, because the terrorists want to kill people without limit—in July they killed 50 people in London, but they would have killed 500 had they been able to do so—when the police are investigating whether or not a conspiracy is taking place, they are naturally inclined to charge these people, to take them and arrest them, earlier than they otherwise would. If they make a mistake about the particular gestation period of the conspiracy and they get it wrong—they might think that the conspiracy is in its early stages, but in fact it is well advanced—we could end up with mass casualties on our streets. For that reason, the police say that this is a completely different situation.

We need to be able to lift these people earlier and accumulate evidence to charge them after arrest. The number of people, for example, who have been kept for over seven days since the new powers were introduced is just over 30, so we are not talking about large numbers of people, but they may be the crucial difference between saving this country from a terrorist attack and not doing so. The right hon. and learned Gentleman said that we will alienate minority communities, but it is sad that he should make that argument—*[Interruption.]* The Muslim community in this country is as determined as any other part of our community to defeat terrorism. Its members do not want to be told that they are against this because it alienates them—they want these people dealt with and arrested. In the end, if this is the best argument that the right hon. and learned Gentleman can make, I suggest that he and his colleagues ask themselves whether they really think that this is where the Conservative party should be.

Mr. Howard: I agree with the Prime Minister that we face a new situation, which is why we and a majority of hon. Members on both sides of the House accept that there is a case for extending the period. The question that we face, and the question that the Prime Minister has not specifically answered, is why the period should be 90 days. In September, the Home Secretary said that he would seek to compromise, and that he would not rule out a detention period of one month. Last month, he said that 90 days was "not a God-given amount". Last week, he said that the figure of 90 days was "not crucial". On Monday, he said that he would table an amendment to reduce the period from 90 days. Why was that amendment not tabled?

The Prime Minister: For the simple reason that all the way through we have said that 90 days are right. It is detention of up to 90 days: every seven days the person has to be brought back before the court. The right hon. and learned Gentleman asked why 90 days—it is for the very reasons that the police have given. That is the right period to allow them to conduct their operations and investigations properly. That is where the 90 days comes from. I am afraid that in the end he and his hon. Friends must decide whether on this particular issue they are going to back the police and those charged with fighting terrorism in our country, who tell us—in my view, rightly—that they need this power to make our country safe. He and his hon. Friends must make their decision today. We have made ours: we believe that this is right for our country, we believe that it is necessary to protect our country from terrorism, and I am only sorry that he does not agree.

Liz Blackman (Erewash) (Lab): Three and a half years ago Derbyshire police conducted an undercover operation to map drug activity across the county, including the town of Ilkeston in my constituency. As a result of that intelligence, scores of arrests were made. Last Friday *The Independent* labelled Ilkeston "cracktown", based on that 2002 information and not reflecting the current situation. Will my right hon. Friend assure me that resources to support drug users and target drug pushers remain a high priority, and will he condemn such shoddy reporting, which demeans local communities and refuses to recognise the progress made?

The Prime Minister: I am sure my hon. Friend is right to say that it is important that we continue to target those engaged in drug abuse, particularly the link with crime. I shall look into the situation that she describes and perhaps write to her about it.

Mr. Charles Kennedy (Ross, Skye and Lochaber) (LD): Returning to the exchanges over the proposed terrorism legislation, the Prime Minister will surely acknowledge that a great deal of the Bill commands widespread support across party and throughout the House—for example, the inclusion, which I raised with him here at the beginning of this calendar year, of the new acts preparatory to terrorism. So there is much on which we can reach agreement, but he must surely understand that there were those who thought we would have an opportunity to record a vote last week, which we did not because of what the Home Secretary had to say. He told the House—in all sincerity, I am sure—that he would have urgent discussions with colleagues in his own party and other parties to see whether consensus could be reached. Is the Prime Minister seriously saying today, when we will come to the vote later, that the Home Secretary ever thought that a consensus would be reached over 90 days?

The Prime Minister: As the Home Secretary has explained, it was not possible to reach a consensus. I am sorry about that. The right hon. Gentleman and his colleagues are in exactly the same position as the Conservative party. They will have to make a decision today. When he says that they agree with large parts of the Bill, that is fine. Perhaps they do. According to the police and those charged with fighting terrorism in this country, however, this is not a peripheral matter. It is central and vital. It is not just about my leadership; it is about the leadership of other political parties too. It is about the leadership of every single person in the House, who will have to make a decision today about the interests of this country. I know where I stand on that.

Mr. Kennedy: When the Prime Minister properly speaks of parliamentary responsibility, will he acknowledge that it is the responsibility of Parliament, of course, to take into account the advice coming from the police, but equally to take into account the advice that comes from Law Lords such as Lord Steyn and Lord Lloyd of Berwick, who have described detention without charge for 90 days as "exorbitant", "unnecessary", and "intolerable"? Even if the Prime Minister is successful in getting the measure through today, he will not carry it in the House of Lords. What will he do at that juncture? Will he seek a fresh consensus or will he ram it through with the Parliament Act?

The Prime Minister: In exactly the same way as hon. Members will have to make up their minds, so will the House of Lords. Whatever Lord Steyn may say, I prefer the advice of the police and those charged with looking after the country's security. The House of Lords will have to make a decision. All of us have to make that decision. The right hon. Gentleman asks whether we should simply accept what the police put forward. We are accepting what the police put forward because, to any reasonable person, the reasons they give are compelling. We face a different type of terrorism. It requires them to arrest people earlier, to develop the evidence and to charge them later. That is why they need the power. In circumstances where we know and it is accepted that we face a continuing terrorist threat in this country, I find the position of the Liberal Democrats unsurprising, and I find the position of the Conservative party surprising. Whichever it is, sometimes it is better to lose and do the right thing than to win and do the wrong thing.

Mr. David Clelland (Tyne Bridge) (Lab): May I tell my right hon. Friend that I, for one, will support the Government in the Lobby this afternoon? Does he agree that those who oppose the Government may well end up with something a lot more tragic than egg on their faces? However—there is always a "however"—I cannot offer the same support for the Government's proposals on schools. Does he agree that there should be the same discussion, consultation and willingness to listen on that issue as there has been on the Terrorism Bill?

The Prime Minister: I think that I shall take those one at a time. I am grateful for my hon. Friend's support on the anti-terrorism measures. On schools, we will have an opportunity to talk to people about the implications of the proposals, which are essentially about empowering schools and parents to do the best for their children. That is the right thing to do, and it builds on the specialist schools programme, which has been immensely successful in my hon. Friend's constituency and elsewhere.

Q2. [25955] **Mr. Patrick McLoughlin** (West Derbyshire) (Con): Two years ago, my constituents could see their local GP at their local practice on a Saturday morning: when will they get that opportunity again?

The Prime Minister: We changed the out-of-hours service in the hon. Gentleman's area and elsewhere because GPs wanted that change as part of their new contract, but other provisions are in place for out-of-hours services. A large number of GPs were already opting out of out-of-hours services, which is one of the reasons why we had to make the change. GPs in this country are virtually the best paid in Europe and have a responsibility to provide proper services, which is why in certain areas—for example, where there are closed lists—we are bringing in other providers.

Mark Durkan (Foyle) (SDLP): Does the Prime Minister appreciate the concerns about collusion in the past between state forces and various paramilitaries in Northern Ireland? With the publication of the Northern Ireland (Offences) Bill today, we now have collusion on the past between the state and Sinn Fein. Does he accept that victims, including victims of state collusion, will be not only deprived of justice, but even denied truth?

The Prime Minister: As the hon. Gentleman knows, the proposals are part of the continuing process to bring an end to terrorism in Northern Ireland. The Good Friday agreement, of which he and I were part, contains provisions on prisoners that deal with the question of the so-called on-the-runs. The situation is different, because the measures that we are introducing are designed to end terrorism, not to further it.

Q3. [25956] **Andrew Rosindell** (Romford) (Con): What message is the Prime Minister sending out to our brave troops in Iraq, when their colleagues who served so bravely in Northern Ireland face potential prosecution under the Government's historic review, while IRA terrorists who have murdered people are likely to be pardoned? Is that not a colossal disgrace?

The Prime Minister: The premise of the hon. Gentleman's question is actually wrong, since no one is excluded from the provisions. What is important in Northern Ireland today is that we continue to make progress towards peace. The process has been very successful over the past seven or eight years, and we want to continue it. British officers do not face the risk that the hon. Gentleman has described.

Mr. Iain Wright (Hartlepool) (Lab): As the father of four young children and someone who, when he goes back to his constituency, is a hindrance rather than a help in getting the kids ready for school, may I warmly applaud yesterday's publication of the Government's Childcare Bill, under which local authorities will have a responsibility to ensure that a range of high-quality child care facilities are available? Will the Prime Minister assure me that funding will be available for local authorities to ensure that that Bill will be as successful as other schemes, such as Sure Start?

The Prime Minister: Extra funding is being made available as part of an extension to child care over the next few years that effectively means a new frontier for the welfare state, where wraparound child care will be available from eight in the morning until six at night, which will help people to balance work and family life. That is why I welcome yesterday's proposals.

Q4. [25957] **Mr. Tim Boswell** (Daventry) (Con): As the Government are planning a reform of the incapacity benefit system with the introduction of personal action plans for individuals and the possible sanctioning or withdrawal of benefits for those who do not participate in that activity, can the Prime Minister give the House the assurance that there will be adequate resourcing of rehabilitation and other support services to meet this additional need?

The Prime Minister: The purpose of the reforms is to do two things: first, to ensure that we continue pathways into work, which gives people on incapacity benefit support and help in leaving the benefit and getting back into the workplace—all the evidence is that that is best for them as well as for the country—and secondly, to ensure that people get on to incapacity benefit only if they are genuinely entitled to it. That is the reason for tightening up the gateway. We have put an awful lot of money into the new deal and other programmes designed to help people off benefit and into work. It has been very successful; indeed, it is the reason why we now spend about £5 billion a year less on benefits than we did in 1997. That is the spirit in which we will take forward incapacity benefit reform. I think that most hon. Members who know about the issue know that reform is necessary.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): On the proposals that are before the House today, I wonder whether the Prime Minister's constituency mailbag is the same as mine. Much to my surprise, not a single person, even from the usual sources, has opposed those proposals. Can the Prime Minister understand any hon. Member in this House continuing to fly in the face not only of professional advice but of their constituents—*[Interruption.]*

The Prime Minister: I agree with my hon. Friend. Opposition Members will have to make up their minds, as will every Member of this House. When we are debating these issues and Opposition Members are shouting out things about a police state and so on, that is very telling indeed. I am delighted to know that the vast majority of Labour Members will go through the Lobby with the Government today.

BILL PRESENTED

NORTHERN IRELAND (OFFENCES) BILL

Mr. Secretary Hain, supported by the Prime Minister, Mr. Chancellor of the Exchequer, Mr. Secretary Clarke, Mr. David Hanson, Mr. Shaun Woodward and Bridget Prentice, presented a Bill to make special provision about certain offences committed, or alleged to have been committed, before 10th April 1998 in connection with terrorism and the affairs of Northern Ireland; and to provide for the amendment of the Northern Ireland (Sentences) Act 1998: And the same was read the First time; and ordered to be read a Second time tomorrow, and to be printed. Explanatory notes to be printed [Bill 81].

Rev. Ian Paisley (North Antrim) (DUP): On a point of order, Mr. Speaker. Today the Government have published a Bill that will loose murderers on to the streets of Northern Ireland. Should not the Government come to the House today to let us know that immediately so that we can compare the call made by the Prime Minister to obey the police, at a time when the police are rejected in Northern Ireland and the Secretary of State goes against what they recommend?

Mr. Speaker: The hon. Gentleman is a very experienced Member of this House, and he will know that having been presented, the Bill will be debated fully. He will have an opportunity to air his grievance, as will other Members from his party.

Mrs. Iris Robinson (Strangford) (DUP): But you do not listen.

Mr. Speaker: I always listen to the hon. Lady.

Prison Reform (Mental Health)

12.43 pm

Charles Hendry (Wealden) (Con): I beg to move,

That leave be given to bring in a Bill to make provision for the mental health and special learning needs of convicted prisoners; and for connected purposes.

The Bill is specific in trying to address the problems that affect a significant proportion of our prison population. I introduce it because I believe that the way in which our penal system cares for those with mental health needs at the start of the 21st century is a stain on our society.

Daniel Meehan, a young constituent of mine, had always been a troubled young man. He had a history of mental illness and drifted in and out of prison throughout his adult life. Daniel had been diagnosed as suffering from a series of mental illnesses, including the antisocial personality disorder, Tourette's syndrome, from the age of 17. He had spent around half his life in prison but he never received the help and treatment that he needed to tackle his problems.

Instead of rehabilitation, Daniel was left exposed and fell foul of the problems that, all too often, vulnerable people face in prison. He developed a heroin addiction while in jail and started to abuse alcohol. In September last year, on his discharge from prison, he was left homeless, without his medication or even any clothes. He was bailed by the courts to his father's address. When his father was not at home, he looked for somewhere else to stay and, as a result, he was rearrested for breaking his bail conditions and taken back into custody. His mother and sister desperately tried to arrange specialist care for Daniel and eventually arranged for a social worker to visit him in Lewes prison. However, on the same day the social worker was due to visit, he was moved to Her Majesty's prison Weare, a floating prison off Dorset.

Neither the social worker nor Daniel's family had been made aware of the transfer, yet the prison system somehow expected a prisoner with a long history of mental illness to rearrange the appointment himself. Daniel's complex needs were never properly assessed. Alone and without the support he needed, Daniel died at his father's house in January this year, aged 29. The coroner returned an open verdict on the death, but to most of us who had seen his case develop, we have no doubt that suicide would have been the more appropriate verdict.

Daniel's family freely admit that he was a difficult man, but time and again, over almost 10 years, the prison system consistently failed to address his problems. As Daniel's sister, Mrs. Meehan-Bissett, said:

> "Prison was not the answer for someone like Daniel, he needed rehabilitation. He died due to neglect. The prison authorities cannot be bothered with someone like Daniel . . . There needs to be somewhere for people like Daniel to go. If you need to lock them up, lock them up, but not without anything to do all day."

The Government response to the Home Affairs Committee report on the rehabilitation of offenders, which was published in January 2005, stated that there were firm commitments that, by 2004:

> "All prisoners with severe mental illness would be in receipt of treatment and that no prisoner with a serious mental illness would leave prison without a care plan".

In Daniel's case, it is all too clear that those rules were not followed. Many hon. Members are aware of similar cases from our constituencies, so it is important to understand the extent of the problem.

Last year in a written answer to my hon. Friend the Member for Chesham and Amersham (Mrs. Gillan), whom I am pleased to see on the Front Bench, the then Under-Secretary of State, Department of Health, the hon. Member for South Thanet (Dr. Ladyman) said:

> "A survey of mental ill health in the prison population of England and Wales, undertaken in 1997 by the Office for National Statistics, showed that around 90 per cent. of prisoners sampled displayed evidence of at least one of the five disorders—personality disorder, psychosis, neurosis, alcohol misuse and drug dependence—considered in the survey. There will, at any one time, be around 5,000 prisoners with a severe mental illness".—[*Official Report*, 2 December 2004; Vol. 428, c. 247W.]

Similar findings were published in a report by the Prison Reform Trust, supported by the Nuffield Foundation, into the mental health of women prisoners. It found that two thirds of women in prison show symptoms of at least one neurotic disorder such as depression, anxiety and phobias. More than half suffer from a personality disorder. Yet, among the general population, less than one fifth of women suffer from those disorders.

The report found that half the women in prison are on prescribed medication such as anti-depressants or anti-psychotic medicine and there is evidence that the use of medication increases while in custody. Of all women who are sent to prison, a terrifying 40 per cent. say that they have attempted suicide at some time in their life.

Research by Oxford university into suicide rates for younger offenders is even more shocking. The analysis of suicide rates in England and Wales from 1978 to 2003 found that the difference was particularly striking in 15 to 17-year-olds. Offenders in that age group were 18 times more likely to kill themselves than those in the general prison population. Depressingly, the report concluded that

> "half those who commit suicide in prison have a treatable mental illness."

If those illnesses were indeed treatable, it means that those suicides could have been prevented.

The problem goes far beyond mental health; there are also too many prisoners who have serious learning difficulties. According to Home Office statistics, the prevalence of poor educational attainment among prisoners is shocking. Fifty-five per cent. of prisoners had a reading ability of level 1 or below—the educational level for an 11-year-old. That proportion rises to 67 per cent. in young offenders—in other words, two thirds of young offenders have the reading ability of an 11-year-old or younger child. In spelling, 79 per cent of prisoners were at level 1 or below, with that figure rising to 87 per cent. in young offenders. In numeracy, those rated at level 1 or below represented 69 per cent. of the general prison population, and 78 per cent. of young offenders, so the frightening truth is that about three quarters of young offenders are illiterate and innumerate. Despite this, however, the average time for education in prison was under six hours a week per prisoner in 2002, and only slightly higher in young offender institutions. As a result, most of them are almost as illiterate and innumerate when they leave prison as when they start their sentence.

This Bill is not about making excuses for those who break the law. One essential pillar of prison is that it should act as a deterrent to those thinking of committing crime and punish those who have broken the law. But prison works only if it also rehabilitates. As one governor said to me:

> "We are very good at incarceration, but not at rehabilitation."

A prisoner without rehabilitation is a prisoner who will offend again. So, the mental health and learning needs of prisoners must be addressed if we are truly to have a prison system that meets those two core goals.

The Bill that I am proposing is a simple one. Where it has been established that a criminal has mental health needs, there would be a legal requirement for those needs to be professionally and thoroughly assessed at the start of their sentence. For all prisoners, an assessment would be required of their educational needs. Those with mental health requirements would be detained only in an establishment with specialised facilities, and with staff trained to deal with them. A pathway programme of support would have to be developed to ensure that their mental needs were met. Those needing educational attention would receive a more focused programme of tuition, instead of the haphazard tuition that they currently receive, and it should focus on skills training as well, to give them some hope of employment when they leave. As prisoners with mental health problems are now treated by the NHS, the primary care trust budgets covering this treatment should be ring-fenced to ensure that the funds to finance prisoner care cannot leak away into other areas of health care.

The objective of the Bill is not to create prison asylums surrounded by barbed wire—far from it. The Bill seeks to ensure that prisoners with mental health needs are kept in an establishment in which those needs are addressed first and foremost, and which works to support their rehabilitation. In no way does it undermine the principle that many people need to be kept away from society, for the good of society and for their own good, but it does mean that they will be given the care and medical support that they need.

I have visited a number of young offender institutions. They are the most depressing places I have ever been to, and I certainly do not know how we can rehabilitate someone if we lock them up in a 9 ft by 5 ft cell for 18 hours a day or more. When those prisoners have mental health problems or special learning needs, this becomes a hopeless task unless rehabilitation is at the forefront of the approach. Through specialised and focused rehabilitative methods, the prison system can make major inroads into reducing reoffending, but rehabilitation must be more responsive to the often complex problems of prisoners, which have all too often contributed to their being in prison in the first place, and will have them returning there time and again if they go unresolved.

The case of Daniel Meehan is a tragic one. A young man with profound mental health needs died because he did not receive the help that he needed. At the start of the 21st century, that is something that should shame us all. We have the power to do something about this. I commend the Bill to the House.

Question put and agreed to.

Bill ordered to be brought in by Charles Hendry, Peter Bottomley, James Brokenshire, Annette Brooke, Chris Bryant, Mr. Edward Garnier, Mr. Dominic Grieve, Mrs. Eleanor Laing, Julie Morgan, Mr. Andrew Lansley and Tim Loughton.

PRISON REFORM (MENTAL HEALTH)

Charles Hendry accordingly presented a Bill to make provision for the mental health and special learning needs of convicted prisoners; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 14 July, and to be printed [Bill 82].

Terrorism Bill (Programme) (No. 2)

12.44 pm

The Secretary of State for the Home Department (Mr. Charles Clarke): I beg to move,

That the Order of 26th October 2005 (Terrorism Bill (Programme)) be varied as follows:

For paragraph 3 (proceedings on consideration) substitute—

'3. Proceedings on consideration shall be taken in the order shown in the first column of the following Table and shall be brought to a conclusion (so far as not previously concluded) at the times specified in the second column.

TABLE

Proceedings	*Time for conclusion of proceedings*
Amendments relating to Clause 23, new Clauses	Three hours after the commencement of proceedings on consideration.
Amendments relating to Clauses 1 to 22, remaining proceedings on consideration	Three hours after the commencement of proceedings on Amendments relating to Clause 1.'

I know that Opposition Members object frequently to every programme motion, but I suggest that even they would find it hard to fault this one. The effect of this programme motion is to increase the amount of time that the House will have to consider this Bill on Report.

The House will recall that the programme motion passed after Second Reading allocated us six hours in total for Report. However, any votes in the middle of that would have eaten into that six hours. Without wishing to reveal any secrets or pre-empt later debate, the considered and careful judgment that I have reached is that it is unlikely that the House will reach complete agreement today without any Division.

Accordingly, the motion provides that we begin on amendments to clause 23 and the new clauses that have been tabled. We have three hours for that part of our proceedings. Once that concludes, any votes that are necessary will take place, and they will not cut into the House's remaining time. Once all the votes have taken place, we will then have a further three hours on the remaining groups of amendments, followed by whatever Divisions are required. I hope that the whole House will recognise the benefits of that.

12.45 pm

Mr. Dominic Grieve (Beaconsfield) (Con): I will not seek to divide the House on the programme motion, but I should point out to the Home Secretary that although we welcome the concession that has been made, the practical reality is that we still have far too short a time to consider the amendments tabled for this afternoon. Even at this late stage, I hope that he might consider taking advice on whether further time can be made available. Let me explain why.

We will start with a debate on the period of detention, which is a subject of considerable controversy. Given the way in which the procedures of the House operate, and the fact that the Government have tabled amendment No. 55, which changes the period from three months to 90 days, anyone wishing to have the 28-day amendment considered must first vote on Government amendment No. 55. We will therefore have to have two votes, whereas one on the 28 days alone might have been necessary otherwise. I am not clear as to why that has come about, except to provide a delay mechanism in the time that the House has for consideration. As a consequence, the reality must be that new clause 8 on stop and search, which was tabled by a Government Back Bencher, and which, I believe, merits the consideration of the House, is most unlikely to receive any consideration whatever. In the context of trying to build consensus, that must be highly regrettable. There is no reason why that should have to happen.

When we move on beyond the three-hour break, when we will probably have had a couple of votes, and the stop and search matters will not have been considered, we will have five groups of amendments to consider, all of which are of importance, and three hours in which to do it. We might well have time to deal with the offences under clauses 1 and 2, which remain controversial because the Government concessions do not appear to change radically the way in which indirect incitement to terrorism can still be committed negligently. If we have a full debate on that subject, however, which greatly exercised the Committee last week, there must be a danger that we will never get to the glorification clauses, which, as we know from last week, were the subject of enormous controversy. If the Home Secretary wishes to avoid the suspicion that the Government are trying procedurally to close down the debate on those clauses, it would be wise to give us more time. Without filibuster in any sense, we will have difficulty in reaching those clauses.

I worry, and I shall judge the matter by what happens this afternoon, that we might see a procession of Government Back Benchers put up to prolong the debate on offences under clauses 1 and 2, so that debate is prevented on the question whether a glorification element in incitement to terrorism should remain in the Bill. That would be a scandalous state of affairs. I look to the Home Secretary to provide guidance, as the debate takes place, to ensure as far as is possible that that does not happen.

John Bercow (Buckingham) (Con): My hon. Friend will agree that it is important that our proceedings today should be intelligible to the country at large. Given that we have no fewer than 60 amendments and new clauses to consider, and only six hours in which to do so, the arithmetic is obvious. Does my hon. Friend agree that having fewer than 10 minutes for the consideration of each amendment is a travesty of parliamentary scrutiny, and that if the public knew what was taking place, they would be appalled by it?

Mr. Grieve: I entirely agree. Even if Members act with reasonable expedition, the second part of the motion in particular is flawed in terms of allowing scrutiny.

Even after the glorification amendments, there are important amendments dealing with the endorsements of publications and the defences that may exist, issues that were of great concern to the House last week. There is also the question whether there should be any defences in relation to training for terrorism: there are currently none. Last but not least, although last week the right hon. Member for Southampton, Itchen (Mr. Denham)—in a very powerful speech—expressed concern about our failure to define terrorism correctly, that is the last item that we shall have time to consider today, and the reality must be that we shall never reach it at all.

Mr. David Heath (Somerton and Frome) (LD): I do not disagree with anything that the hon. Gentleman is saying, but does he agree that if the House cannot debate these matters adequately, that will encourage even closer scrutiny—if such is possible—in the other place, and the inevitable amendments? Such scrutiny, however, should be carried out by the elected House and not the unelected House.

Mr. Grieve: I do agree. As I said to the Home Secretary last week, the controversial nature of the Bill makes it immensely desirable that, if at all possible, this House should reach an agreed position so that we can all vote for the Bill on Third Reading tomorrow. But to do that we must debate, and if the debate is curtailed so that important parts of the Bill are never considered at all, that will place those who wish to consider them in great difficulty. As the Home Secretary knows, because the Bill is so controversial, there must be a risk that the other place will take over the responsibility that we have shirked—and that we shall find ourselves involved, as we have too often in the past, in late-night spats as we try to sort out the differences between this House and the other place. Let me say sincerely to the Home Secretary that I think that that can be avoided, or largely avoided, if there is sufficient time, but I do not think there is at present.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): The hon. Member for Buckingham (John Bercow) said that it would not be our fault if there was ping-pong—that it would be the fault of the other place. As my hon. Friend the Member for Somerton and Frome (Mr. Heath) pointed out, however, if we had not debated the Bill adequately that would be our fault. It was clear in Committee that the provisions relating to offences committed abroad were an extremely controversial part of the drafting, and would merit discussion and refinement on Report. The other place will have to consider the provisions if we fail to do so.

Mr. Grieve: I agree—all the more so because it seemed to me during last week's debates that we were moving towards the possibility of agreement. Members of the other place do bother to read *Hansard*, and if they see that important matters raised in Committee—*[Interruption.]*

Mr. Speaker: Order. I know that the hon. Member for Blyth Valley (Mr. Campbell) gets very excited sometimes, but a little calmness might help the situation.

Mr. Grieve: If Members of the other place see that important issues raised in Committee and postponed until Report because the Government said that they would respond positively have not been debated at all, not only will that send a pretty dreadful signal to the public and the electorate of our country about the way in which we conduct our business, but it will make it inevitable that Members of the other place will try to second-guess and look again at what has happened here.

[Mr. Grieve]

We will not divide the House, because I want to get on, but even now I urge the Home Secretary to consider whether we cannot have more time. I also seek an assurance from him that we will do our level best to get through all the groups of amendments.

12.54 pm

Mr. Alistair Carmichael (Orkney and Shetland) (LD): I took exception to very little that was said by the hon. Member for Beaconsfield (Mr. Grieve). Like him, we consider the timetable motion defective, but like him I see no reason for us to divide the House on it. I accept the Home Secretary's point that some small measure of protection for the business has been made available, and that small amount of extra time is indeed welcome. Nevertheless, without second-guessing the way in which today's business will proceed, I think it very likely that we shall not go beyond the first string of amendments before the first knife falls after three hours. As the hon. Member for Beaconsfield pointed out, that will leave the stop-and-search provisions proposed in new clause 8 entirely undiscussed. Surely that is too important a subject to leave this House without any proper discussion being placed on the record.

I also think that a great deal of important business will remain undiscussed under the second group of amendments. The House will have to choose between holding its tongue and restricting its comments on clause 1 and the question of intention if we are to secure any meaningful discussion on the crucial question of glorification. As a result, questions as fundamental as the definition of terrorism itself will almost certainly be left undebated. As a result of that, the only meaningful scrutiny will be carried out in the other place. If the Government are content to proceed in that way, they cannot then complain that the unelected House has interfered with or changed the Bill when it makes the amendments that are inevitable.

The programme motion strikes me as an exceptionally inappropriate way for the Government to order our business. I hope that, even at this stage, they may see sense and allow further time tomorrow if necessary.

12.56 pm

Mr. Kenneth Clarke (Rushcliffe) (Con): I do no[illegible]sh to be churlish, and I congratulate the Home Secretary on producing a programme motion that is an improvement on the previous position. I certainly will not vote against it, and I am happy to congratulate the right hon. Gentleman on having listened to the complaints that we made before the general election about the time allocated to a similar Bill. He has tried to respond according to the standards of today's practice, and the House is in his debt to that extent.

It is, in fact, the standards of today's practice on which I wish, briefly, to comment. As well as trying to avoid being churlish in the House—I hope—I try to avoid overdoing the "senior Member of the House" bit, and lamenting the fact that things are not what they were. But things are dramatically different from what they were, and I cannot hold my tongue on this occasion.

I believe that if such a controversial Bill involving such changes in individual liberty had been produced 10 years ago by a Conservative Government with such a timetable, there would have been a major row. Twenty years ago, such an allocation of time for a Bill of this kind would have been regarded as laughable, and it would not have been entertained by the usual channels during the Thatcher Government. Thirty years ago, if a Conservative Government had proposed a Bill of this kind, several days of debate would have been allowed before any guillotine curtailing debate would have even been contemplated. Had anyone tried to force through a guillotine of this severity, I should have expected the sitting to be suspended as Labour Members caused disorder and began to run away with the Mace, or something of the kind, to give visual expression to their constitutional outrage.

There is a serious point behind all this. I think that the House is becoming accustomed to a shortness of debate and a lack of scrutiny of legislation that is on the verge of becoming ridiculous, given the complexity of this Bill. I see no reason whatever why the House should have to rise shortly after 7 pm today and at a similar time tomorrow. The suspension of the rule to allow us at least to sit on through the evening until such time as the Government's business managers decide to try to call a vote to end the debate would constitute a very elementary extension of debating time, which would cause merely minor inconvenience to a few Members and no real affront to the House.

I also agree with the hon. Member for Orkney and Shetland (Mr. Carmichael) that the present situation underlines the case for not tampering with the powers of the House of Lords. I strongly believe that the House of Lords should be reformed; it lacks legitimacy and we need a much stronger Upper House. If this House is to continue to deal with matters of this importance in such a cursory fashion, it becomes all the more important that the whole Bill be properly scrutinised, and that the Lords force us to look again at, and to discuss in more detail, some of the other very serious aspects of this Bill.

1 pm

Mr. Alex Salmond (Banff and Buchan) (SNP): I agree with the right hon. and learned Member for Rushcliffe (Mr. Clarke), although I recall that it was the noble Lord Heseltine who had a fondness for wielding the Mace. Apart from that—*[Interruption.]* Ron Brown played a secondary role in Mace-wielding. I never wielded it at all, as I remember, but never mind.

I support the comments of the hon. Member for Beaconsfield (Mr. Grieve), and I have a very specific reason for being concerned about this programme motion—*[Interruption.]* During last week's debate—at which I seem to remember the hon. Member for East Renfrewshire (Mr. Murphy) was not even present—the Home Secretary was forced to concede, by letter to the hon. Member for Orkney and Shetland (Mr. Carmichael), that

> "I can confirm that the Lord Advocate has not been asked for, or expressed any view on the proposed extension of the maximum period of detention without charge."

That admirably candid admission on the part of the Home Secretary is somewhat at variance with the briefings from the Scottish Executive, and was extracted after debate.

Understandably, many Scottish colleagues who are interested in whether the senior Scottish law officer has been consulted on these matters wanted to pursue the same question today in respect of stop-and-search, glorification and the commission of offences abroad. If this timetable renders reaching these crucial matters impossible, the right of Scottish Members to find out whether the Lord Advocate has been consulted on them, and how this Bill interrelates with Scottish criminal law, will also be curtailed.

Of course, the Home Secretary would be straying out of order if he gave us that information in discussing other *amendments to, and clauses* and passages in, the Bill, but I fear that this timetable will make it simply impossible to pursue the entirely legitimate questions of whether Scotland's senior law officer has been consulted on any of the Bill's crucial parts, and whether the Home Secretary was in blissful ignorance of the Lord Advocate's advice on glorification, the commission of offences abroad and stop and search, as he candidly admitted he was in respect of 90-day detention.

In terms of the protection of the House, this programme motion deals with key matters. In terms of the protection and legitimate rights of Scottish Members, and our ability to question what bearing Scottish criminal law has on these proceedings, this motion is far too strict.

1.3 pm

Sir Patrick Cormack (South Staffordshire) (Con): I have yet to be able to take part in debates on this Bill because of other duties in the House, and I shall be very brief.I want to endorse most strongly everything said by my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke). During Question Time today, the Prime Minister left the House in no doubt that he believes this to be the most important issue that the House currently faces. I agree. I want to treat the votes in this debate as free votes. I want to try to vote in what I consider to be the national interest, regardless of party, and I know that many Members in all parts of the House take a similar line, whatever view they may reach on the question of 90 days, 28 days and the other issues before us—*[Interruption.]*

However, if the Prime Minister truly believes that this is the most important issue—*[Interruption.]* The Home Secretary is busy talking at the moment and it would be quite a good idea if he listened. If the Home Secretary genuinely wishes to create a consensus—he has tried to listen on certain occasions, and this programme motion is a modest advance on what we had before—it is an insult not just to this House but to the people whom we represent to deny this House the opportunity adequately to discuss crucial aspects of this Bill that will affect, in one way or another, directly or indirectly, a vast number of our constituents. We are likely to take decisions today that could have a profound effect on the structure of our society, our criminal law and many other things. We should be able to debate these issues, as we could in former days, at not inordinate but adequate length. There is absolutely no opportunity afforded in this programme motion to debate issues such as glorification and stop and search at adequate length.

Even at this very late stage, I appeal to the Home Secretary, through you, Mr. Speaker, the defender of the interests of this House, to stop sidelining Parliament and to allow this House—which has, or ought to have, primacy within Parliament—adequately and properly to scrutinise, so that the other place can then concentrate more properly on what it ought to deal with: the detail and minutiae. As it is, we are giving the House of Lords the duty and obligation to examine matters that we have addressed for not even half a minute. That is disgraceful.

Over the past eight years, we have seen a progressive sidelining of Parliament and an over-mighty Executive seeking to use their muscle. Yes, I accept that the Prime Minister believes that he is acting in the country's interest. I am one of those who have never impugned his good faith on these issues, but I say through the Home Secretary to the Prime Minister, who is not here, that he is not behaving as a Prime Minister who honours parliamentary democracy ought to behave. He should recognise that in a parliamentary democracy, a fragile thing that our forefathers fought for—*[Interruption.]* Indeed; our foremothers also fought for it. The Prime Minister should recognise that in such a democracy, it is crucially important that we, who between us represent all the people of this country, should have adequate opportunity to debate the crucial issues of the day. This programme motion does not give us that opportunity.

I fully accept why my hon. Friend the Member for Beaconsfield (Mr. Grieve), who has handled this matter with great sensitivity and skill from the Front Bench, is not going to seek to divide the House. I certainly will not seek to do so from the Back Benches—even though we should divide—because we need to move on to the issues of substance. The fact that we cannot move on to all those issues is not only regrettable, but a blot on the Government's democratic integrity. I again appeal to the Home Secretary, even at this late stage, to let the House sit until at least 10 o'clock tonight, thereby giving us another three hours over and above what the Order Paper allows.

1.8 pm

Lembit Öpik (Montgomeryshire) (LD): I simply do not believe that there is enough time to understand the unexplained contradictions between the philosophy behind this legislation and that behind the Northern Ireland peace process. I have persistently sought to work constructively with the Government, and particularly the Northern Ireland Office, to ensure significant progress in Northern Ireland, and to that extent I agree that the Government can take some credit for what has happened there, but I find very frustrating the virtual absence in these debates—probably owing to time pressure—of any significant explanation as to why the Home Office takes such a different approach to this legislation from the one we are expected to support for Northern Ireland.

The Government need the time to explain why, for example, internment, which was universally regarded as having failed in the Province, is now proposed as a solution to international terrorism. There is a grain of explanation in the form of a comment yesterday by the Under-Secretary of State for Northern Ireland, the hon. Member for St. Helens, South (Mr. Woodward):

> "The Government are looking at a specific UK threat from a kind of terrorism different from that being discussed here."—[*Official Report, Standing Committee E*, 8 November 2005; c. 15.]

[Lembit Öpik]

Well, it does not seem very different to the victims of terrorism in Northern Ireland. If the Government want our support and sympathy in these difficult times, they need to provide themselves with enough time to explain the apparent contradictions writ large—certainly in the eyes of Northern Ireland residents—as the Government increasingly try to suggest that there are two different kinds of terrorism. Furthermore, and perhaps ironically, only today Northern Ireland offences legislation is being published—

Mr. Speaker: Order. The hon. Gentleman should not stray into that matter.

Lembit Öpik: Even more contradictions are thrown up by other legislation, but I shall not go into them now, Mr. Speaker.

The Secretary of State should realise that his decision on the time for debate necessarily prevents a profound understanding of why the Government believe that they are being consistent and joined up in their thinking with regard to Northern Ireland terrorism and international terrorism. Of course the Government can force these things through in a short period, but I warn the Home Secretary that if he insists on doing so with inadequate explanation, not only will he create resentments in the Chamber, but the ramifications of the programme motion for today's Bill are likely to cause significant and practical obstructions that could well prevent the Government from passing other Bills that they desperately want passed in respect of Northern Ireland.

Let us have a fast debate if that is what the Home Secretary wants, but let us recognise that the Government will pay many times over in delay and obstruction, particularly in the other place, because our good will on Northern Ireland matters has been utterly exhausted.

1.11 pm

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): It was right for the Government to take the Committee stage on the Floor of the House, because the Bill affects every one of us and all those we represent. No one assembled here in the House doubts the importance of the issues before us. In fact, the Bill has many of the features that would, in the old days, have made it be viewed as a constitutional Bill. As a general rule, such constitutional Bills of major importance were never guillotined. Every one of us should have the opportunity to justify, query or give reason to our anxieties about the Bill. I am struck by the fact that we have not concluded any detailed scrutiny of the substance of the Bill before our consideration on Report and before Third Reading.

My concern is that the debate is so staggered or staged that it seems almost impossible to reach some of the key concepts within the Bill. I therefore want to ask the Government whether this is an act of cynicism. Is it a deliberate attempt to ensure that the House will not be able reach the provisions on stop and search, or perhaps on commission of offences abroad or glorification? I believe that denying the House of Commons the proper opportunity to examine the Bill does not serve the Government's own cause of arguing their case to the country.

1.13 pm

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): I want briefly to reinforce the point made by the hon. Member for South Staffordshire (Sir Patrick Cormack)—that the House should be involved and at the heart of scrutiny of this legislation. In particular, after eight years in this place, I saw last week that the House of Commons was finally adopting a supreme role in trying to revise and improve the Bill. As I said in an earlier intervention, it became apparent to the House last week that in respect of the commissioning of offences abroad, there was greater concern than had first appeared when the Bill was probed in Committee. It is disappointing that the Government are introducing a programme motion that almost guarantees that there will be no follow-on from last week to this week. That effectively hands back to the House of Lords the job of scrutinising the detail of legislation—a major error.

At business questions last week, my hon. Friend the Member for Somerton and Frome (Mr. Heath) made the point that the Government should find more time to debate the Bill. It is not yet too late for the Government to recognise that, if the House is to build on what happened last week and to remain the dominant scrutiny Chamber, more time is required to debate the Bill on Report.

1.14 pm

John Bercow (Buckingham) (Con): I agree with those who have argued that the programme motion is unsound and unsatisfactory. It may represent an improvement—a modest one, at that—on previous procedure, but in view of previous procedure, that does not say much for it.

I do not mind vouchsafing to the House, if you will permit me, Mr. Speaker, that at 7.29 yesterday morning, my wife gave birth to our second child—Frederick James, weighing in at 8lb 6oz and born in an excellent national health service hospital. You will appreciate, Mr. Speaker, and right hon. and hon. Members throughout the House will understand, that I am very keen indeed to take a decent period of paternity leave. Moreover, I have already informed my Whips—I emphasise, informed my Whips—that I intend to do so.

I happen to believe, however, that the issue—or, rather, the set of issues—before us today exceeds in importance any other issues before the House now or for the foreseeable future. To that extent, I agree with what the Prime Minister said at Question Time. Some of us had the privilege of contributing to the Queen's Speech debate earlier this year, and in that debate I made the gentle observation that if the Government were confident of their case on legislation to be put before the House, they should not be afraid of debate, but allow time for arguments and accept that other legitimate points of view can and should be put forward.

In the context of the programme motion, my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) raised the question of whether the Government were deliberately seeking to circumvent debate. The question has been implicit and sometimes explicitly asked as to whether Ministers are afraid of the arguments. My honest view is that the Prime Minister is not afraid of the arguments and I do not think that the Home Secretary is afraid of the arguments. I am not even going to accuse the Home Secretary, in the context of the programme motion, of engaging in some sort of deliberate Machiavellian parliamentary contrivance. If I were so to suggest, it would probably be unworthy.

What I am going to suggest is something that I think is at least as serious. The charge is not that the Government are afraid of debate or that they are trying to shut people up. The charge is that the Government are, frankly, careless of and insensitive to the wishes of Back Benchers who want the opportunity to put their legitimate point of view and to receive responses to it. It seems to me that that was the kernel of the argument developed by my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack), who is recognised throughout the House as a truly outstanding parliamentarian. He knows that there is a history in this place of considering these matters seriously and at length.

I say in all sincerity to the Home Secretary, whose sincerity I respect and whose patriotism I acknowledge: what harm would be done either to the Government or to the national interest if we were to debate the Bill tonight until 10 o'clock? What would be the harm if the Government were to acknowledge that there was a welter of different opinions around the House and to let us have another day for debate? What damage would be inflicted; what disadvantage would be incurred?

If the Home Secretary is looking just a bit irritated, as I suspect he is, it might be because he thinks that he knows that he has got it right, that the Government know what they are doing and that hon. Members must be told to let the Government get their business through. What I would say to the Home Secretary is that he should accept that in this, the cockpit of parliamentary democracy, we should debate the issues fully and comprehensively. We should have that opportunity, but we are being denied it. If I am prepared to stay here until 10 o'clock at night or to have another day's debate on issues that are far more important than most matters that the House will consider, why are Ministers not prepared to allow that? Why cannot we have a proper representation on the Government Front Bench for these important debates?

Might I say that there was a time in the House—a time that my hon. Friend the Member for South Staffordshire will well recall—when on occasions of this sort, the Prime Minister was customarily in his place to hear the arguments and listen to alternative points of view? What is happening to our parliamentary democracy?

Sir Patrick Cormack: Will my hon. Friend give way?

John Bercow: I will conclude in a moment, but of course I must give way to my hon. Friend.

Sir Patrick Cormack: I am extremely grateful to my hon. Friend, who makes a very important point. I well remember the days when Jim Callaghan, the late Lord Callaghan, would sit in the Chamber for an hour or two at a time to listen to even rather insignificant debates. Other Prime Ministers have done the same, but not Lord Callaghan's successor.

John Bercow: I only wish that this Prime Minister would do that. I repeat that I respect his motivation, and think that he is motivated by the highest considerations of national protection and public service, but neither he nor the Government have made much of a case for the central components of the Bill. Why cannot the Prime Minister be here? If he respected the House, the House would respect him.

1.20 pm

Simon Hughes (North Southwark and Bermondsey) (LD): I endorse what has been said so far, and wish to make two other brief points. I also have a question for the Home Secretary which I hope will shorten the debate to come.

Colleagues from three different parties on the Opposition Benches have argued that they accept that the programme motion gives more time for debate, but that we will still be hugely constrained. The Government's approach has two obvious defects. First, people outside the House who are not satisfied with Parliament and who have little respect for it will be able to say much more easily that we do not do our job properly or thoroughly and that we rush through important legislation. The central proposition for debate today is that we should make the period for which a person can be detained without charge six times as long as it currently is. Surely that merits a debate that is not constrained? There is no need to constrain debate, and the view that the Government should adopt a different approach is widespread.

Secondly, the Government and the Home Secretary often criticise the House of Lords for being unelected and for interfering in the decisions of the elected House. It is impossible to criticise the Lords validly if this House cannot debate properly all the propositions that the Government put to it. The House of Lords then has an additional duty to make up for our failure in that respect.

Mr. Ronnie Campbell (Blyth Valley) (Lab): How long will the House of Lords debate this matter for?

Simon Hughes: The House of Lords does not have a guillotine procedure. The debate there will go on for as long as people want to contribute to it. If ever there were a Bill that needed to be debated at somewhat greater length—and for which time was available—this must be it.

I turn now to my question for the Home Secretary, which follows the question posed by the hon. Member for Banff and Buchan (Mr. Salmond) about the advice of the Scottish law officer. The right hon. Gentleman's answer to that question might shorten debate later: his answer to my question will do the same, and make it easier for him to make his case.

The Home Secretary got into difficulties last week when it came to explaining the legal advice that he received and its provenance, but my question does not ask him to reveal the content of the advice from the Attorney-General. It is this: who gives him advice as to whether the Bill, or any part of it, complies with the European convention on human rights? Is it internal legal advice from his Department—

Mr. Speaker: Order. The hon. Gentleman is going wide of the programme motion.

1.23 pm

Rob Marris (Wolverhampton, South-West) (Lab): Debate is important, quality and brevity are desirable. Long-windedness, repetition and mere quantity are not desirable.

Question put:—

The House divided: Ayes 317, Noes 213.

Division No. 83] **[1.23 pm**

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis

Stewart, Ian
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Kevin Brennan and
Mr. John Heppell

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Baker, Norman
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Cameron, Mr. David
Campbell, rh Sir Menzies,
Carmichael, Mr. Alistair
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duncan, Mr. Alan
Dunne, Mr. Philip
Fallon, Mr. Michael
Farron, Tim
Foster, Mr. Don
Fox, Dr. Liam
Fraser, Mr. Christopher
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodwill, Mr. Robert
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Law, Peter
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Maples, Mr. John
Mates, rh Mr. Michael
McCrea, Dr. William
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Alan
Simpson, David
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Wallace, Mr. Ben
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Wiggin, Bill
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Younger-Ross, Richard

Tellers for the Noes:
Mr. Crispin Blunt and
Mr. David Evennett

Question accordingly agreed to.

Orders of the Day

Terrorism Bill

As amended in the Committee, considered.

Clause 23

EXTENSION OF PERIOD OF DETENTION BY JUDICIAL AUTHORITY

1.39 pm

The Secretary of State for the Home Department (Mr. Charles Clarke): I beg to move amendment No. 51, in page 22, line 7, leave out 'special'.

Madam Deputy Speaker (Sylvia Heal): With this it will be convenient to discuss the following: Government amendments Nos. 52 to 55.

Amendment No. 1, in page 22, line 19, leave out 'three months' and insert '28 days'.

Amendment No. 33, in page 22, line 19, leave out 'three months' and insert '60 days'.

Government amendments Nos. 56 to 58.

Amendment No. 29, in page 22, line 36, at end insert—

'(3AB) Where the new specified period will end more than 14 days after the relevant time—

(a) the specified period may only be extended—

(i) pending the result of an examination or analysis which is to be or is being carried out with a view to obtaining relevant evidence, or

(ii) for the purpose of obtaining relevant evidence from outside the United Kingdom or from records within the United Kingdom which cannot reasonably be obtained without such an extension of the specified period;

(b) the specified period may only be extended if the judicial authority is satisfied that there is no reasonable possibility of the detainee being charged immediately with another offence relating to terrorism or a terrorist act;

(c) the judicial authority must approve the nature of any further questioning of the detainee during the new specified period.'.

Government amendments Nos. 59 to 61.

Amendment No. 63, in page 23, line 6, at end insert—

'(6A) After paragraph 37 insert—

"37A (1) Any detained person who has been released—

(a) in accordance with the provisions of paragraph 37 having been detained for not less than 14 days, or

(b) owing to the effluxion of time

("the ex-detainee"), shall be entitled to claim full compensation for his financial losses resulting from his detention.

(2) The Secretary of State shall, within 3 months of the coming into force of section 23 of the Terrorism Act 2005, make regulations establishing a compensation scheme for ex-detainees.

(3) Regulations under sub-paragraph (2) shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.".'.

New clause 1—*Extension of period of detention by judicial authority: duration*—

(2) The Secretary of State may by order made by statutory instrument provide—

(a) that all or any of those provisions which are in force shall continue in force for a period not exceeding twelve months from the coming into opertion of the order; or

(b) that all or any of those provisions which are for the time being in force shall cease to be in force.

(3) No order shall be made under subsection (2) above unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.'.

New clause 4—*Disapplication of Human Rights Act 1998*—

'Sections 23 and 24 of this Act shall take effect notwithstanding the Human Rights Act 1998 (c. 42)'.

New clause 7—*Duration of Section 23*—

'The provisions of section 23 of this Act shall remain in force until one year after their commencement and shall then expire.'.

Government amendment No. 62.

Mr. Clarke: All the amendments in this group relate to the complex and contentious question of pre-charge detention in terrorist cases. Government amendments Nos. 52, 53, 54, 56, 57, 59, 60 and 62 provide that extensions of detention beyond 14 days must be approved by a High Court judge or, in Scotland, a judge of the Court of Session. That responds directly to concerns raised in the Chamber at Committee stage. Any application that would extend detention beyond 14 days will need to be made to the senior judge. If, for example, on day nine, the police thought that they needed only another couple of days before they would be in a position to release a suspect or suspects, they could still apply to a district judge. If, however, the police were clear at that point that they wanted a further seven days, the application would need to be made to the senior judge.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): I am grateful to the Home Secretary for giving way at this early juncture. Why is application in Scotland to be made to a court of civil jurisdiction—namely, the Court of Session—for what is essentially a criminal matter?

Mr. Clarke: Following our exchanges in Committee, I set out clearly to all Scottish Members—I think that the hon. Gentleman will have received my correspondence—the range of issues relating to that particular set of questions. I believe that that addresses the question that he has raised. If not, and he is indicating that it does not, I shall come back to him on the point later in the debate.

In Committee, it was suggested that it was not only the level of judge that was important, but his experience of handling terrorist cases. It was suggested that there should be a cadre of judges designated for that purpose. We have explored that suggestion with the Department for Constitutional Affairs, but it and the judiciary rejected that approach, so it has not been pursued.

Another option raised in Committee, following Lord Carlile's recommendation, was for decisions to be taken by senior circuit judges, with an avenue of appeal to a High Court judge. In our view, that would lead to an appeal in virtually every case with the cases eventually being decided by a High Court judge, so we have achieved the same result with fewer hearings. I can easily explain the effect of the amendments and I have also dealt explicitly with the proposals made by the hon. Member for Stone (Mr. Cash).

It was also suggested that judges should give reasons for their decisions to extend detention. The clear advice we have is that that would open up an avenue of appeal. There is also the risk that the judge might have decided to grant the extension on the basis of sensitive material, so we have decided not to proceed with that suggestion.

Mr. Dominic Grieve (Beaconsfield) (Con): Can the Home Secretary amplify the exact procedure before the High Court judge? Will it be possible for submissions to be made by the person under detention pending charge? Will he be represented? How will the procedure operate and will the Government publish further material on that point, if necessary?

Mr. Clarke: The answer is yes. On the procedure, I shall come shortly to the codes of practice that will apply—a point that the hon. Gentleman pressed in Committee and to which I am keen to respond.

I turn to Government amendments Nos. 51 and 58. As the Bill is currently drafted, extensions of pre-charge detention are for seven days unless there are "special circumstances" that warrant a lesser period. The amendments remove the word "special" so that a shorter extension period would be granted if the judge felt that circumstances warranted it. The amendments are identical to ones tabled by the Opposition in Committee, so we are responding to the debate on that issue.

Lady Hermon (North Down) (UUP): The Home Secretary will know that successive Chief Constables in Northern Ireland have had to fight terrorism in that part of the United Kingdom. What view does the present Chief Constable, Sir Hugh Orde, have on the renewal of detention every seven days and extensions to 90 days if needed?

Mr. Clarke: The hon. Lady has more personal experience of the dilemmas caused by such questions than most hon. Members. I have spoken to Sir Hugh Orde on that point, because of his particular experience. He was unequivocally clear, and he authorised me to say so in the House, that the legislation is—in his experience and from his point of view—necessary, and that includes the extension to 90 days. He is also of the view that the seven-day review by High Court judges is the right way to proceed, and that the flexibility that I am discussing is necessary. I hope that Members from Northern Ireland will take account of those views when they vote this evening.

Clare Short (Birmingham, Ladywood) (Lab): Can my right hon. Friend tell the House whether any of our police officers have suggested that we have a power of internment? If they did, what view would the Government take of it?

Mr. Clarke: Since I have been Home Secretary, there have been no suggestions from any source, the police or the security services, that internment be adopted as a measure to deal with any of these questions. Were that suggestion to be made, I would consider it, but I am sure that the House will agree that the assessment of the operation of internment in the period in which it operated was that it was a counter-productive approach to terrorism in the circumstances. By the way, I reject the rhetorical comment—made not by my right hon. Friend, but by others—that the measures we are discussing today can in any sense be equated with internment. That is simply not the case.

Sir Patrick Cormack (South Staffordshire) (Con): Further to the point raised by the hon. Member for North Down (Lady Hermon), Sir Hugh Orde will appear before the Northern Ireland Affairs Committee this afternoon and will doubtless be asked many questions. Are there any chief constables who take a directly contrary view on this issue?

Mr. Clarke: I am not aware of any. I have not personally spoken to every chief constable, so I cannot put my hand on my heart and say that not one of them takes a different view, but all the chief constables to whom I have personally spoken about it take the strong view that the provisions are necessary. The Association of Chief Police Officers also strongly takes that view, which is held most strongly by those people who have been most directly involved in fighting terrorism.

1.45 pm

Mr. Peter Lilley (Hitchin and Harpenden) (Con): The Home Secretary has just said that the Chief Constable of Northern Ireland had reached his conclusion based on his experience. The letter that we received from Hayman of the Met said that the experience in Northern Ireland was totally different and not relevant. We now face new circumstances. What relevant experience has the Chief Constable had? Does he believe that the new powers are necessary in Northern Ireland and, if so, did the Home Secretary refuse to give him those powers?

Mr. Clarke: I regret to say that the right hon. Gentleman has misunderstood the point that Assistant Commissioner Hayman made. His point was that the modern terrorism that we face is different in certain important respects from the terrorism that we had to face in the past in Northern Ireland. It is the case that the modern terrorism that we face is a challenge for police in Northern Ireland today in a very direct way, which is why the Chief Constable is entitled to make his comments, not as a point of general principle but in terms of dealing with the modern terrorism that he has to face.

Mr. William Cash (Stone) (Con): The Home Secretary may recall that under schedule 8 it would be open to the judicial authority to exclude any person to whom the application relates—the suspect—or anyone representing him from any part of the hearing. How can he reconcile that with the provisions in the European convention on human rights on fair hearings?

Mr. Clarke: I shall come on to the amendment tabled by the hon. Gentleman in a few moments. I believe that the two can be reconciled, which is why I have provided the certificate for this legislation.

In answer to the earlier question from the hon. Member for Beaconsfield (Mr. Grieve), I want to say a few words about codes of practice. He also raised the point with me last week. In Committee, it was suggested that we needed a code of practice to govern the

[Mr. Clarke]

treatment of those held under the Terrorism Act 2000. We welcome that suggestion. Powers for that already exist in England, Wales and Northern Ireland. Under section 66 of the Police and Criminal Evidence Act 1984, the Secretary of State can issue a code of practice in respect of those detained under schedule 8 to the 2000 Act if he so wishes. Existing PACE code C already applies to those detained under the Terrorism Act 2000, but we can see grounds for having a separate code for that purpose, as the hon. Gentleman argued earlier in our proceedings.

Such a code would be laid before Parliament and be subject to the affirmative resolution procedure. Similar provisions exist for a code that would relate to the Northern Ireland (Police and Criminal Evidence (Northern Ireland)) Order 1989. In Scotland, codes of practice are not generally used. Instead, the Lord Advocate, as the head of the systems of criminal prosecution and investigation of deaths, has a statutory power to instruct the police in relation to the investigation and reporting of crime under section 12 of the Criminal Procedure (Scotland) Act 1995 and section 17 of the Police (Scotland) Act 1967. Constables must perform their duties subject to the directions of chief constables, and chief constables must comply with all lawful instructions, in relation to the investigation of offences, from the appropriate prosecutor.

The Lord Advocate takes the view that it would be inappropriate to have different powers and periods of pre-charge detention in Scotland from the rest of the UK in terrorist investigations and, in considering appropriate guidance to chief constables in the Scottish context, he would want to maintain a consistent position north and south of the border, as far as possible. His officials would expect to work closely with Home Office officials on the preparation of a code of practice for England and Wales and any equivalent guidance to be issued by the Lord Advocate in Scotland. For those reasons, we are not tabling amendments at this point, but I can give a firm guarantee that the appropriate codes and their equivalent will be brought forward.

Mr. Grieve: The Home Secretary will remember that last week we discussed the possibility of altering the rules about interviewing detained people after charge so that it facilitated inquiry after charges had been brought. Will that be part of the subject matter of the codes that he is bringing forward and, if so, does not it have some bearing on the total length of time for which we may need to detain people?

Mr. Clarke: I do not expect that aspect of the code to deal with the particular point that we debated. Unless I have misunderstood the hon. Gentleman, I think his position is that we need, because of the particular situation of a possibly extended period of pre-charge detention compared with existing detention, to have a different approach to PACE in certain regards. I shall say later—

Several hon. Members *rose—*

Mr. Clarke: I shall give way when I have finished what I was saying to the hon. Gentleman.

The question of judicial scrutiny is important and becomes more and more pressing at each stage of the process, as time moves on, and the judge needs to deal with that directly as we move forward. I am ready to have discussions on that point, too. The proposal is not designed to address the issue of questioning pre and post-charge that we have already discussed.

David Davis (Haltemprice and Howden) (Con): That is an extremely important point, which was twice raised by Mr. Hayman in his letter. It was raised during the Privy Council briefing that the Home Secretary organised for the Leader of the Opposition and me. The question of interview post-charge has clearly had a major effect on the attitude of the police to charge and to the proposal that we are discussing. It is clearly the case that if we alter the ability of the police to interview after charge, it will open up to them much evidence and procedure that will act to stop terrorism. Can the Home Secretary please give the House an undertaking that he will put that in process?

Mr. Clarke: I agree with all that and, as I said to the House both on Second Reading and in Committee, we think the case for the right hon. Gentleman's point is well made. Application of the procedure that he set out may mean that it would be less necessary in a given case, and thus there would be fewer cases where there was an extended period of pre-charge detention. The key point, however, is that it does not remove the need for pre-charge detention in certain circumstances, although I agree that the number would be limited. Nevertheless, I accept the integrity of his point; the view is shared across the Government that we need to achieve the state of affairs that he described. It is none the less important to note that there are implications for other aspects of the conduct of our legal process and they, too, need to be considered.

Keith Vaz (Leicester, East) (Lab): We have heard a lot about the views of the police on the extension of the detention period. Given that my right hon. Friend cannot tell us what the Attorney-General has told him, has he spoken to the Director of Public Prosecutions? The Solicitor-General, who has responsibility to the House for the views of the Crown Prosecution Service, is sitting next to my right hon. Friend. What are the views of the DPP about the 90-day period? Secondly, given that the provision will disproportionately affect members of the Asian community, what steps will my right hon. Friend take to ensure that when the police have those additional powers they will engage fully, at a local level, with the Asian community?

Mr. Clarke: I can give my hon. Friend the specific assurance that he seeks on his first point: the CPS strongly supports the proposed extension to 90 days. I have said that throughout the debate, because the experience of prosecutors intimately involved in such difficult cases has led them to the same conclusions as senior police officers involved in the process. That is their clear and unequivocal position, explicitly and directly.

Several hon. Members *rose—*

Mr. Clarke: I want to finish answering my hon. Friend's question. His second point was very important. Without any encouragement from me, the police, over a period of 10 to 15 years—perhaps since Scarman, perhaps for even longer—have been working extremely hard to transform their relations with various minority ethnic communities in particular cities. Obviously, that is patchy and there are areas where not as much has been done, but some of our great metropolitan forces have made massive strides in developing relationships between operational policing and particular communities that did not exist previously. Moreover, the major faith leaders, nationally and locally, in most of our communities—not all—are working hard to find ways to co-operate in addressing the issues on a basis of respect for different faiths. To be candid, the comparison that was made earlier with current events in France is utterly unhistorically based when we consider our achievements in the UK.

I agree with my hon. Friend that we need to re-intensify our efforts to ensure that police relationships with various ethnic minority communities and faiths are substantial and real in every community in the country. Much work is already going on, but I can give him an assurance, without qualification, of the key importance of that point.

Mr. Carmichael: The Home Secretary was right to seek the views of the CPS in England and Wales, and it is right that the House should listen to them. Having done so, however, why did not he seek the view of the Lord Advocate with regard to the necessity and workability of 90-day detention in the context of Scots law?

Mr. Clarke: I set out as clearly as I conceivably could the precise process that we followed in trying to obtain those views. That was the right approach. I set that out both in what I said earlier and in the letter that I sent to Members of Parliament from Scotland. I believe that we have gone about things in the right way and we are establishing properly based legislation for the whole United Kingdom.

Sir Menzies Campbell (North-East Fife) (LD): May I take the Home Secretary back to the issue of the Lord Advocate? From what he told the House a moment or two ago, it appears that the Lord Advocate's view is that the period should be the same both north and south of the border, and that the authorities in Scotland should co-operate with the authorities in England, but it does not appear that the Lord Advocate endorsed the principle of 90 days. Is that correct?

Mr. Clarke: The Lord Advocate endorsed the view that it should be the same north and south of the border, as the right hon. and learned Gentleman said—*[Interruption.]* That is the case. Our proposal is that there should be a 90-day period south of the border, so the Lord Advocate thinks that there should also be a 90-day period north of the border.

Mr. Alex Salmond (Banff and Buchan) (SNP): How has it transpired that the Lord Advocate, Scotland's senior Law Officer, expressed to the Home Secretary the view that the period of detention pre-trial should be the same north and south of the border, but at no stage in that correspondence or discussion expressed a view about how long that period should be? Does not the Home Secretary accept that many of us find that an incredible state of affairs?

Mr. Clarke: I am always ready to accept that the hon. Gentleman leading the Scottish National party finds things incredible, but the fact is that I do not think it is incredible; it is a perfectly reasonable state of affairs.

Clare Short: Will my right hon. Friend give way?

Mr. Clarke: I will give way later.

Amendment No. 63, tabled by my hon. Friend the Member for Wolverhampton, South-West (Rob Marris), addresses an important point that a large number of people have raised with me—compensation in the event that someone was held incorrectly. The amendment provides that those held for more than 14 days and released without charge should be entitled to compensation. That is my hon. Friend's principal proposal.

I have much sympathy with the idea, but there are some issues regarding its implementation. Thus far, we have never paid compensation, other than in cases involving malpractice, to people tried and acquitted, even though they may be held in custody for far longer periods than we are considering in these circumstances. We may or may not agree with the justice of that position, but it has been the case for a long time. We need, therefore, to consider carefully the precedent that we might set if we agreed to the amendment. However, I accept, first, that my hon. Friend is making a serious point and, secondly, that by hypothesis we would be dealing with a very small number of cases indeed—the very small number of cases where people are held, say, for more than 28 days pre-charge and within that group the very, very small group of people who were wrongly held and subsequently not charged. For that reason, because the provision would apply to such a small group of people, I am prepared to look carefully at my hon. Friend's suggestion and will report back to him and the House as soon as I can. I hope that he will understand that we need to take the operational implications fully into account, so I cannot give him an unequivocal commitment at this stage, but on the basis of that proposal, I ask him to consider withdrawing the amendment.

2 pm

Clare Short: I want to take my right hon. Friend back to the point about interviewing a person who has been charged already. My understanding is that, under existing arrangements, if new and significant evidence becomes available, it is possible for the police to apply to re-interview. Is that not the case? Does that not cast some doubt on the case for 90 days?

Mr. Clarke: I do not think that it casts any doubt whatever on the case for 90 days, but my right hon. Friend stated the situation quite correctly. I have just checked with my colleagues—

David Howarth (Cambridge) (LD): Will the Home Secretary give way?

Mr. Clarke: Some colleagues have a wonderful tendency not to allow me to answer my right hon.

[Mr. Clarke]

Friend—which I will. I shall then consider—I make no commitment—the merit or otherwise of giving way further. Let me try to answer the question that she fairly raises with me. She is fundamentally right in her analysis that it is possible in certain circumstances to re-interview. She is also right in that the Government are considering whether such circumstances could be—[HON. MEMBERS: "We cannot hear."] I beg hon. Members' pardon.

My right hon. Friend is also right in that we are looking carefully, as I have told Opposition Members, to extending the case more widely. She is also right in her implication that, if we were to succeed in doing that, it might reduce the number of people whom we had to hold in pre-charge detention for longer than the current period. All those points are correct. They do not, however, obviate the central point that, even all that said, there will still be cases where it might not be possible to operate in that way. That is why the power that we seek is needed.

David Howarth: Would the Home Secretary care to comment on the view that has been expressed to me on the questioning of suspects after charge by Professor John Spencer, QC, who is one of the leading experts on the law of criminal procedure in this country and, indeed, throughout Europe? He says that the so-called

> "rule that suspects may not be questioned after charge is one that has no clear legal basis, whether in statute or case-law."

He goes on to say that the only possible basis that he can think of is the existence of paragraph 16.5 in PACE code C, to which he refers, and that the conclusion that we must draw is that the power already exists, without primary legislation, for the Home Secretary to create a situation in which terrorist suspects can be questioned after charge, so this part of the Bill has no point whatsoever.

Mr. Clarke: The hon. Gentleman totally misses the point. It is necessary, even under the PACE code that he describes, that a charge should be in place to go through that process. The hypothesis that we are discussing is that, in a number of cases, there is no possibility of charging on a short-term basis.

I want to move on to the central question of this part of the debate: amendments Nos. 1 and 33, which deal with the length of time for which an individual can be held. That has been a subject of massive debate in the country and in the House. We debated it last week. I said in the House that I thought it important to try to get consensus in the House, and that has been my approach throughout.

Joan Ruddock (Lewisham, Deptford) (Lab): The Prime Minister has sought to make this debate a simple matter of party politics, something with which some of us do not agree. Does my right hon. Friend recall that, when he gave undertakings in the House to find a consensus, we understood that it would be not just with Opposition parties, but that he would seek a consensus of which we on the Labour Benches who had some objections and concerns would become part? I put that to him before he goes on with his prepared speech.

Mr. Clarke: My hon. Friend makes two points, one of which I do not accept and the second of which I do accept. I simply do not accept her description of the Prime Minister's motivation in terms of party politics. I do not think that it is accurate; I do not think that it is his personal motivation; and I certainly do not believe that it is the Government's motivation. As I said on Second Reading, in Committee and at other times, the question that all Members must address is how can we do our duty as Members of Parliament in dealing with the national interest and national security.

I do not doubt for a second that these are difficult questions for all of us—for my hon. Friend, for myself and for every other hon. Member—but I do not believe that we have at any stage taken this issue from the point of view of party politics. Some have interpreted it that way. We have only to look at the media on any day of the week to see that they provide a prism through which they say that all this debate is about party politics in some respect or another. I have tried personally, when interviewed on the media, to rebut that suggestion because I do not think that it is true. I do not mean that I think that it is right but not correctly done; I think that it is an inaccurate description of the state of affairs.

I now turn to the point about consensus, about which my hon. Friend asks me. I believed and hoped as late as last Thursday that we could achieve a consensus with the main Opposition parties about the length of time that should be used. I also agree with her point that I was talking about consensus with Labour Members as well as with the Opposition parties on this question. That is what motivated me in the way that I operated. She may recall—I think that she will—that I asked every Member of the House to go back to their constituencies last weekend and take the view of their constituents, talk to them and ask their police and whoever else about these questions. I hope that she would agree that many Members have done precisely that: they have gone back and talked to people—I am sure that she is one of those who have done just that—and everyone will make their judgments on that basis.

When I had the meetings with the leadership of the Opposition parties at 11 o'clock last Monday morning in my office—I do not think that the hon. Members for Hornsey and Wood Green (Lynne Featherstone) and for Beaconsfield, who were present for the Liberal Democrats and Conservatives, would contest this—they said that for their part there was no circumstances under which they would consider extending beyond 28 days the amount of time for which detention might operate. That was their considered view. There was a discussion about the period between 14 and 28 days. I was of the view, which has been my view throughout, that 28 days is not long enough to deal with the police case that we have, but I was ready to entertain discussions of a shorter period that could arise. I said that publicly in a variety of circumstances.

Mr. Grieve *rose*—

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): Will the Home Secretary give way?

Mr. Clarke: I shall give way when I have finished what I have to say on this.

I then came to consider the best way to deal with this situation, and the view that I came to was that there ought to be three key areas in which I ought to try to respond to the House, the first of which is the whole area of scrutiny, which we have been talking about already: the role of the High Court judge, the PACE code and the various safeguards in place, which are changes from the position when I was speaking in the House last Thursday.

The second group of issues are those that we will debate later this afternoon relating to intent, glorification and the definition of terrorism—the range of issues that my right hon. Friend the Member for Southampton, Itchen (Mr. Denham) particularly was pressing from our side of the argument and, in fairness, which were expressed by a number of hon. Members on both sides of the House. I felt that I should try to respond to those points, and I believe that we have done so today, although they will be debated later in the process.

Finally, against all my best instincts—I am not a great fan of sunset clauses in general—I thought that the way to deal with the uncertainty that my right hon. Friend the Member for Birmingham, Ladywood (Clare Short) and many other Labour as well as Opposition Members have about the length of time was to say that there would be a period, 12 months, after which clause 23 would run out and the House would decide, on the evidence and on the basis of what had happened in those 90 days, whether or not it should be extended. I am ready to commit, and do commit, to a report to the House on the operation of the law on the 90-day period when the House has to decide it.

Mr. Grieve *rose—*

Mr. Clarke: I will give way in my own time. I have seen the hon. Gentleman, who is a very persistent popper up and down, which is very nice.

First, on reporting to the House about the operation of the 90-day period, I commit to do that so that every hon. Member can consider it. Secondly, at the behest of my right hon. Friend the Member for Southampton, Itchen, I have agreed that Lord Carlile should conduct a review of the definition of terrorism within that year, so that that conclusion would also be considered by the House when it comes to that point. Thirdly, as the House already knows, not as a result of this process, Lord Carlile will report on the operation of the control order regime during the course of that year, so that we can have a discussion in the round on those questions.

The view that I came to—perhaps it is the wrong view, or not; people will have their own view—was that that approach was a better way to address people's concerns than by introducing another figure, and I shall tell the House why. Many hon. Members on both sides of the House told me to avoid, if I possibly can, a Dutch auction of the numbers that are being pushed around in different areas. Some say 42 days; some say 60; or whatever it might be. I thought that that was quite a powerful point, and I thought about it over the weekend. I am also aware that many hon. Members came back after those consultations saying that we should take the 90-day period. That is how I got to the position where I am now. It may not satisfy my right hon. Friend the Member for Birmingham, Ladywood, but I hope that she will accept that I have tried hard to fulfil what I said on that occasion.

Mr. Grieve: It is right that at Monday's meeting I said to the Home Secretary that our position continued to be that 28 days was the limit of what was acceptable. The Home Secretary indicated that he would incorporate several concessions in the Bill and told those present that he would table an amendment to determine whether a period between 28 and 90 days could form the basis of a compromise. I should be grateful to know why that proposal disappeared during the six hours that followed. There was never any suggestion that it was linked to the other concessions that he was making. When I spoke to him, it appeared that it would be part of a total package that we could consider—so what happened to it?

Mr. Clarke: I am glad to set the historical record straight. I think that the hon. Gentleman will concede—he will correct me if I am wrong—that at no point during the meeting held in my office last Monday morning did any representative of the Opposition parties raise the idea of a sunset clause or a review—*[Interruption.]* I beg your pardon, Madam Deputy Speaker. The matter was raised on the Floor of the House, but not during that conversation.

I said to the Opposition parties that morning that I would spend the rest of the day talking to colleagues in the House to test their opinions. I personally attended at least three meetings of Labour Members at which we discussed their views of the state of affairs. A lot of people put their views strongly, but there was not unanimity. Some people strongly felt that we should support the police and go for 90 days, while others strongly felt that the period should not be extended at all. We had frank discussions.

After those meetings and discussions, I had to come to a view on the best course of action to follow, which I did at about 8 o'clock that night. I went for the option of putting the sunset clause before the House because it seemed to be the best way of addressing the matter and enabling all hon. Members to examine the practice of the system and reach a view on how to take things further forward.

Mr. Michael Howard (Folkestone and Hythe) (Con): In that recitation of what happened on Monday, the Home Secretary conveniently overlooked the fact that after the meeting with my hon. Friend the Member for Beaconsfield (Mr. Grieve) and the spokesman for the Liberal Democrats, he told the media that he would be tabling an amendment to provide for a shorter period of detention. How long did the Prime Minister have to detain him before he decided not to proceed with that amendment?

Mr. Clarke: The right hon. and learned Gentleman is entirely correct that I did say that to the media after the meeting. He is also entirely correct that I was present at the meeting of the parliamentary Labour party meeting that the Prime Minister attended at which precisely these questions were discussed. I will address the question of detention that the right hon. and learned

[Mr. Clarke]

Gentleman raised with the Prime Minister earlier today. I can give him the example that he seeks from evidence given by Peter Clarke to the Joint Committee on Human Rights.

To answer the right hon. and learned Gentleman's earlier question, I shall quote what Deputy Assistant Commissioner Peter Clarke said about whether the time period would make a difference. DAC Clarke said that he could point to a particular case as an example of terrorists evading justice because of the lack of such a provision. He said:

> "had we had this provision in 2002, the outcome of a recent court case, the so-called ricin trial, might have been very different. Mohamed Meguerba was one of the suspects in that case and it is likely that we would have held him or applied for his detention for sufficient time to find that his fingerprints were on the ricin recipe and he would have stood trial as a main conspirator in that case had he not fled the country. As it was, he was not available to stand trial and so the jury were not able to benefit from his presence in the court. I cannot say whether the jury would have come to a different decision"—

of course he could not—

> "but I think it would have been possible for the prosecution to present the case in a way which was easier for the jury to understand".

That is a compelling argument that 90 days might have made a difference and allowed things to be dealt with far better.

Mr. Howard: The Home Secretary will know that I originally raised this matter with the Prime Minister months ago. I asked for a briefing to test whether, if a 90-day period had been in force, it would have led to the apprehension of people who could not otherwise have been apprehended. The Home Secretary must know that the case to which he refers does not in any way justify the 90-day period. The evidence did not take 90 days to materialise. Will he now confirm—the Prime Minister refused to do so earlier today—that there is not a single case to which the police or anyone else can point in which evidence that became available 80 or 90 days after arrest was sufficient to charge the person who had been arrested?

2.15 pm

Mr. Clarke: It is striking that the right hon. and learned Gentleman makes his point in such a way. He is right in one essential respect: we tried to work with him and his colleague, the right hon. Member for Haltemprice and Howden (David Davis), over the summer to address these questions. He is right that we organised a briefing on Privy Council terms to consider such questions for him and his right hon. Friend. He says that he is not convinced by the case. He is entitled not to be convinced by the case—that is his right—but I believe that the case put by DAC Clarke to the Joint Committee on Human Rights was a powerful and effective argument for a 90-day provision.

Mr. Kenneth Clarke (Rushcliffe) (Con): Like many hon. Members, I have not been party to any of the discussions since last week, about which I make no complaint whatever. The Home Secretary's comments a few moments ago suggested that his approach to other parties and his Back Benchers was made on the basis that the Government were sticking to 90 days, but asking whether they could get 90 days so long as they improved judicial review, or added a sunset clause. In other words, they were saying, "Take the pill; we'll try to put some sugar on it." However, although he has cited one case—I shall not go on about that because I am making an intervention—he has not addressed the fundamental case. If it is to be the rule that after people have been held for 14 days and there is still no evidence to justify charging them they may be held for 90 days, what is the argument for 90 days? He says that he deplores Dutch auctions, but the time period—three months in all—seems to have been plucked out of the air. A man could be repeatedly questioned during that time in the hope that something would turn up that would enable him to be linked with a terrorist plan.

Mr. Charles Clarke: I give credit to the right hon. and learned Gentleman for his consistency because he made that argument in Committee, too. He also voted against the Bill on Second Reading, as he was entitled to do. My answer is the same argument that has been put through the whole of the debate. There is a compelling case for extending the current 14-day period.

Several hon. Members *rose*—

Madam Deputy Speaker: Order. It is entirely in the gift of the Home Secretary to decide whether to give way.

Mr. Clarke: The police and the prosecution service have come clearly and unequivocally to the view that in their professional judgment 90 days is the appropriate time. The suggestion of the right hon. and learned Member for Rushcliffe (Mr. Clarke) that the police and the prosecution service have simply plucked some figure out of the air is utterly wrong. The reason the Prime Minister asserted today during Question Time—

Alan Simpson (Nottingham, South) (Lab): Will the Secretary of State give way?

Mr. Clarke: I will give way in my own time, when I have made my own argument, to the people to whom I think it is worth giving way. [HON. MEMBERS: "Ooh!"] There we are; that is what I will do—I think that that is called parliamentary democracy, Madam Deputy Speaker.

I am making the point simply and straightforwardly that we should take the professional judgment of the police, who actually deal with situations such as the one at Russell Square tube station, and the advice of the prosecutors extremely seriously.

Several hon. Members *rose*—

Mr. Clarke: I give way to the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd), who was another participant in the Monday meeting.

Mr. Llwyd: I was grateful to the right hon. Gentleman for agreeing to meet me and my hon. Friend the Member for Dundee, East (Stewart Hosie) on Monday morning.

He said earlier that he was not in favour of a Dutch auction, having thought about the matter at the weekend, but he gave all those present at the meeting on Monday the clear impression that he would table an amendment to provide for a shorter period of detention. Indeed, some of us were surprised that such an amendment was not tabled that day. When was he overruled by the Prime Minister?

Mr. Clarke: The hon. Gentleman is entirely wrong. I said I would continue to consult for the rest of the day, which I did, and I then tabled my amendment.

Mr. Chris Mullin (Sunderland, South) (Lab): With great respect, my right hon. Friend has been misled on the ricin case, because the individual who fled the country while on bail was released by the police after two days in custody, not after 14 days. It cannot therefore be argued that they could have charged him if they had been able to hang on to him for 90 days. Will he confirm that that is the case?

Mr. Clarke: I can confirm that that is the case, but the specific example I gave demonstrates that there are cases in which the police, when making a judgment about whether to charge someone, can reach a decision that, in my opinion, is damaging to the course of justice.

Dr. Tony Wright (Cannock Chase) (Lab): It is not just the police and the prosecution authorities who support the Government's position but Lord Carlile—

Mr. Alan Beith (Berwick-upon-Tweed) (LD): Only with major qualifications.

Dr. Wright: I should have thought that the name of Lord Carlile would have some resonance among Opposition Members. He is the independent reviewer of terrorism legislation, and he said that there should not be a Dutch auction in Parliament on the numbers, which is exactly what is happening. He also said that

> "as a maximum three months is probably a practicable and sensible option, all other things being equal."

Is that not a judgment to which we should give considerable weight?

Mr. Clarke: In my opinion, it is. Lord Carlile also said:

> "I am satisfied beyond doubt there have been situations in which significant conspiracies to commit terrorist acts have gone unprosecuted as a result of the time limitations placed on the control authorities following arrest".

Lord Carlile has played an admirable and outstanding role, despite being a Liberal Democrat, in seeking to get terrorism legislation into a coherent form. We should take seriously everything that he says, which is why I have tabled a number of amendments on Report to try to meet some of his concerns. It is incumbent on others, particularly Liberal Democrat Members, to look at what he says in the round and to act accordingly.

Mr. John Denham (Southampton, Itchen) (Lab): May I caution my right hon. Friend not to overstate his case? I do not question the integrity of the police in proposing 90 days, and they may well have a good case. However, according to documents released to the Home Affairs Committee, when the Government agreed to support the 90-day proposal, they had received only two documents from the Association of Chief Police Officers—the ACPO press release of 21 July and a two-page summary of two difficult cases, neither of which is analysed to provide a case for 90 days. It would be better if my right hon. Friend did not overstate the strength of his case, and would he not have done better to ask the police to provide a more substantial report before making a decision?

Mr. Clarke: I accept part of my right hon. Friend's rebuke, as it is important not to overstate the case. However, it is also important not to understate the case. It is important to understand all sides of the case. I have tried throughout—whether successfully or not, others will judge—to put the case in a balanced way and to respond to the debate. I shall continue to do so, but I take my right hon. Friend's point that it is important to address all these things in the round, which is one reason why I decided that a sunset clause—generally, I do not support such provisions—was an appropriate way to proceed and would allow a detailed assessment of the measure by the Home Affairs Committee and others.

Huw Irranca-Davies (Ogmore) (Lab): Over the weekend, I sought the views of South Wales police and had a detailed discussion about the measure with them. They have no interest whatsoever in obtaining those powers for themselves, even though that is how the debate has been played. They are reassured, however, that the powers are in the hands of the judiciary, who will oversee the process and review it every seven days or sooner. I acknowledge what my right hon. Friend the Member for Southampton, Itchen said, but South Wales police are convinced that there are rare circumstances—we hope, however, that we will never have to use the measure—in which 90 days will be required. I urge my right hon. Friend the Home Secretary to consider that view, and not to backtrack too easily.

Mr. Clarke: I am grateful to my hon. Friend, and I should like to pick out a couple of points. First, he used the word "rare". We are talking about a very small number of cases indeed, but by hypothesis we are trying to deal with some of the most dangerous people in the world. Secondly, we have not made as much of judicial oversight as we should have done, but we should address the powerful issue of a High Court judge reviewing the detention either every seven days or on the more flexible basis that I set out. It is very important indeed that we look at this in a balanced way, which is another argument for the sunset clause—something to which, as I said, I am not usually sympathetic.

Several hon. Members *rose*—

Madam Deputy Speaker: Order. The Home Secretary has been generous in giving way, but I urge hon. Members to make brief interventions, as we have a time limit on the debate.

Mrs. Madeleine Moon (Bridgend) (Lab): I have attended meetings with the police, and have paid

[Mrs. Madeleine Moon]

attention to the Hayman review. However, why do the British police need that period, when police forces across Europe—I discount the example of France, because the French cannot teach us much about law and order at the moment—have not taken such powers, even though other countries, particularly Spain have experienced similar problems?

Mr. Clarke: The fact is, we have very different legal systems, which is why it is difficult to make comparisons. However, to use the example of France, this morning I spoke to Lord Carlile, who had had a conversation with a judge in Paris about that very question. Following a low-level charge—association with "malfaiteurs" or something similar—there can be an investigation of up to four years. Those are the comparisons that we need to make.

Several hon. Members *rose—*

Mr. Clarke: I will give way to three more Government Members.

Joan Ruddock: I am extremely grateful to my right hon. Friend. Can he confirm whether, in the past 18 months, people held for 14 days under existing terrorism laws have been charged in all cases, and that no one has been set free after being held for that period? Have individuals who have been charged after 14 days been satisfactorily charged? If so, would not 28 days have been a good extension to offer?

Mr. Clarke: I understand the case that my hon. Friend is making, and the facts that she cites are correct. In one case, a serious situation could have arisen near to the end of the detention period. I draw her attention to Lord Carlile's assessment of the argument that she made, and his conclusion that 90 days is appropriate.

Mr. Andrew Dismore (Hendon) (Lab): Earlier, my right hon. Friend referred to the evidence of Mr. Clarke to the Joint Committee on Human Rights. Mr. Clarke emphasised, however, that we are talking about a maximum period of three months:

> "I certainly would not envisage the three months becoming the norm."

He also stressed the strain on police officers, who were

> "sleeping on the floor, not going home, just ploughing their way through this vast amount of data".

Those officers

> "would rather serious criminal investigations were conducted in a slightly calmer and more ordered atmosphere than that."

Without an extension, could the present situation not lead to a miscarriage of justice, because the police cannot investigate properly or effectively, and are unable patiently to work their way through the evidence?

Mr. Clarke: My hon. Friend is correct, and I am grateful to him for expressing it that way. His point about miscarriages of justice is central to our discussion.

Patrick Hall (Bedford) (Lab): My right hon. Friend has been challenged strongly by the Leader of the Opposition and others for not tabling an amendment today proposing a detention period of fewer than 90 days but more than 28 days. Is not the real political point, however, the fact that the Opposition parties have already stated in principle that they would not support a detention period of more than 28 days, irrespective of the case made by the police?

Mr. Clarke: My hon. Friend is right. I am not sure whether the phrase "challenged strongly by the Leader of the Opposition" is a contradiction in terms, although that may change after the Conservatives sort out their leadership.

Ian Lucas (Wrexham) (Lab): Is it not important to understand that at the end of the 14-day initial detention period, in no circumstances will there be any application for further detention beyond seven days, and that judicial oversight then kicks in? In the debate we seem to have become fixated on the maximum period and to have ignored the importance of judicial oversight throughout the process.

Mr. Clarke: My hon. Friend is correct and he makes the point accurately. I agree. Perhaps it is my fault that much of the debate has focused on the maximum period, rather than on the process of ensuring that the maximum is not reached.

Several hon. Members *rose—*

Mr. Clarke: I shall make some progress, but before I conclude I shall give way to one or two of those who want to intervene.

I emphasise, as I said on Second Reading, that we are dealing with a very different threat now from the one we faced in previous decades. Recent terrorist plots have been designed to cause mass casualties with no warnings—I emphasise, no warnings, sometimes using suicide and with the threat of chemical, biological, radiological and nuclear weapons.

Some hon. Members have commented that terrorist cases are no more difficult to prosecute than complex fraud cases, but I argue that there is a very substantive difference between the two. In complex normal cases, the police may build a case before arresting an individual. It may also be possible to catch criminals red-handed in the act of committing a crime such as fraud, as the repercussions are not so great if the crime is committed. The need to ensure public safety by preventing mass casualty attacks that could be catastrophic in their effect means that it is necessary to make arrests in terrorist cases far earlier in the process than in other cases. That often means that much less evidence has been gathered at the point of arrest, so more time will be needed to gather sufficient evidence to charge a suspect.

Moreover, terrorist networks are often international, which means that highly complex inquiries have to be undertaken in many different jurisdictions. I remind the House again of the investigations into the events of 7 and 21 July, which yielded 38,000 exhibits that filled two warehouses, and so on. Terrorist networks are also now highly capable of using technology. In recent cases a large number, sometimes in the hundreds, of computers and hard drives have been seized. Much of the data on such computers and hard drives have been encrypted and take time to decrypt. The data then need to be analysed to incorporate the outcome of that analysis into an interview strategy.

Following the debates in the House and the request from hon. Members in all parts of the House for more substance, over the past few days I have consulted advisers from the National Technical Assistance Centre, whose experts deal with the hardest and most important decryption jobs. Their advice has been unequivocal. A 14 or even 28-day period will not allow them the time they need adequately to investigate the most heavily encrypted data. They have made it clear to me that the use of advanced encryption technology by those who pose a threat to law and order or the security of the country is becoming more widespread and is growing rapidly. Encryption is more pervasive, more complex and easier to use than ever before.

That poses a significant challenge to police and investigators on two fronts. First, it means that even sifting the evidence to identify which computers require specialist investigation and decryption usually—the experts' word—takes a number of weeks. Each computer must be examined to assess what data can be easily gleaned and where heavyweight code-breaking is required.

Secondly, even after the protected data sources have been identified, significant additional time may be needed to decode potential evidence. NTAC has advised me that this is an extremely challenging and time-consuming task, running in the majority of the hardest cases into weeks at the very least, and often even into periods of months. Taking all this together, the technical judgment of the professionals is clear and simple. They need more time to be able to deal with such challenges. We must honour that.

Forensic requirements, too, are more complex and more time-consuming. My right hon. Friend the Member for Leeds, West (Mr. Battle) made a tremendous speech last week about the bomb factory in his constituency and the issues raised by that case. We should take seriously the professional advice of the investigators, the police and the prosecutors about the time needed to enable investigators to reach conclusions.

I shall give way now for the last time, then I shall wind up.

Mrs. Ann Cryer (Keighley) (Lab): Has my right hon. Friend had a discussion with the chief constable of west Yorkshire about how he and his force will handle the potentially difficult situation following the arrest of, say, someone in Bradford and the 90 days before charge? The family of that person, his biraderi and his community will have no explanation why he is being held. That could prove extremely difficult. What advice would my right hon. Friend give the chief constable in that situation?

Mr. Clarke: I have had such conversations, and that goes partly to the answer that I have to my hon. Friend the Member for Leicester, East (Keith Vaz) in response to his intervention. I am glad that on 7 and 8 July and the subsequent weekend, there was a substantial programme of discussions between the police and the various communities in west Yorkshire, which were particularly affected. That was extremely impressive. I spoke to many people at the time who were committed to discussing exactly the question raised by my hon. Friend the Member for Keighley (Mrs. Cryer) with the communities from which the individuals came and which were most affected, in the same way as the issues in other cases were raised in Gloucester and other parts of the country. There is only one answer: intensive discussions between the police and the local community, local community leaders and local faith leaders. I say with humility that I do not need to give advice on that to, for example, the west Yorkshire force, because I believe it is committed to doing it, but my hon. Friend is right to say that if we make the changes here, it intensifies the need for such discussions.

2.30 pm

Mark Fisher (Stoke-on-Trent, Central) (Lab): On community involvement, does the Home Secretary accept that if the legislation is passed, it will harden support within communities surrounding terrorist cells, because it will turn people into martyrs? Undoubtedly, people will be detained on a week-on-week basis, released and found to be innocent. They will go back into those communities and say, "Look, this is the sort of state we are talking about and working against." Surely it will be hugely counter-productive.

Mr. Clarke: That is a serious point, to which I want to give some time. What my hon. Friend says is utterly wrong. It is totally wrong. If one talks, as my hon. Friends and I have done, to Muslim communities throughout the country, one finds that they are absolutely clear without equivocation that they want no part of this terrorism, they want no identification of the terrorism with what they do, and they want to take that forward. If my hon. Friend takes the trouble to examine the responses of even the families, let alone the families and friends, of those directly involved in the events of 7 July, he will see that many of those individuals were deeply shocked and felt betrayed. It is not true that the action that might be taken gives rise to the kind of threat that my hon. Friend describes.

Chris McCafferty (Calder Valley) (Lab): We have heard a great deal in the debate, rightly, about the issues and the implications for the police. What we have not heard in the debate are the issues and implications for the families of those who may be detained for up to 90 days. What are the financial implications? The people who are detained may be innocent. My right hon. Friend mentioned the possibility of compensation, but that does not help the families while they are living through the 90 days. The person detained may be the only breadwinner in the family, or the family may be on benefit. Has my right hon. Friend had discussions about those implications?

Mr. Clarke: My hon. Friend makes a serious point. As I said in response to the amendment tabled by my hon. Friend the Member for Wolverhampton, South-West, there are many issues of the type that

[Mr. Clarke]

my hon. Friend the Member for Calder Valley (Chris McCafferty) raises, which it is important to address. That is why, in responding to the amendment, I committed myself to look carefully at how we deal with the question of compensation, including any hardship that might arise.

Richard Burden (Birmingham, Northfield) (Lab): I think that my right hon. Friend misunderstood the point made by my hon. Friend the Member for Stoke-on-Trent, Central (Mark Fisher). There is no doubt that Muslim communities stand four-square against terrorism, but there is also no doubt that a large section of Muslim youth, who are against terrorism, is profoundly alienated from the system, as it sees it. The co-operation of that section of Muslim youth in intelligence gathering is vital, and the danger is that the Bill will alienate it.

Mr. Clarke: I apologise to my hon. Friend the Member for Stoke-on-Trent, Central (Mark Fisher), if I misunderstood him. We have had discussions with the Muslim community, including a series of working groups to identify the best way to deal with the issues raised by my hon. Friend the Member for Birmingham, Northfield (Richard Burden). I acknowledge that we must address the existing and potential alienation of young people from those communities.

I have been speaking for an hour, and, in the interests of debate, I shall not give way again, because I have been generous in giving way throughout. In conclusion, there are some people who argue that this has been a politically partisan exercise. I put it to the House that that is the opposite of the case.

Sir Menzies Campbell: Will the Home Secretary give way?

Mr. Clarke: I have said that I will not give way any more.

It is the obligation of every hon. Member to understand the threats to national security and to equip our security forces with the ability to deal with that in the best and most protected way. Moreover, I say to all those who have doubts about the time period that the whole purpose of the sunset clause is to provide an opportunity carefully to analyse how [illegible] period has worked, so that this House and the other place can make a decision on that matter in a year's time, which will allow us to test the hypotheses and concerns that various individuals have genuinely raised. Even the putative leaders of the Conservative party should think hard about their responsibilities on such matters, too. [HON. MEMBERS: "No!"] Yes they should, because they have ducked the issues, and the House should not duck its responsibilities now.

David Davis: I start on a sad note, because the Home Secretary's comments about this not being a politically partisan exercise were undermined by his final remark. I am conscious that I am speaking on behalf of a party that has seen friends and colleagues murdered by terrorists. The names are familiar to all hon. Members: Airey Neave, Ian Gow and Anthony Berry. This party has first-hand experience of terror, so the House can draw its own conclusions when it faces silly and, frankly, contemptible accusations that any party, least of all mine, is soft on security.

The war on terror is, after all, a battle of hearts and minds. The Government have passed five terrorism Acts since they came to power—the Criminal Justice (Terrorism and Conspiracy) Act 1998, the Terrorism Act 2000, the Anti-terrorism, Crime and Security Act 2001, the Criminal Justice Act 2003 and, finally, the Prevention of Terrorism Act 2005. Those Acts contain many worthwhile provisions, but none of them prevented the atrocities of 7 July, so let us not pretend that we can win the war on terror by passing every single law that the Government throw up. We will win the war by actually being tough, rather than just talking tough.

There is a lot that the Government could do. They could secure our borders by introducing a new border control force, which is something that we have often proposed, but they will not do it. They could fund the security services properly by scrapping plans for identity cards and spending the money on intelligence, but they will not do it. They could help to convict terrorist suspects by allowing the authorities to submit phone-tap evidence in court, but they will not do it. They could appoint one, single Minister to take control of our fight against terrorism, which has happened in other countries, but they will not do it.

We will take no lessons from the Government about being tough on terrorism, because they have failed to take on board many of our proposals, which, although our proposals were not especially innovative, would have brought us into line with the rest of the world. On the crucial matter before us today—the period for which a suspect can be held without trial—we want toughness that will work.

Like all hon. Members, we have been searching for a workable proposal and we welcome the Government's changes, which we proposed in many cases, such as better judicial scrutiny, new police and criminal evidence codes, which we hope—the Home Secretary did not address this point—will facilitate the interview of suspects after they are charged, and a clause, which is not a sunset clause, that requires the annual review of the legislation. It is right to point out that all those provisions were obtained only through parliamentary pressure from both sides of the House. The Government should also listen to what the House of Commons is saying about the duration of detention. On their own, those improvements to the Bill do not remove our responsibility to ensure that the detention is as limited in time as possible.

2.45 pm

It is worth grasping what is at stake right at the start—the imprisonment of men and women without trial in the country that invented habeas corpus. We all accept that, when national security is imperilled, our instinctive support for civil liberties must be qualified and that detention without charge must sometimes happen. That means getting a difficult balance right, because if the period of imprisonment is too brief, the civil liberties of suspects may be protected, but the lives of innocent people may be endangered. If the period of imprisonment is too long, locking up people without charge risks becoming the first resort of the authorities rather than the last. In those circumstances, innocent people are imprisoned. We should remember that a 90-day detention is the equivalent of a six-month jail sentence, and the risks include not only an affront to justice, but a public backlash, in which case legislators' mistakes will become recruiting sergeants for terrorists. The House knows the serious consequences for our national security and our civil liberties if we get the balance wrong in any direction.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): Given that the British judiciary has demonstrated in the past that it is robust in defending human rights against Government legislation, does the right hon. Gentleman not think that the fact the whole process will be subject to judicial oversight after 14 days provides adequate procedural protection? If he does not think that, does he agree that the one-year sunset clause is a further failsafe device?

David Davis: The answers are no and no.—*[Interruption.]* If the hon. Member for Bassetlaw (John Mann) wants me to give way, I will do so. He does not.

Think of the decision facing the judge when the police say, "We think that this person is a possible terrorist, but we have not got to the bottom of the evidence." Is that the test that we should use in this country to imprison people? I hardly think so. The sunset clause is actually a review clause. What will happen next year? The crisis and the political difficulties will have gone, and the provision will be rolled forward.

Huw Irranca-Davies: I thank my right hon. Friend for giving way.

David Davis: I am not the hon. Gentleman's right hon. Friend.

Huw Irranca-Davies: My apologies. The right hon. Gentleman suggested that the provision could become the first resort of the authorities, but once again, a Conservative Member is painting a picture of a police state. The provision will include judicial oversight by High Court judges. Is he suggesting that the judiciary will use the provision like a police state, because my right hon. Friend knows that that is preposterous?

David Davis: The hon. Gentleman will start terrible rumours if he is not careful.

The initiative will lie with the police. When the Cabinet Office gave me a Privy Council briefing on the matter, I expressed my concern that the provision will take the pressure off the police to resolve situations quickly. After all, even 14 days is a damaging experience for someone who is innocent, so 90 days is an enormously damaging experience that could wreck lives, ruin jobs and destroy relationships. We must understand that this is a fundamental British freedom that should not be thrown away lightly.

We recognise the Government's difficulties on this. It is of course a matter of judgment. We acknowledge that the world has changed since the IRA halted its terror campaign. New technology brings new security challenges. As the Home Secretary said in relation to the National Technical Assistance Centre, the police and security services need more time to scour CCTV footage and to crack encrypted messages. The international dimension of Islamist terrorism also brings new challenges. That is why my hon. Friends made it clear in Committee that we agree with the Government that the current 14-day limit is too brief and propose its extension to 28 days. I believe that that proposal will find widespread support among Members around the House, including on the Government Benches. But the proposal before the House is not ours but the Government's. The Government propose a full 90 days. The House must therefore ask itself this question: have Ministers made a robust, convincing and evidence-based case, not for an extension, as there is a case for that, but for 90 days? I do not believe that they have.

Kate Hoey (Vauxhall) (Lab): Does the shadow Home Secretary agree that sometimes even Metropolitan police commissioners can get it wrong, as happened in my constituency recently when someone was shot at Stockwell tube? Local people were told for some time that that person was a terrorist, but we then found that everything was absolutely wrong—

Madam Deputy Speaker: Order. I am afraid that that matter is sub judice.

David Davis: I will not talk about that particular matter, Madam Deputy Speaker, but the hon. Lady makes an important point. There have been well over 800 arrests for terrorist offences in the period since 9/11, yet in that time only between 20 and 30 convictions have been obtained. There is great scope for error here. The fact that this is a very difficult area of policing, as the Home Secretary said, makes the risk of error even greater.

Mr. Gordon Prentice (Pendle) (Lab): We heard last week that 28 days was at the outer limits of what would be acceptable under the European convention on human rights. Does the right hon. Gentleman agree that we should have the written opinion of the Attorney-General before we proceed?

David Davis: I will call the hon. Gentleman my hon. Friend if he is not careful. If he waits for a moment I will come to that point.

Ian Lucas: It is of course correct that this is an extremely difficult issue, but 90 days was proposed because the police made the initial request. Why is the right hon. Gentleman rejecting the police's request for 90 days and trying to impose his own arbitrary deadline of 28 days?

David Davis: The point was made best by the Chairman of the Home Affairs Committee, the right hon. Member for Southampton, Itchen (Mr. Denham), who said, quite rightly, that while a case for some extension had been made, there had been no attempt at all to quantify it. I have been through Mr. Hayman's evidence in some detail. The only quantification concerns a fictional case, not actual cases that have been presented, or might have been presented, to the courts.

[David Davis]

That includes the case to which the hon. Member for Sunderland, South (Mr. Mullin) referred, in which the suspect went off to Algeria having been released after two days.

Clare Short: Is the right hon. Gentleman aware that Gareth Peirce, a solicitor who has been involved in many of these cases from the Birmingham Six onwards and who has taken part in an analysis of the detention of people up to 14 days, says that for 95 per cent. of the time, detainees are not questioned but held for hours and even days in their cells? It has been suggested that the police may feel that they have a very long time and therefore not use it, but the evidence is that they are doing that already.

David Davis: The right hon. Lady reinforces my point. I should make it clear that I do not blame the police for that. They often face scarce resources and many pressures on their time. If they are counter-terrorist police, they will be trying to deal with other issues, perhaps an immediate risk to the public. All those reasons may lead to an extension beyond what is necessary.

The question before the House is this: have Ministers made a robust, convincing and evidence-based case for 90 days ? Indeed, have they even made a case of which they themselves are convinced? The Attorney-General's spokesman has said publicly that he, the Attorney-General, is not convinced of the case. He is one of the Government's most senior Law Officers, but however senior he may be, he is not the Minister in charge of this legislation—that responsibility falls to the Home Secretary.

Mr. Cash: Will my right hon. Friend give way?

David Davis: Before I give way to my hon. Friend, I must allow myself enough time to comprehend his question. I may need to seek an extension of my speech.

Last Wednesday, in Committee, the Home Secretary withdrew the 90-day proposal—scarcely a sign of confidence in it. On Saturday, he said publicly that 90 days was not crucial. On Monday, he emerged from the Home Office to announce that he would table amendments to reduce the time limit from 90 days, but those amendments were never tabled. We have heard his account of it, but the whole House knows the real reason. By yesterday, only a day after the Home Secretary signalled his desire to listen to the mood of the House, listening was off the agenda, because he had lost control of the matter. The whole House knows who has seized control and who has brought back the 90-day proposal that was withdrawn last week and introduced the fig leaf of the so-called sunset clause. The Prime Minister, not the Home Secretary, has brought back the 90 days—the same man who, as Leader of the Opposition, twice failed to support a Conservative amendment on the prevention of terrorism Acts.

John Mann (Bassetlaw) (Lab): The right hon. Gentleman will be aware of the disquiet among some of his closest colleagues about his party taking a position that is not that proposed by the police. In his discussions with the police over the past three months, has he heard any specific proposals from anywhere within the Association of Chief Police Officers that would match his proposal of 28 days, or for any period less than 90 days?

David Davis: My conversations with the police have been in order to seek evidence to support any case. I will tell the hon. Gentleman as much as I can about the Privy Council briefing, which was informative, inasmuch as it demonstrated that there was no substantive case for 90 days. The suspect who ran off to Algeria was released after two days. It was intimated that the evidence material to that case was found after a few weeks, not after 90 days. On the decryption of hard disk data, we suggested using the Regulation of Investigatory Powers Act 2000, which puts a four-year sentence on withholding decryption codes. We suggested increasing that sentence, and that does now appear in the Bill. Then the police said, "If we charge them, we can't interview them", so we raised the possibility of interview after charge.

All those things may be incursions on civil liberties, but they are much smaller incursions than those in the Bill. What worried me in my discussions with all the authorities—counter-terrorism authorities, agencies, police, the Home Office—was that they were not looking for the least harmful outcome: they were looking for a simple headline outcome. I was very unhappy about that, and I told the Home Secretary so.

Mr. Charles Clarke: The right hon. Gentleman has made that argument frequently. Does he accept that there are easily imaginable circumstances in which those who have the encryption key are dead and it no longer exists? In those circumstances, his solution of forcing people to give up the encryption key simply would not succeed.

3 pm

David Davis: We are considering circumstances after arrest. When one times the arrest will be dictated by what has been done with the encryption codes. There is a series of other options. For example, surveillance can be used before arrest. I could devise a fictional circumstance, such as that in Mr. Hayman's letter, that argues for 10 years' detention. The Government must focus, as I have asked them to do probably a dozen times, on providing serious evidence, which we will consider seriously. Until then, we must go for what was described by a Labour Member as the outer limit of what is acceptable.

Several hon. Members *rose*—

David Davis: I feel under some duty to give way to my hon. Friend.

Mr. Cash: On the Attorney-General's position, my right hon. Friend may know that I received a reply from the Solicitor-General about compatibility with convention rights. It states:

> "Given the long-standing convention on not disclosing the content of Law Officer advice or whether or not such advice exists, it would be wrong to comment further on this issue."—[*Official Report*, 7 November 2005; Vol. 439, c. 2W.]

My right hon. Friend rightly said that the Secretary of State takes responsibility. Does he agree that "Erskine May" and other authorities clearly state that the Secretary of State can decide to release that advice if he deems it expedient to do so? Will he ask the Home Secretary why he does not?

David Davis: The Secretary of State can release advice if it is expedient to do so and, I suspect, if it is helpful to his case, which "Erskine May" does not add. We can easily work out why he does not want to release information.

Sir Menzies Campbell: The right hon. Gentleman allows me, through his reference to the role of the Prime Minister and the Leader of the Opposition, to make a point that I tried to raise with the Home Secretary. He will remember that, during the 1980s and 1990s, out of sincerely held conviction and principle, the Labour party consistently voted against the renewal of the terrorism legislation that related to Northern Ireland. At no time in that period, when Labour Members' attitudes were clearly based on conviction and principle, did anyone accuse them of being complacent or pathetic. Such words lie ill in the mouths of those who criticise others whose opposition to the Government's proposal is equally based on sincere conviction and principle.

David Davis: The right hon. and learned Gentleman makes a good point.

Before 7 July, I analysed most of the instances of terrorism in the western world since 9/11 and examined the behaviour of the Opposition in the countries where they happened. I concluded that it was possible in some cases for Oppositions to score political advantage. Indeed, there was a change of Government in Spain. However, I also concluded that, whenever Oppositions did that, there was at least a risk, and generally a probability, that the primary beneficiaries were the terrorists, not western civilisation. I therefore took a stance for which I have been criticised—I believe by hon. Members of all parties but certainly by Conservative Members—of supporting anything that the Government introduced that I believed would be effective against terrorism.

We support much of the Bill—indeed, we are the originators, along with the Liberal Democrats, of approximately two thirds of it. It is unfortunate that the Liberal Democrat senior home affairs spokesman is not here today.

Sir Menzies Campbell: My hon. Friend is not well.

David Davis: Yes, the hon. Gentleman is ill. He would doubtless confirm that I suggested that the Bill be published in September and introduced in the House before Christmas. The original proposal was to introduce it after the Carlile review next January. We have, therefore, been helpful in all sorts of ways. Numerous conversations have taken place with the Home Secretary and the Minister for Policing, Security and Community Safety, as well as other Ministers, to ascertain whether we could find solutions to the problem. There is evidence of that, too, and it reflects well on the Home Secretary from time to time. He altered the glorification clause to reduce the extent of its damage. I suspect that that will happen again.

Throughout the process, there has been an almost extreme attempt to help the Government within the limits of the duties of the House. The first duty of the House is to protect the liberty of the British subject. I do not often agree with Liberals, but I agree with the right hon. and learned Member for North-East Fife (Sir Menzies Campbell) that the comments of the past few days have, at the very least, not been up to the standard of the past four months' co-operation.

Mr. John Gummer (Suffolk, Coastal) (Con): My right hon. Friend is explaining to the House the alternative means of meeting the need that the police have identified. Is not that the fundamental duty of the House? It is for us to decide how best to meet the need that the police identify. It is not for the police to tell the House how to legislate. Is not it a pity that, for the first time in my long history in the House, it appears that a fairly concerted effort has been made to bring pressure on hon. Members not to examine the problem carefully but to accept a solution offered by those whose job is not to find such answers?

David Davis: My right hon. Friend is right. I had some doubts, which I did not express, about the constitutional propriety of the process. The police have a task to perform. Their primary task is to protect the citizen from crime, including terrorism. They will get the most powers that they can to achieve that end. Our job is to balance that important task with other important considerations. In the modern world, this country is defined by its institutional history—its history of liberty, judicial process, the presumption of innocence, the right not to be locked up without trial. We point at other countries in scorn about those matters. We should not throw away that history easily, least of all on the judgment of those whose task is difficult and important but should not make us overturn the fundamental duty of the House.

Mark Pritchard (The Wrekin) (Con): Does my right hon. Friend agree that a suspect who is detained and released without charge after 89 days will do more harm to community relations than a suspect who is detained and released without charge after 27 days? Are not the Government in danger of having an encrypted community relations policy?

David Davis: My hon. Friend is altogether too clever for me, but he makes a good point and I shall revert to it shortly.

Angela Watkinson (Upminster) (Con): I wonder what conclusion my right hon. Friend would have drawn if he had been part of the cross-party delegation to South Africa last week. We were conducted round the prison at Robben Island by a former prisoner who commented, "This all happened in the days when we locked people up for 90 days without charge."

David Davis: My hon. Friend's point speaks for itself and needs no elaboration.

Shona McIsaac (Cleethorpes) (Lab) *rose*—

David Davis: I shall give way to my hon. Friend shortly.

Shona McIsaac: Me?

David Davis: Yes.

[David Davis]

The Prime Minister is on the record as saying that the case for the extension to 90 days is "compelling". He clearly believes that there is such a case, just as he believed in those famous weapons of mass destruction. However, the proven case for 90 days, like that for the weapons, simply does not exist. I am willing to give way now to any hon. Member who can cite a single terrorist incident in this country that would have been averted by the 90-day proposal rather than by good police work or implementation of laws that are already on the statute book.

Michael Jabez Foster (Hastings and Rye) (Lab): We do not know, because it never happened. The right hon. Gentleman has suggested that arrests should be made later, following further surveillance and so on. If he had taken the trouble to speak to local police chiefs, as many of us have, they would have told him that this measure is about the prevention of terrorism, not its detection. Therefore, it is not always possible for the police to wait until they have all the evidence necessary to make an arrest if they need to make that arrest quickly. Does he agree that that is a fair and reasonable stance to take?

David Davis: It is interesting that the hon. Gentleman, who is the Parliamentary Private Secretary to the Attorney-General, appears to be making a case for internment. I will pass over his slightly fatuous comment about whether I have spoken to any police chiefs recently. Perhaps he does not know what my job is.

Shona McIsaac: I thank the right hon. Gentleman for giving way. I was intrigued by his answer to my hon. Friend the Member for Bassetlaw (John Mann) about his discussions with the police to support his case for 28 days. What discussions has he personally had with the terrorism experts on his own police force? What did they say to him that would provide a strong evidence-based case for 28 days?

David Davis: If the hon. Lady will forgive me, I thought that talking to the terrorism experts in the Cabinet Office and the Home Office was probably better than talking to the terrorism experts on Humberside. Important as they are to my people, they are not necessarily the people I want to talk to on this particular issue.

Shona McIsaac: So who did the right hon. Gentleman talk to?

David Davis: Does the hon. Lady want to intervene again?

Shona McIsaac: Is the right hon. Gentleman, who is a neighbour of mine, telling me that he did not speak to the ACPO terrorism representative for the north of England, who is a member of the Humberside police force?

David Davis: I have talked to Sir Ian Blair, to Mr. Fox and to a whole series of people whom the Home Secretary organised for me. I took the view that that was quite enough, thank you very much. Let us be clear that the hon. Lady does not misrepresent the point that I am making. She seemed to suggest that I was looking for a case to support the proposal for 28 days, but I have to tell her that I was not. I was looking for any case whatever to support any extension. I did not find any such case at all until last week, when Mr. Hayman's document came out. I grant the hon. Lady that that letter makes some case for some extension, but I have not yet seen any case for 21, 28 or 90 days.

Robert Key (Salisbury) (Con): Referring back to the intervention by my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer), may I, too, tell my right hon. Friend how I deplore the way in which chief constables have been drawn into this political argument? It is the first time in my 22 years in the House that a chief constable has ever contacted me to seek support for a particular clause in a Bill in favour of the police. I received a letter from my excellent chief constable, for whom I have enormous regard and respect, in which he asked me to support the extension. He said:

> "The new challenges we face have evolved faster than the legislation and these new powers are therefore necessary."

I wrote back to him, saying:

> "If I may say so, I am more likely to be swayed by you than by Charles Clarke! Please will you explain to me why it must be 90 days, not 28? Or would you perhaps be willing to settle for a doubling to 28?"

I have had no reply.

3.15 pm

David Davis: My hon. Friend makes that case better than I could have done. The simple truth is that, in all the interventions that I have allowed, I have not yet heard the case that any terrorist incident would be prevented by an extension even to 28 days, let alone 90.

Mr. John Baron (Billericay) (Con): Will the shadow Home Secretary continue to press the Home Secretary on the issue of lack of evidence, and particularly on the point that, if the vast majority of developed countries do not require a 90-day provision, why should we?

David Davis: My hon. Friend makes the point that I am about to come to. The case for 90 days has not been proved beyond reasonable doubt, as Sir Ian Blair himself conceded only yesterday.

Dan Norris (Wansdyke) (Lab): Will the right hon. Gentleman give way?

David Davis: I will give way shortly, otherwise this speech will consist entirely of responses to interventions.

It will doubtless be argued that what the police want, the police should have. What the police want carries real weight on this side of the House, but it is not in itself conclusive. If the police want 90 days and are given it because we do not want to stand in their way, what would the House say if they were to come back and ask for 100 days, 180 days, 360 days or two years?

While we are at it, another point raised by the Minister was about the security services. Let no one claim that the security services want 90 days. Whitehall officials have reported that the security services have made "no recommendation" on the detention period. To return to the point made by my hon. Friend the Member for Billericay (Mr. Baron), let no one claim, either, that we need to bring our periods of detention into line with those of other countries. In Australia, where a murderous terrorist plot has just, mercifully, been foiled because of vigilant police action, there is fierce debate about an extension from two days to 14 days. Most of the other countries with similar judicial systems to ours have smaller, not greater, rights to detain without trial. On the evidence that we have, 90 days is simply too long, and too long by an order of magnitude.

The relative leisure of the three-month time scale, compared with the present 14 days—or for that matter, 28 days—risks the imprisonment and consequent release without charge of innocent people. Those innocent people will be drawn disproportionately from one section of the community and there is a real risk in that community of a backlash on an unprecedented scale, not to mention the affront to justice that would be felt by all.

When this matter was raised with the Home Secretary, it was clearly a sore point, because he went into his high-decibel overdrive, as he sometimes does. He started talking about how the leaders of the community were entirely onside against terrorism. Of course they are. Of course the heads of the Muslim communities, in particular, are onside against terrorism. They fear this more than we do, I suspect. The problem that they face is the problem of radicalisation—indeed, unknown radicalisation—of very small but dangerous parts of their own community, involving young men in their community. We must not make those community leaders' job more difficult, or, indeed, almost impossible.

Mr. Ben Wallace (Lancaster and Wyre) (Con): Does the shadow Home Secretary agree that the security services and the police forces are finding it incredibly hard to recruit employees from the ethnic and Muslim communities because of the isolation that they feel? Would not the 90-day provision increase that problem, rather than decrease it?

David Davis: My hon. Friend makes a good point.

It was clear from the beginning of this process that the majority of the British people actually favour 90 days, and I think that we should recognise that. I have been accused of opportunism; it is an odd kind of opportunism that takes the unpopular side of the argument, but never mind. A large number of people favour 90 days—perhaps this is true in the Muslim community as well—but they will do so only until the day it goes wrong, and we find that someone has been held for three months, lost his job, broken his family, yet comes out innocent. If he did not hate Britain when he went in, I suspect that he would have a grudge when he came out. That is the situation that we have to look forward to. In the aftermath of 7 July, I quite understand the imperative, but we must be absolutely balanced in the way we approach this issue, and think forward.

Mr. Bailey: Will the right hon. Gentleman give way?

David Davis: Not at the moment.

We need to exercise foresight in regard to the consequences of these measures, which, although they might have the best of intentions, could go wrong.

Mr. Julian Brazier (Canterbury) (Con): Putting the powerful point that my right hon. Friend has just made together with his previous point, does he agree that the crucial point about the success in Australia, and the fact that that country gets away with requiring only a moderate number of days' detention, is that the Australians have prevented radicalisation through not having human rights legislation that blocks them from getting rid of known agitators and troublemakers?

David Davis: I am on record as having said that we need either to reform, replace or repeal the Human Rights Act 1998, for precisely that reason. Beyond that, I had perhaps better not be tempted further.

Mr. Bailey *rose—*

Dan Norris *rose—*

David Davis: I will give way to the hon. Member for West Bromwich, West (Mr. Bailey). This will be the last time, then possibly the hon. Gentleman, then that is it.

Mr. Bailey: The right hon. Gentleman is very generous. He has been making the case that the extension to 90 days will radicalise young Muslims. Will he explain how 90 days would radicalise them, yet 28 days would not? Or would they perhaps be a little less radicalised?

David Davis: The hon. Gentleman makes a very good point. On Second Reading, I said that I did not really see an argument to go beyond 14 days, and one of the fears was that locking people up for a month is still harmful. The only reason that I would go to 28 days is that the Home Secretary has given an undertaking that the powers will be used extremely sparingly. The trouble with 90 days is that even one mistake will be a disaster. The hon. Gentleman is right that it is a judgment call, but in the balance between liberty and security, this country should always err on the side of liberty.

Mr. David Heath (Somerton and Frome) (LD): Anybody who is asked whether they agree with the detention of terrorists will answer, "Yes of course." Our concern is not the detention of terrorists but the detention of people who are not terrorists. That is what will have an effect on the communities of which the right hon. Gentleman speaks.

David Davis: The hon. Gentleman makes the point well. The real risk is that, if we detain and then release one suspected terrorist without charge, we radicalise 100 further people—the terrorists of the future. The Bill is dangerous in that respect. The proposal is simply wrong: it will damage liberties, rights and a system of justice fundamental to the British way of life. It will be counter-productive and ineffective.

Dan Norris: Will the right hon. Gentleman give way?

David Davis: I said that I would not give way to the hon. Gentleman. If he has a problem with the word "not", I will help him later.

[David Davis]

The Bill will be counter-productive and ineffective. Far from being tough on terror, it might turn out to be a gift to the terrorists. That is why we cannot support it today.

Mr. David Winnick (Walsall, North) (Lab): I welcome the Home Secretary's comments about High Court judges and the use of the sunset clause. I tabled amendments about that for Committee, and like many, if not all my hon. Friends, I am very pleased about my right hon. Friend's comments.

There is, however, one outstanding issue on which agreement has not been reached: detention for 28 days. Apart from anything else, had we been able to reach agreement on that, the House of Commons would be virtually united, and the proposal would go to the other place and almost certainly be accepted.

Jeremy Corbyn (Islington, North) (Lab): Will my hon. Friend give way?

Mr. Winnick: I will do so in a moment.

One thing should be made absolutely clear: there is no division among us about acceptance of the terrorist threat. As far as I know, no Member of the House is saying that that terrorist threat is exaggerated. Even if the attacks on 7 July had not happened, we know that there are mass murderers who want to bring death and destruction to our country.

Clearly, those of us who have said that, in all the circumstances, the current detention period of 14 days should be doubled to 28 days accept that the police should have that facility. The right hon. Member for Haltemprice and Howden (David Davis) said that he was not too happy about a further 14 days, and none of us are particularly happy about a further period of detention in which no charges are brought. I voted for 14 days because of the terrorist threat, however, and am willing to see that doubled, as I have said from the beginning, and I am hopeful that my amendment might be carried today.

Jeremy Corbyn: My hon. Friend will be aware that a number of us are totally opposed to 90 days and unhappy with the alternatives proposed. Can he explain to the House how the number of 28 days came to be presented and what its significance is, as some of us are quite puzzled about that?

Mr. Winnick: I was asked that question in Committee and pointed out that it did not come from one of my research assistants, if only because I do not have a research assistant. I do not know whether it is a unique form of advanced mathematics, but given that we already have 14 days, and in view of the acute terrorist threat and the police request, I thought that it would not be unreasonable—being a very reasonable and flexible person—to double that to 28 days. If that does not satisfy my hon. Friend, there is nothing that I can do.

Shona McIsaac: Is my hon. Friend therefore telling the House that he feels that the terrorist threat in this day and age is only twice as bad as before? If he wants Members to support 28 days, he ought to give an evidence-based case.

Mr. Winnick: I did not think that there would be any controversy about the acute terrorist threat. Anyone who tried to make out that those of us who put a different view do not recognise the acute terrorist threat would be silly. For heaven's sake, let us consider what happened on 7 July, when so many totally innocent people were massacred. Let us not go down that route.

Clare Short: Will my hon. Friend give way?

Mr. Winnick: Not at the moment.

This debate is not about the Prime Minister's authority or the standing of the Government. If some of the media, the Opposition or Whips want to play it that way, it does not mean that they are right. I do not challenge the authority of the Prime Minister in any way. I want him to stay in office, and I want this Government to succeed. I spent 18 years in opposition, and I certainly do not want a change of Government. That might clarify the position for some of my hon. Friends who think that I am playing a different game.

What this debate is actually about—it might seem odd or eccentric to mention this—is trying to reach the right balance between our traditional liberties, the rule of law, habeas corpus, and at the same time, in reply to my hon. Friend the Member for Cleethorpes (Shona McIsaac), trying to protect this country from acts of terror. As far as those who are in favour of 90 days are concerned, the balance has been reached. Clearly, however, I and my hon. Friends have tabled the amendment, on which I hope there will be a Division, because we believe that the balance has not been reached with 90 days.

It should be borne in mind that not a single life destroyed by the mass murderers on 7 July would have been saved if the clause had been in operation. In view of what I have just said, I am not putting that as an argument for not having detention for 14 days or 28 days, but we should bear the point in mind.

Ms Angela C. Smith (Sheffield, Hillsborough) (Lab): Is it not the case that the 90 days might not have saved lives in the 7 July attack, but that that detention period might save lives in future, given the time taken to investigate atrocities that have taken place?

Mr. Winnick: The point has already been made: if we readily accept 90 days, and if the police say at some future stage that they need four, five or six months, will we simply turn round and say, "The police have required this, there is an acute terrorist threat, and we will agree"? At what stage will we say that the period of detention should be shorter than the police want? I happen to believe that 28 days is a reasonable compromise.

Another factor that should be borne in mind is that of those who were held for up to 14 days and subsequently released, no one was later charged—the very point made by my hon. Friend the Member for Tooting (Mr. Khan) in Committee. I repeat: no one who was held for up to 14 days and subsequently released was later charged, despite, no doubt, ongoing police investigations. If I may say so, we should exercise a little caution, a little hesitation, before agreeing so readily to 90 days.

3.30 pm

Of course the police have a perfect right to request more time. I shall not go into whether the police should be lobbying for it, because I think that that is irrelevant, as are the Prime Minister's authority and the Government's standards. I want to deal with the crux of the matter. What should concern us is the balance to which I have referred.

Clare Short: Will my hon. Friend give way?

Mr. Winnick: In a moment.

As I have said, the police have a perfect right to ask for more time. I am not criticising the police. I do not dispute the obvious fact that they have a vital job to do in defending our country from death and destruction. Who would dispute that? But just as the police have a right to express their view, we in the House of Commons have a duty to weigh up all the factors before reaching a decision. That is our job—and, no matter how many times it has been mentioned, we should not overlook the fact that three months' detention is the equivalent of six months' imprisonment without remission.

Chris McCafferty: Is my hon. Friend aware that, in concluding that 28 days was about right, he was in complete agreement with the European convention on human rights? As far as I am aware, the United Kingdom has not just signed but ratified the convention, and has not applied for a derogation in order to enact this legislation.

Mr. Winnick: That is a good point. I am glad that I am in agreement with some people, as I sometimes appear to be in agreement with hardly anyone.

The right not to be imprisoned without charge, the right not to be subject to arbitrary arrest and detention, and habeas corpus itself are all basic to our very democracy. They had to be fought for. My hon. Friends and I can take some pleasure in the fact that our people did that. Even before our party came into existence, the radicals of earlier centuries fought for those rights. We cannot dismiss that out of hand. We cannot say that because of the acute terrorist threat and all the problems that we unfortunately face, those rights should be seen in a different light. They are fundamental to our democracy and to the rule of law. That is why we should be very hesitant indeed about locking people up for 90 days.

It has been pointed out that 90 days is a maximum, but a maximum is a maximum. Some people may well be held for that period. What if they are innocent? How would we like to be locked up for a period of up to 90 days if we were innocent of a charge? We can imagine the antagonism and hostility that would be felt by people who had been so detained, and we can imagine the effect that that would have. We must be very, very careful to avoid arousing unnecessary bitterness and hostility in people who are innocent.

Mr. Heath: The hon. Gentleman is making an extremely good speech, and many Members on both sides of the House will wish to support his amendment, but may I draw his attention to a procedural point? Before we can support his amendment, amendment No. 55 must be defeated. Unless we can defeat that Government amendment, we will not have an opportunity to support the hon. Gentleman's excellent proposal.

Mr. Winnick: How could I possibly disagree with that? I am pleased that the hon. Gentleman has made the point, though.

We have been told that every seven days the matter will be submitted to a senior judge. I said that it should go before a High Court judge, and I am glad that the Home Secretary has agreed to my suggestion, but in my view not even that constitutes sufficient protection, or sufficient justification for the 90-day provision.

Huw Irranca-Davies: Will my hon. Friend give way?

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): Will my hon. Friend give way?

Mr. Winnick: I think I know the views of my two hon. Friends. May we just work on the assumption that I do not agree with them on this point?

I do not accept for a moment that there is any question of a police state. I do not believe that my case for 28 days is so weak that I have to exaggerate. Nor do I believe that detention of this kind is like internment in Northern Ireland. Let me say this, however. For the entire 30 years, I was involved in the denouncing of IRA murderers and the atrocities that they committed. Who would deny—and I include Conservative Members—that internment served the interests of the IRA? Would anyone now deny the obvious?

I know that we are not discussing internment, but is there not a danger that the Muslim community, the overwhelming majority of whom are as opposed to terrorism as we are, will nevertheless feel that they are being penalised and discriminated against? I again emphasise that their opposition to terrorism is no less than ours. Of course, among the victims of 7 July were Muslims, Christians, Jews, Sikhs, Hindus—the terrorists make no distinction. Indeed, if we said to the mass murderers, "There are Muslims who will be your victims," their response would be, "If they're good Muslims, they will simply go to paradise earlier." So we know the sort of people whom we are dealing with.

Huw Irranca-Davies: Will my hon. Friend give way?

Mr. Winnick: No. I have limited time, and the House will perhaps be pleased to hear that I am concluding.

I accept that at this moment, I am probably putting forward a minority point of view so far as the country is concerned. Like all politicians, I would much rather be able to say that majority opinion is with us. I could quote opinion polls on various controversial topics that we debated in the last Parliament and on other occasions. I shall not mention those topics now, as they might provoke a certain reaction from the Opposition. I have to accept that the opinion polls on this subject are probably right: that those of us who are urging acceptance of 28 days are, at the moment, probably in

[Mr. Winnick]

the minority. However, if the time ever comes when the House of Commons takes decisions not on their merits, but according to the latest opinion polls, what certain tabloids are saying and those who argue, "Lock them up and throw away the key", frankly, for all the good that we are doing, we might as well pack it in and go home. We have to decide according to the issues.

How many times in the past 30 or 40 years have we taken a minority view on hanging and anti-discrimination measures, for example? Then, we were almost certainly in the minority, but we took a point a view. We did not simply follow public opinion: we led. That was our job and responsibility, and on this issue we should again give a lead.

We and each successive generation of parliamentarians are the custodians of our liberties and freedoms, all of which are very precious to us. How we combine that role with dealing with the terrorist threat is of course a decision to be reached by the House of Commons now, and I have no doubt that that issue will arise again in future. I have not been lobbying my hon. Friends. The Whips have, and that is their job, I do not complain: Whips of all Governments lobby, and ours would be odd Whips if they did not. To those of my hon. Friends who are sure about 90 days, I say, fine. But I ask those who have hesitations—who, on a free vote, would not dream of voting for 90 days—to leave aside the fact that, as we all know, 90 days or anywhere near it will not be accepted by the Lords. There will be movement back and forth between the two Houses and the Government will give way, so, one could argue, why not give in now to the elected House of Commons? To those who have hesitations—who feel, that, on balance, 90 days is excessive—I beg of you: do not vote in the Division Lobby for what you do not believe in.

Mr. Carmichael: It is a pleasure to follow the hon. Member for Walsall, North (Mr. Winnick). In considering how they should discharge their duties in this House, Members—particularly new Members—would do well to remember the last few minutes of the hon. Gentleman's textbook contribution. He is right: we have to do what is right, even if it is unpopular. The Prime Minister said at Question Time earlier today that he would rather be right and lose than the reverse—a position with which Liberals and Liberal Democrats have become very familiar in the past 80-odd years.

Given that the right hon. Member for Haltemprice and Howden (David Davis) referred to the absence of my hon. Friend the Member for Winchester (Mr. Oaten), I should first apologise to the House on his behalf. He has not been well this week, which is why he is absent. Such absence is, however, no indication whatsoever of a lack of commitment to this issue, about which he feels passionately.

I do not feel any embarrassment in admitting candidly to the House that this is one of the most difficult issues with which I have had to struggle since being elected to this place in 2001. With the exception of the debates and votes in the run-up to the war in Iraq, this is by some considerable margin the most difficult decision that we have faced. Liberal Democrat Members realise and understand the nature of the threat posed by terrorism to our society and our democracy. We understand that the consequences will be severe in human terms if we get it wrong. However, we remain of the view that before going down the road that the Government have proposed for us, there must be solid evidence to justify it, and we remain of the view that, as of today, such evidence has not been provided.

Clare Short: I understand that it is widely alleged that the 7 July bombers were under some sort of surveillance and that there is enough evidence to suggest that they could have been charged with raising money for terrorism or other offences. Does the hon. Gentleman agree that, if that is the case, we must have a thorough inquiry to learn the lessons? If it is true that we could have prevented what happened, looking further into what happened on 7 July might lead us to some answers regarding what we are debating today.

Mr. Carmichael: The right hon. Lady makes a fine point and I would not dispute her conclusions. Indeed, the question of investigation is ongoing and I feel rather suspicious about those who have sought to thwart any such investigation.

Dan Norris: The hon. Gentleman talks about the need for solid evidence and most of us would agree with that. Already in our legal system, however, is a recognition that getting the necessary evidence is not as straightforward as we would like. For example, we know that only 1 per cent. of people are convicted in child protection cases, but we also know that child abuse is widespread and a terrible thing. Our legal system deals with that by having common law family courts that are able, if necessary in the most extreme circumstances, to take children away from people who might harm them. We have a special system. Despite what the hon. Gentleman says about the need for evidence, the key is that we cannot always prove matters as simply or straightforwardly as we would like, even though we know that bad things are happening. Surely, terrorism provides a similar example: we know that terrible things can and may happen, so we have to ensure that our legal system can deal with them appropriately.

Mr. Carmichael: My experience as a court solicitor suggests that if the hon. Gentleman believes that we can derive a legal system that will catch everyone who may ever have done something wrong, he is hopelessly optimistic.

Dan Norris *rose*—

Mr. Carmichael: The hon. Gentleman has already made three interventions in his one and I have to tell him that the protections and devices that the legal system has already produced in respect of child abuse—I agree that it is a horrific area—all involve judicial supervision.

Dan Norris *rose*—

Mr. Carmichael: If the hon. Gentleman can contain himself, we have taken his example as far as we can and it has always been determined by the courts at a very early opportunity. The parallel, I have to say, simply does not work.

I want to say a few words about communication, or perhaps the lack of it, between the Home Office in London and the Crown Office in Edinburgh. It will not have been lost on the House that the Home Secretary was asked three times—by myself, by my right hon. and learned Friend the Member for North-East Fife (Sir Menzies Campbell) and by the hon. Member for Banff and Buchan (Mr. Salmond)—why the Lord Advocate was not asked for a view on the suitability and workability of 90-day detentions without charge in the context of the Scottish legal system. It will not have been lost on the House that on three occasions he gave no answer to that very straightforward question. I do not understand how the Lord Advocate can be asked for an opinion about the desirability of a uniform law to cover the whole of the UK without then being asked for a view on the issue of 90-day detentions. My suspicion is that the Government did not ask because they knew that they would get an answer that they did not like.

3.45 pm

Mr. Salmond: What does the hon. Gentleman think would be the likely reaction of the House if a Home Secretary were to reveal that he had not asked the opinion of the senior Law Officer in England before producing a measure such as this? Should not hon. Members reflect on that as they consider what is being said?

Mr. Carmichael: I hope that hon. Members will reflect on that. I am a Scottish Member of this House, and for me the blatant disregard for the office of the Lord Advocate—never mind the incumbent—is disgraceful and distasteful.

The House must strike a balance in the proposition being considered today. Much has been said about the views and role of the police in this debate, and we may return to that on Third Reading. Liberal Democrat Members have listened to all the contributions that have been made to the debate. We have listened to the police, and will continue to do so: that process must go on. However, we have also listened to people in those communities who believe that they have most to fear. They already feel marginalised and threatened by what they see on the streets and in the pages of the newspapers, and believe that they are most likely to be the victims of 90-day detention. The possibility that young men will be arrested and held for up to a maximum of 90 days before being released without charge will create martyrs in those communities.

Stewart Hosie (Dundee, East) (SNP): Has the hon. Gentleman given any consideration as to whether evidence gathered during 90 days of detention, with close questioning that might last up to 18 an hours a day, might be acceptable in a court of law?

Mr. Carmichael: That is a good point, and I shall deal with it in the course of my speech. The House will recall the process by which we arrived at the current rules of evidence and procedure, and the reasons for their introduction.

Simon Hughes (North Southwark and Bermondsey) (LD): Does my hon. Friend accept that the concerns are not only about communities that may be different from our own and which may subscribe to another faith? All hon. Members know that constituents regularly come to see us when a family member has been detained unreasonably, as they see it, for only 12 or 24 hours. The question that we should ask our constituents is, "Would you find this proposal acceptable for your family—for your brother, son or daughter?" Invariably, they would answer, "No, we would not."

Mr. Carmichael: My hon. Friend reminds me of the old adage that a conservative is a liberal whose house has been broken into, and that a liberal is a conservative who has been caught speeding. He is absolutely right, though: we must approach this matter from a personal and individual perspective. To suppose that we are dealing with an amorphous mass of people in our communities who carry red terrorist labels that we can all read easily is a dangerous line of thought.

Mr. David Hamilton (Midlothian) (Lab): Will the hon. Gentleman give way?

Mr. Carmichael: No. I need to make some progress, as I have been speaking for 10 minutes already and the House's time is limited.

What I am saying should not amount to a revelation to the House. It is no flight of fancy, because we have been here before. As others have remarked, detention without charge is not a novel concept. We tried it in Northern Ireland, and the hon. Member for Walsall, North has noted already that we know what the consequences were.

Kate Hoey: Does the hon. Gentleman agree that it is rather strange that, on the very day the Government are asking us to allow people to be detained without charge for 90 days, they should produce a Bill that will allow people who have done some dreadful things but who have never been charged—or who have been charged and have escaped—to be released? Is not there some element of hypocrisy about that?

Mr. Carmichael: The hon. Lady and I have dealt with sufficient Northern Ireland business in the past for her to know my general view on those matters. I am not going to say it is hypocrisy, but, yes, I think it must be said that there is an inconsistency of approach between the two Bills currently before the House, a point that will not be lost.

Mr. David Hamilton: Will the hon. Gentleman give way?

Mr. Carmichael: No, I have to make some progress in the interests of allowing others to speak.

We are charged as parliamentarians with listening to all contributions to debate and to striking a balance between conflicting and competing demands. That is what the Liberal Democrats have done. We have reached the conclusion that the Government have got the balance wrong and that 90 days will do more harm than good.

I attended the Press Gallery lunch yesterday and heard the Metropolitan Police Commissioner address it. He talked about how it was necessary to question a

[Mr. Carmichael]

suspect, often on forensic or other evidence, especially after a charge. His position was that the police would be barred from doing so. I accept that that is difficult under the laws of evidence as they stand, but on the basis of my understanding of the law of England and Wales, I must say that it is not already impossible. Even if it were, or if there were difficulties, those difficulties could be removed by the Home Secretary coming forward with revisions to the Police and Criminal Evidence Act code under which questioning is carried on.

In Scotland, in my view, there would be no barrier to interview of suspects under caution. That is already done, and it might even be possible to give two procurators fiscal powers to raise a new petition with new charges on which they could conduct a judicial examination. That is not beyond the bounds of possibility.

I must say this about the commissioner's comments yesterday: I question his reliance on the point about questioning suspects on new evidence. The notion that somebody who has been prepared to blow themselves up will, after 10 weeks in custody, somehow be ready to co-operate, having seen the error of their ways with the police, when confronted with a piece of forensic evidence, I find difficult to accept. That sort of spin and overselling should give us pause for thought. In my view, and this was the point raised by the hon. Member for Dundee, East (Stewart Hosie), it seems likely that the only basis on which that evidence might be forthcoming would be if the suspect had been ground down in the course of the 90 days, and that would constitute evidence that was unfairly obtained and which, as a result, would be inadmissible. That might leave us in a position in which the only time a suspect spends in custody is the 90 days prior to charge. How does that help the fight against terrorism? In our view, the bulk of cases are already adequately dealt with under the 14-day provision, and that will be sufficient.

That brings us to what my hon. Friends and I will do tonight about the different votes available to us. We shall first oppose Government amendment No. 55, which seeks to replace three months with 90 days, for what that is worth. If we are successful, we shall support the hon. Member for Walsall, North on amendment No. 1. Hon. Members must be clear that we can get to a vote on amendment No. 1 only if we first defeat amendment No. 55.

Huw Irranca-Davies: The hon. Gentleman has put a passionate and cogent case for having absolutely no extension, not least because of what he sees as the impact on our Muslim communities. I urge him and his colleagues, therefore, to stick to their principles and vote for no extension. To do otherwise would turn all the arguments he has put forward entirely on their heads.

Mr. Carmichael: I do not think I need take any lectures from the hon. Member for "loyalty, south-west" about sticking to my principles. But let us deal with principle. What is the principle at stake here? There is no principle that says that 14 or 28 or 90 days is right. The principle at stake is that nobody should be deprived of their liberty unless there is evidence on which to do so. The question is whether that is an inviolable principle, and clearly it is not; that has always been our position. That was why we supported the extension to 14 days in the first place. The question then is where the line should be drawn and how we reach that point. A responsible parliamentarian can get to that point only by relying on the evidence provided, and that is the weakness of the Government's case. They simply have not provided the evidence.

Hugh Bayley (City of York) (Lab): The hon. Gentleman is right to say that we must avoid circumstances in which people are detained with no good reason and that the length of time—14, 28 or 90 days—is not the issue. However, surely the review clause, which would bring the provisions back to Parliament with a report about how the powers had been used and give us the ability to change the law if necessary, provides protection and would mean that the police and the judges would ensure that people were detained only when absolutely necessary.

Mr. Carmichael: If that has been the price of the hon. Gentleman's support today, he has sold himself too cheaply. Review is meaningless. We know how review will work in this place and we know the pressure that will be applied. It is incumbent on us, for the sake of those people who may be caught by this legislation in the next 12 months, to get it right now, not to wait for some review in a year's time. However, the hon. Gentleman does me and the House a favour, because he calls the provision a review clause, and we must be clear that that is exactly what it is. The Government's amendment is no sort of sunset clause.

Lynne Jones (Birmingham, Selly Oak) (Lab): Does the hon. Gentleman agree that this House cannot abdicate its responsibility to judicial oversight, because sometimes the judiciary gets it wrong? I think of the case of the Birmingham Six and Lord Denning's comments about the "appalling vista", which led him to ignore overwhelming evidence that those men were innocent and to keep them incarcerated for many years longer.

Mr. Carmichael: The hon. Lady makes a fine point and I commend her for it. The judiciary does occasionally get things wrong. Any system run by people for people will occasionally make mistakes.

My own experience of time limits that operate in Scots law does not reassure me that the Government's proposals for judicial oversight every seven days provide any meaningful protection. I have seen several applications brought before the High Court of Justiciary in Scotland for extensions to the 110-day limit on custody that have been nodded through. We must not forget that judges watch the television and read the newspapers like the rest of us. They are as susceptible to pressure from the media and the prevailing circumstances as anybody else, and we know that that has happened in the past.

If we move to 28 days, it is important that locks and safeguards be put in place. A simple change to 28 days is not a deal that we should accept. As outlined in amendment No.29, the least that we want is that

> "the specified period may only be extended . . . pending the result of an examination or analysis which is to be or is being carried out with a view to obtaining relevant evidence, or . . . for the purpose

of obtaining relevant evidence from outside the United Kingdom or from records within the United Kingdom which cannot reasonably be obtained without such an extension of the specified period".

That would make it clear that any extension to 28 days would be allowed only in very narrowly circumscribed situations. The decision should be taken by a judge and he should be satisfied that no other terrorist offence can be charged. The judge must also approve the nature of any further questioning. I suggest that those would provide meaningful safeguards, whatever length of time the House opts for today.

We live in an ever changing world. That is the justification given for the Bill, but it is why we need a proper sunset clause—not the one that the Government are trying to sell us.

4 pm

I am now in my second Parliament. For much of my time as a Member, I have heard comments about the strength of the House. Its standing has often been traduced and demeaned. Our debate today offers us an opportunity to put that right, to tell the Government that they have got it wrong and for the House to stand up against the Executive. I hope that we shall not pass up that opportunity.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): I rise to defend and support the 90-day proposals outlined in clause 23.

I have probably put more written questions to the Home Office in the past four years than most of my colleagues in the House put together. I am passionately interested in the activities of the Home Office, especially the processes and procedures that the police and other criminal justice institutions employ in the execution of their duty. I have frequently and regularly met operational officers, officers who write operational guidelines and the officers and agencies who review them.

My interest, for constituency reasons, has centred on the investigation of serious sex offences, and I have spent years trying to ensure that the practices and procedures employed in the investigation of those serious crimes are robust. But they are not: procedures are constantly revised in the light of operational experience. The procedures and guidelines governing the investigation of such crimes were laid down years ago. With hindsight, they proved open to abuse by many different parties, but I know absolutely that when the police first got to grips with the reality of the undisclosed sexual abuse in the UK, they pulled together existing informed knowledge—as they will in relation to terrorism offences. They did so because that is their professional duty, and that is what the authorities have also done in the face of the growing spectre of terrorism.

It is a source of regret to me that with few exceptions, few of my colleagues in the House have ever troubled themselves to object to, or scrutinise, the practices and procedures employed by the police in the interrogation of sex offenders. I understand that, but colleagues are far quicker to leap to the defence of terrorist subjects, and their rights, than to those of a serial sex abuser. Why? Terrorists and sex abusers violate everything that we hold dear. Why do we operate double standards for scrutiny of the legal procedures governing sex abuse and terrorism investigations?

Mr. Edward Garnier (Harborough) (Con): I have worked with the hon. Lady and have publicly praised her for her work in support of people wrongly accused of sex abuse. However, the case that she purports to make—that those wrongly accused of sexual crimes were the victims of inadequate policing—does not assist her arguments in favour of the Government's proposals. Surely, she needs to be careful about translating her antipathy towards police behaviour in sex cases into support for possible police behaviour in terrorist cases.

Mrs. Curtis-Thomas: I accept those words of caution and I understand what motivates my colleague, the hon. and learned Gentleman, in saying them, but I am trying to demonstrate that when our country is faced with people who commit heinous crimes, the police have to settle down and begin to develop guidance and procedures to tackle those crimes.

We all expect, and hope to achieve, a state of perfection in such operational guidelines, but we never reach it. I know that from my experience of dealing with how sex crimes are investigated. When the police ask for 90 days, they do so because they think they need 90 days—not 28 days. I also know that when they make that consideration they have not carried out the objective research that we would expect of them to justify that period, but they are providing us with their best view at the time. I am interested in giving them the tools for the job.

Mr. Peter Bone (Wellingborough) (Con): Will the hon. Lady give way?

Mrs. Curtis-Thomas: If I may, I shall continue.

I intend that we go back and check how well the procedures are being executed. Members have welcomed judicial review, and I am glad that we are giving the police the opportunity of judicial review, but we must not emasculate them at this point. We would not argue in the House for such leverage in relation to sex abuse. We would say that those involved must do the very best that they can because of the individual's potential to inflict huge damage on our society.

I am bewildered by some of the arguments about terrorists that I have heard in the House. They may well be innocent individuals, but let us not forget that people are arrested in this country every day although they are innocent of the crimes that have been committed. We arrest them not for the joy of it, but because we believe that they may have committed a crime. We do great injustice to that individual, their family and their society, but we would not resist doing what we need to do to protect the greater good. So I will vote today for the 90-day period. Although I suspect that I know the weaknesses of the police and the criminal justice authorities better than most other hon. Members, I still will not deny them this opportunity.

Mr. Wallace: Will the hon. Lady tell me the difference between what she proposes, which is to take precautionary action because of someone's potential, and internment?

Mrs. Curtis-Thomas: The difference is the issue of scrutiny. The police have sought judicial review of the suggested procedures and their decisions in relation to this case. I applaud that. I regret the fact that we have that system in these cases, and not in others. I think that I have said all that I need to say about my view on this. We must support the police and our Home Secretary. He does not come to the House in an attempt to negate his role and authority; he comes here seeking our support following the advice of the people who are there to defend us. I shall not stand in their way, and I ask colleagues today to consider their position and support our Home Secretary and the police as they try to fight this invidious threat to our country.

Mr. Michael Mates (East Hampshire) (Con): In my brief remarks last week, I said that we must think very carefully before rejecting the advice of professionals. I am also on record as saying that, so far as I am concerned, the case for an extension from 14 days is irrefutable, but I have yet to hear enough convincing argument that 90 days is a totally justifiable time, which will guarantee that the police and security services can do all that they need to do to turn intelligence into evidence that can support charges. It is simply their best professional estimate, and we must respect that. Indeed, the Home Secretary has said since last week that the 90-day figure is not crucial. So we are dealing with an estimate and it is up to us to make a judgment.

One of the reasons why so much heat has been generated about this issue is that the Government have, only very late in the day, realised the necessity to explain and persuade. I accept that the Home Secretary has made genuine attempts in the past few days to explain more fully why this is the Government's position, but it has been too little, too late for many hon. Members. I am personally better informed than I was last week—I stress that I am speaking entirely for myself, because the Intelligence and Security Committee has not come to a view on this matter—but I believe that there is much more that can and should be put into the public domain in a more comprehensive effort to explain the complexities of the problems that face the police and the security services and why their professional advice is what it is.

To be fair, the Home Secretary has gone further this afternoon than he went last week, but what we really need is a comprehensive description of the whole complexity of the problem, and what we are getting is bits and pieces—the Metropolitan Police Commissioner comes to the Press Gallery; the Home Secretary comes here; someone else gives an interview to a newspaper—but until someone produces the whole argument, I do not believe that any hon. Member can come to a complete and proper judgment. Whatever the result of the vote on the amendment may be, I urge the Home Secretary to do that before the Bill is considered further in another place and returns to the House. I shall be very happy to explain to and discuss with him some of the arguments that should be made public, but that would have to come from the Government, rather than from me.

I am not going to vote against the proposal tonight because if it were defeated, we would simply vote on the amendment tabled by the hon. Member for Walsall, North (Mr. Winnick) and the House would inevitably have to make another choice that would not be factually based. The hon. Gentleman said when he spoke to the amendment that he had decided on a figure of 28 days only because it was double the last one, not because there was a compelling argument that it was the right answer.

In Committee, many hon. Members agreed that the worst thing would be simply to arrive at a figure around which there was consensus, but which was not based on the needs and complexities of the situation that have led the professionals to tender the advice that they have. I am completely satisfied that an extension is fully justified. I am also satisfied, from what I have been told, that an extension to 28 days would be wrong and would not give the police and security services the tools that they need to cope with such a complex matter.

Sir Patrick Cormack: My right hon. Friend has the advantage of serving on the Intelligence and Security Committee. I am listening to him with enormous respect, as I always do when he speaks on such matters. Does he agree that it might be a good idea for the Home Secretary to arrange briefing sessions for Members of Parliament through which we could meet the commissioner and others and be told a little more about the situation?

Mr. Mates: I do not dissent from what my hon. Friend says. Irrespective of how it is done, something needs to be done because there has been a lack of information for some time.

Let us look at the situation realistically. If the Government are defeated on the first vote and the amendment tabled by the hon. Member for Walsall, North is pressed to a Division, there is little doubt that it will be passed because everyone agrees that the police need more time. However, if that amendment is incorporated in the Bill, there will be absolutely no chance of getting it out. That might be what some people want, but it is not what I want because I know that the amount of time proposed in the amendment is inadequate. I still believe that provided that we can move the debate on, sensible people will be persuaded by fuller disclosure and argument.

John Bercow (Buckingham) (Con): In common with my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack), I always listen to my right hon. Friend the Member for East Hampshire (Mr. Mates) with respect on such subjects. My right hon. Friend said that the Government have not made their case and then went on to say, with a degree of certainty in his tone, that 28 days was patently inadequate, so will he be good enough to enlighten the House as to why? It is not at all clear to me how he knows that 28 days is inadequate.

Mr. Mates: As I was saying earlier, this is something that the Government must explain. I know about certain matters that are not in the public domain. I shall not put them in the public domain because I have been told them in confidence. I believe that those matters could be made public without damaging national security, but I am not allowed to make that judgment. It is for the Government to make that case, and if they do, I am sure that people will listen.

Mr. Beith: The right hon. Gentleman and I have worked together a great deal on such matters. I counsel him of the danger of giving the impression that information has come to light in discussions at which both of us have been present that is significantly different from information that is now in the public domain and that would force anyone who heard it to reach a different conclusion. Such information has not had that effect on me.

Mr. Mates: I am not saying that the information is significantly different, but that there is considerably more information than has been put in the public domain. I believe that that would help people to make a judgment. It might well be that the right hon. Gentleman will reach a different judgment from me at the end of the day. It is our right to do that, but it is everyone's right to have in front of them as much information about the complexities of the problem as is humanly possible without damaging national security. We have not reached that stage yet. It is something that the Government must do because no one else can do that for them.

Mr. Grieve *rose—*

Mr. Llwyd *rose—*

Mr. Mates: I am terribly keen to bring my remarks to an end, but I give way to my hon. Friend the Member for Beaconsfield (Mr. Grieve).

Mr. Grieve: Is not the logic of my right hon. Friend's argument that the Government should not have drafted any clause on detention without charge whatsoever without first providing the information that he says is helpful? Is not the problem that the House will be called on to make a decision this afternoon that is likely to be long lasting? In such circumstances, is it not right for people to err on the side of caution when giving powers that might prove to be unjustified and unnecessary?

Mr. Mates: I agree. The Government have got themselves into this mess, and they have to get themselves out of it. I tried to make that point earlier in moderate terms, because their explanations are a case of too little and too late. We should not get ourselves into a situation which we cannot climb out of without giving the Government one more chance to be much more upfront and open about what they can tell us. Reasonable people will then be able to make a judgment on a much better basis than any judgment they will make today. I am quite certain, however, that if we were to support the amendment tabled by the hon. Member for Walsall, North, we would make the wrong decision, send the wrong signals, and we would live to regret it.

4.15 pm

Rob Marris (Wolverhampton, South-West) (Lab): I shall confine my remarks to amendment No. 63. I shall not accept interventions, except from Front-Bench spokespeople or from my hon. Friend the Member for Birmingham, Selly Oak (Lynne Jones), who tabled the amendment with me.

I do not know whether its wording is right, but amendment No. 63 seeks to provide compensation for anyone who is released without charge after being incarcerated for more than 14 days but fewer than 90 days. They would receive compensation for financial losses. I apologise to Scottish Members, because I am a solicitor in England, so I am not using the terminology applicable in Scotland. However, people who are detained would not receive damages for injuries to feelings and so on—they would be compensated only for financial loss if, for example, they lost their house or job, and were thus deprived of their income.

As my right hon. Friend the Secretary of State acknowledged, the amendment would affect an extremely small number of people, as we are told that only a few people are likely to be held for more than 14 days and released without charge. Only a small proportion of that minority are likely to get into difficulties and be able to prove that they had suffered financial losses. The Bill is extraordinary legislation, and I do not intend that my amendment should be used as a precedent by people remanded in custody and acquitted, as their situation is not extraordinary.

People who have been convicted and imprisoned wrongly, such as the surviving members of the Birmingham Six, received compensation. My hon. Friend the Member for Calder Valley (Chris McCafferty) helpfully mentioned the financial hardship faced in detention by people who are held without charge for more than 14 days. My amendment does not cover such individuals—it deals only with losses suffered after the event—but my hon. Friend made the case for such compensation. I am heartened that the Secretary of State agreed to look carefully at the amendment. It is a pity that he could not make a greater concession, but that is the nature of politics. I remind him and other Front Benchers that I am seeking genuine progress on the issue before the Bill leaves the other place.

Mr. Wallace: I do not speak as a lawyer, although eminent lawyers have participated in our debate. I am certainly not a human rights lawyer like the hon. and learned Member for Redcar (Vera Baird), who may well have campaigned against measures such as the Bill. I speak as someone who served in Northern Ireland, and was involved in the implementation of a number of counter-terrorism measures. I often had to stand on the streets of Northern Ireland while members of the Labour party voted against important measures. Many members of the security forces risked their lives to work within the law, and we did so because we believed that gathering evidence before arrest was the best way to prevent and counter terrorism. Royal Ulster Constabulary officers and many other people in Northern Ireland learned that there are no shortcuts to counter-terrorism. One cannot wipe the slate clean or try to outmanoeuvre the terrorists in minutes or days, as we have seen in four days of debate on the Floor of the House. Have we forgotten the lessons that we learned in Malaya, Northern Ireland and even in Basra? Terrorism is defeated by winning hearts and minds, when the communities themselves stop people committing such acts. If the Government think that they will bring communities closer to the forces of law and order by incarcerating people for 90 days without trial they are badly mistaken. It is from communities that we get informers and tip-offs, and it is from the communities that we recruit members of the police forces and the security services that, in the end, defeat terrorism.

Mr. Pat McFadden (Wolverhampton, South-East) (Lab) *rose—*

Mr. Wallace: I will not give way at the moment.

It is important that we do not forget those lessons. If we alienate people, they will not come forward. I am not saying that people in communities will ignore someone walking down the street with a bomb, but they will ignore the signs. They will ignore the individual in the mosque who is starting to stir up trouble. I know from my own experience that when we had heavy-handed regiments in parts of Belfast or in East Tyrone, the information dried up. People did not pick up the telephone to let us know that there were people down the road behaving suspiciously.

The Government have argued that there is a difference between the terrorists in Northern Ireland and those whom we face now. Yes, of course, what the terrorists are trying to achieve by killing innocent people and how they are trying to achieve it is different, but the cause is not. The way to solve terrorism is no different. It is only when communities engage with the forces of law and order that we start to head such people off. Whatever has caused the current problems in France, how much will the Algerian community, the north African and Muslim communities help the forces of law and order in the next year or two? The answer is very little. We must be careful how we proceed if we take individuals out of communities, which will be predominantly Islamic communities, some in my constituency, and hold them without charge for 90 days.

The Government have so far failed to give us a case that would be solved by detention for 90 days. I am not arguing from the human rights point of view. My hon. Friend the Member for Stone (Mr. Cash) would probably disagree with some of my suggestions, which go further than he would. Some of the Government's reasons are entirely bogus. Let us consider one: encryption. The Home Secretary will know that in some serious crime cases, investigators have failed for two years to crack the computer encryption. The Government cannot guarantee that every encrypted device will be unlocked in 90 days, so are we to expect that they will return in a year and ask for the power to lock people up for a further year because a new encryption technique has been invented? Is that what they are trying to say?

Let us examine some of the other issues. I, like a number of my hon. Friends and probably Labour Members, received the letter from the chief constable or perhaps the template of such a letter, urging me to support the measures. I rang the person I was told to contact, who was one of the heads of special branch. I said to the police officer concerned, "Let's look at some alternatives. Let's look at interviewing under charge." He said, "That would really help to move matters along."

I said, "What about some of the restrictions on informers, because of the Regulation of Investigatory Powers Act 2000?" Some people might think that was a good thing. The Royal Ulster Constabulary and the Police Service of Northern Ireland did not think that those restrictions were good. It is interesting that the Home Secretary said in the House today that the police say we must, so we must, but when the police said we must not restrict special branch in Northern Ireland, the then Home Secretary and the Secretary of State for Northern Ireland ignored those wishes.

I asked the police officer, "What about Iraq?" He replied, "Without the Iraq war, we probably wouldn't have had quite so many people queuing up to take part in some of the current problems". We must recognise that part of the problem we face today is due to previous legislation and current issues leading up to the debate today. The answer is not for the Government to come back to the House, take a short cut, lock people up for 90 days without trial and expect everything to be hunky-dory.

If we take such a short cut, I am almost certain that we will have to return to the issue. We will still have bombs on the underground and terrorists preparing for attacks, because the causes still exist. What I learned in Northern Ireland is that as long as there is a cause, people will queue up to replace those who have been incarcerated, so we should not start with the principle that we learned so wrongly in 1972—that internment is the solution.

The right hon. Member for Birmingham, Ladywood (Clare Short) does not know this, but when I served in Northern Ireland, I knew her very well—she used to move around in a black Ford Escort. It was my job to know such things, and I also know that it took years to solve terrorism in Northern Ireland.

If we act on the preventive principle, where will we stop? Why not go on to serious crime? Why do we not lift all the armed robbers? Why not go on to benefit fraud? Where do we draw the line on such issues?

Mr. McFadden: The hon. Gentleman asks why we should not extend the power further. Does he accept that in their evidence to the Joint Committee on Human Rights the police explicitly excluded extending those powers to non-terrorist offences?

Mr. Wallace: I am grateful for the intervention. I remember that a year ago the police said they wanted 14 days. The police are trying to achieve the best route for themselves, but sometimes they get it wrong.

Mr. Gummer: Is it not always true that there are two arguments for destroying human rights: one is, "We have never had a situation like that before"; the other is, "We have no intention of making it worse later on"? Both those arguments are very dangerous, and this House should not accept them.

Mr. Wallace: I agree. It is ironic that the Northern Ireland (Offences) Bill, which tries to win hearts and minds in Northern Ireland, has been laid before the House today, while the Prime Minister is trying to attack hearts and minds in Islamic communities up and down the United Kingdom. The Prime Minister learned one lesson in Northern Ireland, which he has chosen to ignore, perhaps because of *The Sun*.

John Bercow: My hon. Friend is making a superb speech. I put it to him that the intervention by the hon Member for Wolverhampton, South-East (Mr. McFadden), who will see the point if he reflects on it, was extremely injudicious. Precisely the same argument could, and in due course will, be made in relation to members of paedophile rings who download and study computer files. At present, no request for detention for 90 days without charge has been made by the police, but if we start on the slippery slope, we will go further down it.

Mr. Wallace: My hon. Friend is right. If we accept the preventive principle, where will we stop?

Detention for 90 days is an affront, and it will not cure the problem. Yesterday, I heard Commissioner Blair speak to the Press Gallery. Ironically, most of his speech was about communities—how Operation Trident works with the communities in areas of inner-city London to defeat drug dealing and gang warfare—but he chose to disregard the importance of communities in solving terrorism.

Counter-terrorism is about two things. First, it is about information and getting ahead of the terrorist cycle—being there when terrorists are preparing and catching them red-handed. Secondly, it is about prevention, and if one risks people who will help—informers—one extends rather than defeats terrorism.

Mr. Denham: In many ways, this debate is very sad. This Bill will have a marginal effect on our overall security and the balance sheet is depressing. The truth is that the Prime Minister and Ministers have expended more effort on winning the votes of MPs than they have on winning the hearts and minds of young Muslims, and more energy has been expended on getting MPs into the Lobby than has yet been spent drawing young people in our communities into dialogue and debate.

The cross-party approach that was rightly struck in July is now self-evidently in tatters, with hon. Members being urged to vote for party advantage. The stakes have been raised to a height that is not justified by the intrinsic merits of the issue, the handling of which has damaged the fight against terrorism. That need not have happened.

4.30 pm

We are here because no demand was made for the most basic explanation from the police about why 90 days are needed. All that the Home Office had received in writing when the Home Secretary and the Prime Minister backed 90 days was an ACPO press release and two sides of A4 detailing two cases, neither of which made the case for 90 days. There had been no proper police working group, no systematic assessment of their experience and international experience, no discussion of options, and no evaluation of the difference between 30, 60, 90 or 120 days.

The House deserves better than that. The lack of confidence and trust that has run through today's debate comes from that basic decision to back 90 days before receiving a proper assessment. We are now in a difficult situation. My personal view, which will shape my vote, is that had that proper assessment been made it would have supported an extended period that went beyond 28 days. I entirely agree with the right hon. Member for East Hampshire (Mr. Mates), with whom we have discussed the matter. I will vote for 90 days because the choice is between that and 28 days, and I am sure that 28 days is too short.

In that case, why have I made such a critical speech? It is because the process matters. Casual decision making, poor-quality discussion and a lack of proper assessment might have got us broadly to the same right place as a proper assessment, but the difference between a good process and a bad one matters.

Mr. Cash *rose*—

Mr. Denham: I will not give way, as I want to make progress.

If the Government and police between them could not produce a proper assessment, the House should do that in the months to come. I intend to consult members of my Select Committee on requesting that we should carry out the inquiry into the police case that the Government should have carried out. I hope that we can join members of other relevant Select Committees to do that.

Mr. Cash *rose*—

Mr. Denham: I will not give way to the hon. Gentleman, because I hope that other Members may get in.

We need not be in this situation. If Ministers had told the police in August when the ACPO press release arrived, "We will give your ideas a fair hearing, but do the assessment and produce the evidence", in my view this House would be agreeing an extension significantly beyond 28 days—

Clare Short: How does my right hon. Friend know that?

Mr. Denham: I said that it is my view. I believe that we would have been doing this with none of the controversy or damage. I hope that the lesson is learned. The energy that has been put into this parliamentary debate should be directed out there in communities winning hearts and minds in the battle against terrorism.

Mr. Cash: I wish to make a few simple points about the relationship between the Bill and the Human Rights Act 1998. The Leader of the Opposition, the shadow Home Secretary, the Prime Minister and the Home Secretary have all said that if necessary they would amend that legislation.

If ever there were a case for disapplying the Human Rights Act, especially article 5, to a measure, it is this Bill. The Joint Committee on Human Rights made it clear that there were serious problems with the Bill's compatibility with article 5. Lord Carlile made a similar point. We know that the Attorney-General has given an opinion. The Solicitor-General claims that he has not given an opinion. The Home Secretary clearly said in the House that there was an opinion before apologising for the fact that he should not have said that.

Unless the Human Rights Act is disapplied to the Bill, the debate will have been a waste of time because the Law Lords will apply it, thus preventing the measure from being compatible with it. When that happens, it will render the whole exercise a complete waste of time. We must disapply the Human Rights Act.

Janet Anderson (Rossendale and Darwen) (Lab): I want to say at the outset that I shall support the Government in the Lobby this afternoon. However, I have tabled an amendment, which would provide for

[Janet Anderson]

a period of detention of up to 60 days. The reason for tabling amendment No. 33 is simple: we support the Government's position because we believe that the case is compelling and we want to support the police.

Like other Lancashire Members of Parliament, I have a letter from the acting deputy chief constable of Lancaster, Julia Hodson, who urges us to support the Government so that she and her colleagues can protect the public in the way that they wish. My plea is simple: if amendment No. 55 falls—I sincerely hope that it does not; it has my support—28 days is not long enough because, as a Liberal Democrat Member said, it is insufficient for the police to do their work. In their recent evidence to the Joint Committee on Human Rights, the police referred to one case in which, if they had printed out the computer data that they had recovered, it would have made a pile 66,000 ft high. That is the sort of challenge that the police face and they need our help to meet it.

If amendment No. 55 falls—I reiterate that I hope it does not—I hope that hon. Members will have the opportunity to vote on amendment No. 33.

Sir Patrick Cormack: The Government have treated the House badly in their handling of the matter. They have not briefed Members adequately. Had they done so, we might have reached a collective view. I appeal to the Home Secretary to do that even at this late stage, before the Bill completes its passage because it will come back, mark my words.

The grotesque juxtaposition of introducing the on-the-runs measure today side by side with the subject of our debate—

It being three hours after the commencement of proceedings, MR. SPEAKER *proceeded to put forthwith the Question already proposed from the Chair, pursuant to Order [this day].*

Amendment agreed to.

MR. SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Amendments made: No. 52, in, clause 23, page 22, line 10, at end insert—

'( ) In paragraph 36 (applications for extension or further extension), omit the words "to a judicial authority" in sub-paragraph (1), and after that sub-paragraph insert—

"(1A) The person to whom an application under sub-paragraph (1) may be made is—

(a) in the case of an application falling within sub-paragraph (1B), a judicial authority; and

(b) in any other case, a senior judge.

(1B) An application for the extension or further extension of a period falls within this sub-paragraph if—

(a) the grant of the application otherwise than in accordance with sub-paragraph (3AA)(b) would extend that period to a time that is no more than fourteen days after the relevant time; and

(b) no application has previously been made to a senior judge in respect of that period."'.

No. 53, in page 22, line 11, leave out 'paragraph 36' and insert 'that paragraph'.

No. 54, in page 22, line 13, leave out 'new specified period' and insert

'period by which the specified period is extended or further extended'.—*[Mr. Charles Clarke.]*

Amendment proposed: No. 55, in clause 23, page 22, line 19, leave out 'three months' and insert 'ninety days'.

Question put, That the amendment be made:—

The House divided: Ayes 291, Noes 322.

Division No. 84] **[4.39 pm**

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blair, rh Mr. Tony
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret

Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Munn, Meg
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Tapsell, Sir Peter
Taylor, Ms Dari
Thomas, Mr. Gareth
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Mr. Ian Cawsey and
Mr. Dave Watts

NOES

Abbott, Ms Diane
Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Austin, John
Bacon, Mr. Richard
Baker, Norman
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burden, Richard
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clapham, Mr. Michael
Clappison, Mr. James
Clark, Greg
Clark, Ms Katy
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cohen, Harry
Conway, Derek
Corbyn, Jeremy
Cormack, Sir Patrick
Cousins, Jim
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Cryer, Mrs. Ann
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dobson, rh Frank
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Dunwoody, Mrs. Gwyneth
Durkan, Mark
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Fisher, Mark
Flynn, Paul
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Galloway, Mr. George
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gerrard, Mr. Neil
Gibb, Mr. Nick
Gibson, Dr. Ian
Gidley, Sandra
Gillan, Mrs. Cheryl
Godsiff, Mr. Roger
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Grogan, Mr. John
Gummer, rh Mr. John
Hague, rh Mr. William
Hamilton, [illegible] David
Hammond, [illegible] Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick

Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Henderson, Mr. Doug
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hoey, Kate
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Glenda
Jackson, Mr. Stewart
James, Mrs. Siân C.
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Khan, Mr. Sadiq
Kilfoyle, Mr. Peter
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Law, Peter
Laws, Mr. David
Lazarowicz, Mark
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Lloyd, Tony
Llwyd, Mr. Elfyn
Loughton, Tim
Love, Mr. Andrew
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCafferty, Chris
McCrea, Dr. William
McDonnell, Dr. Alasdair
McDonnell, John
McGrady, Mr. Eddie
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Meacher, rh Mr. Michael
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Morgan, Julie
Moss, Mr. Malcolm
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prentice, Mr. Gordon
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Raynsford, rh Mr. Nick
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Alan
Simpson, David
Simpson, Mr. Keith
Skinner, Mr. Dennis
Smith, Sir Robert
Soulsby, Sir Peter
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, David
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thornberry, Emily
Thurso, John
Tredinnick, David
Trickett, Jon
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waring, Mr. Robert N.
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winnick, Mr. David
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wood, Mike
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. Peter Atkinson and
Mr. Crispin Blunt

Question accordingly negatived.

Amendment proposed: No. 1, in page 22, line 19, leave out "three months" and insert "28 days".—*[Mr. Winnick.]*

Question put, That the amendment be made:—

The House divided: Ayes 323, Noes 290.

Division No. 85] **[4.56 pm**

AYES

Abbott, Ms Diane
Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Austin, John
Bacon, Mr. Richard
Baker, Norman
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burden, Richard
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Caton, Mr. Martin
Chope, Mr. Christopher
Clapham, Mr. Michael
Clappison, Mr. James
Clark, Greg
Clark, Ms Katy
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cohen, Harry
Conway, Derek
Corbyn, Jeremy
Cormack, Sir Patrick
Cousins, Jim
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Cryer, Mrs. Ann
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dobson, rh Frank
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Doran, Mr. Frank
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James

Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Dunwoody, Mrs. Gwyneth
Durkan, Mark
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Fisher, Mark
Flynn, Paul
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Galloway, Mr. George
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gibson, Dr. Ian
Gidley, Sandra
Gillan, Mrs. Cheryl
Godsiff, Mr. Roger
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Grogan, Mr. John
Gummer, rh Mr. John
Hague, rh Mr. William
Hamilton, Mr. David
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Henderson, Mr. Doug
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hoey, Kate
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Glenda
Jackson, Mr. Stewart
James, Mrs. Siân C.
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Khan, Mr. Sadiq
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Law, Peter
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Lloyd, Tony
Llwyd, Mr. Elfyn
Loughton, Tim
Love, Mr. Andrew
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCafferty, Chris
McCrea, Dr. William
McDonnell, Dr. Alasdair
McDonnell, John
McGrady, Mr. Eddie
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Meacher, rh Mr. Michael
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Morgan, Julie
Moss, Mr. Malcolm
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prentice, Mr. Gordon
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Raynsford, rh Mr. Nick
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruddock, Joan
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Alan
Simpson, David
Simpson, Mr. Keith
Skinner, Mr. Dennis
Smith, Sir Robert
Soulsby, Sir Peter
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, David
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thornberry, Emily
Thurso, John
Tredinnick, David
Trickett, Jon
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Vis, Dr. Rudi
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Wareing, Mr. Robert N.
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winnick, Mr. David
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wood, Mike
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Neil Gerrard and
Kelvin Hopkins

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blair, rh Mr. Tony
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Challen, Colin

Chapman, Ben
Chaytor, Mr. David
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
Mates, rh Mr. Michael
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Munn, Meg
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Southworth, Helen
Speller, rh Mr. John
Stanley, rh Sir John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Ian Cawsey and
Mr. Dave Watts

Question accordingly agreed to.

Amendments made: No. 56, in clause 23, page 22, line 28, after 'authority', insert 'or senior judge'.

No. 57, page 22, line 33, after 'authority', insert 'or senior judge'.

No. 58, page 22, line 33, leave out 'special'.

No. 59, page 22, line 36, at end insert—

'( ) In sub-paragraph (4) of that paragraph (application of paragraphs 30(3), and 31 to 34), at the end insert "but, in relation to an application made by virtue of sub-paragraph (1A)(b) to a senior judge, as if—

(a) references to a judicial authority were references to a senior judge; and

(b) references to the judicial authority in question were references to the senior judge in question."

( ) In sub-paragraph (5) of that paragraph, after "authority" insert "or senior judge".

( ) After sub-paragraph (6) of that paragraph insert—

"(7) In this paragraph and paragraph 37 'senior judge' means a judge of the High Court or of the Court of Session."'.

No. 60, in clause 23, page 22, line 45, after 'authority', insert 'or senior judge'.—*[Hazel Blears.]*

New Clause 1

EXTENSION OF PERIOD OF DETENTION BY JUDICIAL AUTHORITY: DURATION

(2) The Secretary of State may by order made by statutory instrument provide—

(a) that all or any of those provisions which are in force shall continue in force for a period not exceeding twelve months from the coming into operation of the order; or

(b) that all or any of those provisions which are for the time being in force shall cease to be in force.

(3) No order shall be made under subsection (2) above unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.'. —*[Mr. Winnick.]*

Brought up, read the First and Second time, and added to the Bill.

Clause 1

ENCOURAGEMENT OF TERRORISM

The Minister for Policing, Security and Community Safety (Hazel Blears): I beg to move amendment No. 34, in page 1, line 5, leave out subsection (1) and insert—

'(A1) This section applies to a statement that is likely to be understood by members of the public to whom it is published as a direct or indirect encouragement or other inducement to them to the commission, preparation or instigation of acts of terrorism or Convention offences.

(1) A person commits an offence if—

(a) he publishes a statement to which this section applies or causes another to publish such a statement on his behalf; and

(b) at the time he does so, he intends the statement to be understood as mentioned in subsection (A1) or is reckless as to whether or not it is likely to be so understood.

(1A) For the purposes of this section the cases in which a person is to be taken as reckless as to whether a statement is likely to be understood as mentioned in subsection (A1) include any case in which he could not reasonably have failed to be aware of that likelihood.'.

Mr. Speaker: With this it will be convenient to discuss the following amendments: No. 19, in page 1, line 5, leave out subsection (1) and insert—

'(A1) This section applies to a statement that is likely to be understood by members of the public to whom it is published as a direct or indirect encouragement or other inducement to them to the commission, preparation or instigation of acts of terrorism or Convention offences.

(1) A person commits an offence if—

(a) he publishes a statement to which this section applies or causes another to publish such a statement on his behalf; and

(b) at the time he does so, he intends the statement to be understood as mentioned in subsection (A1) or is reckless as to whether or not it is likely to be so understood.

No. 14, in page 1, line 6, leave out from 'statement' to end of line 7 on page 2 and insert

', which may include the glorification of the commission or preparation (whether in the past, in the future or generally) of acts of terrorism or Convention offences, or causes another to publish a statement on his behalf; and

(b) at the time he does so he—

(i) knows or believes that members of the public to whom the statement is addressed or is to be published will, or

(ii) is recklessly indifferent to the likelihood that such persons would,

understand it as a direct or indirect encouragement or inducement to the commission, preparation or instigation of acts of terrorism or Convention offences.'.

No. 2, in page 1, line 8, leave out paragraph (b) and insert—

'(b) at the time he does so, he intends or is recklessly indifferent to the fact that the publication will be understood as a direct or indirect encouragement or inducement to the commission, preparation or instigation of acts of terrorism or Convention offences.'.

No. 21, in page 1, line 9, leave out from 'believes' to end of line 10.

No. 64, in page 1, line 14, at end insert

'and

(c) either—

(i) he intends that the statement will have that effect, or

(ii) he is reckless as to whether the statement will have that effect upon reasonable members of the public.'.

Government amendments Nos. 35 to 43, 49 and 50.

5.15 pm

Hazel Blears: The amendments respond to points that were raised in Committee and seek to allay some of the concerns that were expressed then. They also, I should point out, build on some of the concepts—*[Interruption.]*

Mr. Speaker: Order. It is only fair to the Minister that hon. Members leave the Chamber quietly.

Hazel Blears: I am only sorry that this debate is not as much of a draw as the main attraction earlier, but I will do my best to make it as interesting as possible. The amendments build on some of the concepts in the amendments tabled in Committee by the right hon. Member for Haltemprice and Howden (David Davis) and his hon. Friends.

As the House will recall, we had quite a lengthy debate in Committee on the issue of intent and, more particularly, how we ensure that the offence of encouragement to terrorism in clause 1 of the Bill is workable—which is what I said I wanted it to be—but does not cast its net unduly wide. I undertook to examine that issue further because I wanted to ensure that we did not catch people who clearly were not in any way intending to encourage others to commit acts of terrorism. We have gone back to the drawing board and come up with a formulation that we hope meets those objectives.

The key amendment in this group is amendment No. 34, which replaces clause 1(1). It provides that the offence in clause 1 can be committed in only two circumstances. Both of those circumstances were in amendments that we discussed last week, so the concepts have already been properly explored. The first set of circumstances is where a person makes or publishes a statement and intends it to be understood by

[Hazel Blears]

its audience as an encouragement to carry out acts of terrorism. I do not think that anyone could object to that being a criminal offence, and we have put the word "intends" on the face of the Bill so there is complete clarity about the conduct that is meant.

The second set of circumstances is where a person makes or publishes a statement and is reckless as to whether or not it is likely to be understood by his or her audience as an encouragement to carry out acts of terrorism. Again, for clarity, we have put the word "reckless" on the face of the Bill, and that was a word drawn from Opposition amendments in Committee.

We have also defined "reckless" for these purposes as being a case where the person could not reasonably have failed to have been aware of the consequences of his action. Again, I am sure that no one could object to this provision. If an individual makes a statement encouraging others to commit an act of terrorism and could not reasonably have failed to realise the likely consequences of his actions, that should clearly be an offence.

Mr. Grieve: I was grateful to the Home Secretary when he said that he would amend the original clause 1, because it was very badly drafted, but I have some concerns about the amendments. The definition of "reckless" is completely contrary to the definition of recklessness in the recent case of R *v.* G and seeks to substitute the recklessness test in Caldwell, which has been discredited by the courts. It is extraordinary that Ministers should adopt a test for recklessness that the courts have said is the wrong test.

Hazel Blears: As I continue, I hope that I will be able to convince the hon. Gentleman that the formulation that we have now covers intent and recklessness. It is important that we have an objective qualification of recklessness, but the words used raise the threshold and reverse the presumptions in the provisions. That series of tests should be sufficient to convince the hon. Gentleman that we have moved away significantly from the negligence test about which he and other hon. Members expressed concern in Committee. I hope to be able to convince him that the present formulation, which includes intent, recklessness and an objective assessment of recklessness, is sufficient to meet his concerns as well of those of the Government that we have a formulation that enables us to have some prosecutions of people who are clearly committing criminal acts.

Mr. Heath: Is not the difficulty that the right hon. Lady is trying to encompass with the same clause both a subjective and an objective test? In legal terms, that seems absurd.

Hazel Blears: No, I hope that as I develop my argument the hon. Gentleman will appreciate that the provisions deal with intent and recklessness, with an objective assessment of recklessness at a higher threshold. I am really trying to achieve a formulation that will command the support of the whole House. I was concerned about negligence, and I shared those concerns, so we want a formulation that lifts the threshold but still enables us to prosecute people who, through their statements, are encouraging others to commit terrorist acts. That should command broad support.

I want to amplify those comments. We cannot allow people who could not reasonably have failed to realise the likely consequences of their actions to get away with that simply by saying that they did not know what effect their actions might have. That would enable people who have encouraged or glorified terrorism to get away scot-free, without paying the penalty for their actions, by insisting, regardless of all the evidence, that they did not know the possible consequences of their actions. A provision that they should be caught if they could not reasonably have failed to know the consequences of their statements is the right way to avoid that situation.

I think that the hon. Member for Beaconsfield (Mr. Grieve) said that juries are capable of considering such issues in context, and the provisions deal with the context and circumstances. The court will take all that into account. If we have only a subjective test, people will be able to say that they did not realise what the effect of their actions would be. We would then find it incredibly difficult to prosecute people who genuinely were encouraging other people, indirectly, to commit terrorist acts.

Mr. Grieve: Every day of the week, juries conclude that people are not telling the truth when they claim not to have foreseen a consequence of their acts; otherwise, there would be no convictions at all. Why should the Government tinker with a definition that was approved by the other place? The House of Lords said that the Government's definition of recklessness in the provision is unjust and should not continue.

Hazel Blears: We explored those issues in detail in Committee and, as I told the hon. Gentleman then, if he looks at rape and other sexual offences, he will find that there is an objective test of recklessness. In rape, an offence is committed only if the person carrying out the act does not reasonably believe that the victim consents. A person charged with rape cannot say that they believed they had consent; they have to prove the objective test that their belief was reasonable. There is thus well-established law that it is perfectly proper to have an objective test of recklessness and that we should not simply believe what a defendant says were the circumstances. The formulation of subsection (1A) moves things up a field, as the hon. Gentleman will acknowledge. We are not saying simply that there should be a reasonable belief, but that the defendant could not reasonably have failed to appreciate the effect of his words. We have genuinely tried to achieve a tight formulation that still enables us to prosecute. That is a perfectly legitimate objective for the Government and I hope that the hon. Gentleman will accept it, despite his forensic examination of the legal niceties. That is legitimate, because we are talking about criminal offences, but it is my job to try to ensure that we have law that is practical, effective, workable and takes us away from the negligence provision, which I acknowledge was a concern. I think we have a good formulation.

John Bercow: As a matter of some pride, I state that I am not a lawyer, but that does not preclude me from having legitimate concerns about the construction that the Government are proposing. I am unhappy—as I was on a previous occasion—about the reference to a statement and how it will appear to, or be interpreted by, "members of the public" to whom it is addressed. The provision does not specify which members of the public; it does not specify that the statement should be made to a majority of the public, nor does it have the general threshold of right-thinking people. Is there not a danger that it is too wide?

Hazel Blears: As I say, we covered a lot of this ground in Committee, and I have genuinely tried to narrow the provision's ambit while trying to ensure that it is workable. I point out amendments Nos. 35, 41 and 42 to the hon. Gentleman. Again, they make an important clarification to the Bill. They make it clear that, for an offence to be committed, the audience has to understand that what is being said is an inducement for them and no one else to commit terrorist acts. For example, no offence will be committed if a member of an audience at an academic lecture thinks, "Well, I am not encouraged to commit terrorist acts, but I can quite imagine that, if this sentiment was expressed at a gathering of young Muslim men, it could have an encouraging effect on them." I think that that is implicit in the drafting, but those amendments make it absolutely explicit that the likely effect must be on the people to whom the statement is addressed. I hope that the hon. Gentleman will appreciate that that is another attempt by the Government to try to narrow the provision's ambit and focus it on the mischief to which this part of the Bill is addressed: those who directly or indirectly incite people to commit acts of terrorism. I hope that he will give us credit for seeking to narrow the ambit of the offence in those terms.

Mr. Robert Marshall-Andrews (Medway) (Lab): Will the Minister address a not-so-hypothetical example that concerns a lot of people? Given the state of the middle east at the moment, if someone—for instance, myself—says, "I can well understand why decent Palestinians become terrorists", they would still fall foul of the test. In making that statement, I must be taken to know that someone may well be encouraged to act because they are mad or highly radicalised. In those circumstances, I would be reckless according to the Bill. I should very much like the Minister to address that point and, if she would be good enough later to take another intervention, to ask her about amendment No. 64, which I tabled, and what is wrong with it.

Hazel Blears: Again, we have trawled over this ground to a large extent, but the offence has two limbs: the making of a statement and the likely effect on the audience. If someone says that they could not reasonably fail to understand or appreciate the effect of a statement on the audience, that is a fair test about the circumstances in which they make that statement.

I think that I went through with my hon. and learned Friend last week the number of hurdles that we would have to overcome to bring a successful prosecution, and the provision will be even tighter now. Someone must have an intention or be reckless, and there is an objective test of recklessness. The statement must be likely to encourage others. There must be a realistic prospect of conviction. The prosecution must be in the public interest and the Director of Public Prosecution's consent is needed.

For my hon. and learned Friend simply to make a statement with which someone could empathise or sympathise without knowing or being reckless in its effect on the audience does not fit the definition and formulation that we propose. With respect, he is stretching the definition and the circumstances to an untenable extent if he examines the current formulation. I know that he does not like the whole principle of the clause, but he is stretching things beyond the bounds if he is saying that he understands why people might find themselves in that kind of mindset. That will not make him fall foul of such a criminal prosecution.

Mr. Mike Hancock (Portsmouth, South) (LD): I am grateful to the Minister for that explanation. However, bearing in mind the criteria that she has laid down for a prosecution to be brought, does she agree that a prosecution could only ever be successful if the prosecutors could deliver before a jury witnesses who had been influenced by what had been said?

Hazel Blears: I am glad that the hon. Gentleman appreciates that the formulation that we propose for the clause is fairly tightly drafted and does not cast the net too wide. Clearly, the individual circumstances are important. I have been asked on many occasions to speculate on what kind of phrases might make people fall foul of the provision. The only example that I have felt comfortable giving is where someone says, "Wasn't it a fantastic thing that happened on 7 July?" knowing that the likely effect is to encourage their audience to engage in acts of terrorism. We are genuinely trying to aim this legislation at that kind of formulation, not at all the wider examples. Sometimes, the offence has been stretched beyond the realms of possibility, and we have genuinely tried to narrow it down to the mischief that we are trying to target. The amendments narrow the provisions on the audience itself. The likely effect on the audience is the second limb of the offence, so there is a consideration of what is done and the likely effect of that on the audience.

5.30 pm

Mr. Marshall-Andrews: I hope that I can be constructive on this point. The Minister will be aware that I have tabled amendment No. 64. It would add to the recklessness test a determination of whether a person

> "is reckless as to whether the statement will have that effect"—

an encouragement or an inducement—

> "upon reasonable members of the public."

That measure would deal precisely with the problem, because if I said something that I thought that a reasonable member of the public might take to be an inducement, I would be guilty—I could understand that. The problem that we all have at present is that if I say something that I know that a very unreasonable member of the public might take to be an inducement, I would undoubtedly be caught.

Hazel Blears: I refer my hon. and learned Friend to amendments Nos. 35, 41 and 42, which address the effect on the audience to which a person was speaking. We have narrowed down the provision so that we are not considering mythical people who might be

[Hazel Blears]

radicalised or mentally unstable, such as those in the examples that he gives, but the audience that is being addressed.

John Bercow: I do not think that that deals with the issue. I acknowledge that the Minister has worked hard to try to improve the Bill. I am happy to concede her good intent, but that does not mean that the result is satisfactory. I repeat the point that was implicit in what the hon. and learned Member for Medway (Mr. Marshall-Andrews) said. When a statement is published, its audience is necessarily wider and larger than that for a statement that is not published. Unless a more reasonable amendment is agreed to, surely we could be considering a mad, neurotic, or frankly hypersensitive individual who could be influenced to behave in a particular way, although that individual might well have behaved in that way anyway. The provision is too broad and an amendment such as that which the hon. and learned Gentleman has in mind would narrow it substantially.

Hazel Blears: I do not propose to narrow the offence to the point at which it would become impossible to prosecute. As I have said on several occasions, there is a real problem with people making statements that they know will encourage others to undertake terrorist acts. We need legislation that is focused on such mischief and able to deal with it. The hon. Gentleman might wish to narrow the offence even further, but I think that our formulation will address people's genuine concerns. He raises the prospect of one person who might take a statement in such a completely unreasonable way. I have set out the fact that there will be seven hurdles before there is a prosecution, so the likelihood of a prosecution for a criminal offence in such circumstances would be infinitesimal. It is not the business of the House to make legislation in such terms. There is a broad and reasonable case for our formulation. I have gone this far, but I am afraid that I shall go no further, not even for the hon. Gentleman.

Ms Sally Keeble (Northampton, North) (Lab): Does my right hon. Friend agree that the formulation of some of the Government's proposals is similar to that of race relations legislation, in which there is a consideration of intent, recklessness and the impact on an audience, which is a crucial aspect of making such legislation work properly and ensuring that its implementation is reasonable?

Hazel Blears: My hon. Friend is right. She takes an approach that I hope that the whole House will adopt. She takes a practical approach to our legislation by trying to ensure that it works, but that it does not have unintended consequences, such as those raised in Committee regarding the negligence test, which I have tried to address today.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): In response to an amendment that I tabled in Committee, I think that the Minister indicated that there was a problem with specifying the qualification that there must be a danger of a terrorist offence being committed. Would not adopting such a provision, which is in the Council of Europe convention on the prevention of terrorism, deal with the problem that has been identified regarding one person who hears a statement? If there had to be such a danger, it would deal with the argument on prosecutions that she is trying to address.

Hazel Blears: I remember our discussion in Committee. I think that the response that I gave to the hon. Gentleman then still stands. If an actual danger had to be proved, it would set the threshold too high and the prosecution would find it difficult to bring a case. We are trying to get the balance right so that we can use the legislation to prosecute people who are causing a real problem in this country, yet ensure that we do not inadvertently bring people into the net who quite properly should be allowed to say the things that they want to say. That is at the heart of the Bill—we are trying to get the right balance between the correct security measures and the protection of liberty and freedom of speech. I am trying to draw that balance correctly without erring in favour of either priority. I do not want the Bill to be a piece of legislation under which people can still say those things with impunity because they are clever enough to formulate their words knowing that they will have an effect on other people but that they will escape prosecution themselves. It is not in the interests of anyone in this country to allow that situation to continue. Most of the remaining Government amendments in this group are consequential, as the meat of the argument is contained in Government amendment No. 34. We have found a formulation that works, and I hope that it will be accepted by all hon. Members.

Amendments Nos. 19, 14, 2 and 21 would all have the same effect. Instead of allowing a recklessness test that would cover individuals who could not reasonably have failed to realise the likely effect of their actions, they limit the offence to people who intend or can be shown to have known the likely effect of their actions. As I said, that recklessness test is subjective, as opposed to objective. I have received advice that the formulation in subsection (1A) of amendment No. 34 is drafted to reflect the Caldwell case. The hon. Member for Beaconsfield (Mr. Grieve) will know more about that than I do, but it is right to include such a test. If we simply used a subjective test, individuals who brazenly encourage terrorism would be able to argue, despite the fact that they could not reasonably have failed to understand the likely effect of their comments, that they did not foresee the risk that members of their audience would be encouraged to commit acts of terrorism. The difference between that subjective test and the test in the Government amendments is crucial to the success of the legislation. Without an objective test, people could simply say that they did not intend their words to have a particular effect on their audience, and that they did not have any idea what would happen. We all know of individuals who have made such statements, but we have found it impossible to prosecute them. We want to make sure, however, that we can do so in future.

We have tightened the provisions in clause 1 considerably, but we have preserved the integrity of the offence so that the measure is effective. Briefly, Government amendments Nos. 49 and 50 deal with a minor but important matter. Clause 18 provides that, if a corporate body is guilty of an offence under part 1, a senior officer of that body is also guilty. Originally, his connivance, consent or neglect was required, but hon. Members expressed concerns about an offence committed by negligence. As a result, the Government amendments tighten the provision and remove the neglect limb, so I hope that they will be welcomed by Members on both sides of the House.

Mr. Grieve: As I said in my intervention on the Minister, I wanted to welcome the Home Secretary's conversion on clause 1 in the light of last week's debate. Indeed, when I saw him on Monday I was overwhelmingly grateful because during a wide-ranging discussion he accepted the argument that the drafting of clause 1 was too loose. It took us some time to tease out the implications last week, but the upshot of our debate was that the offence could be committed as a result of negligence. Mindful of the amendment that I tabled last week, the Home Secretary accepted that the offence should only be committed intentionally or recklessly. I was pleased with that result, and I thanked the Home Secretary. However, when I looked at the draft of amendment No. 34, I discovered that it reads very well only until the end of subsection (1). Subsection (1A) says:

> "For the purposes of this section the cases in which a person is to be taken as reckless as to whether a statement is likely to be understood as mentioned in subsection (A1) include any case in which he could not reasonably have failed to be aware of that likelihood."

I always understood that in the normal test of recklessness, the word was to be given its ordinary English meaning. The problem has arisen because for a period of 20 years, which I suspect was an aberration, as a result of the Court of Appeal judgment in Caldwell, it became possible for a person to act recklessly even though he never foresaw the risk of something occurring. In a sense it was an objective test. The jury could say, "We accept entirely that in doing what you did, you never foresaw the risk of something occurring, but we can say that you are guilty nevertheless, because when we look at the facts, we think we would have foreseen that the risk would occur."

That decision stood until last year, when the House of Lords examined it again in a case called R *v.* G. As the Minister knows, before the House of Lords looked at it, the test in Caldwell had come in for massive criticism over the years from both academic and judicial authorities. In R *v.* G the House of Lords looked at the entirety of it, and the upshot was that the authority of Caldwell was wholly overruled.

It is worth considering the reasons why the Law Lords decided to do that. They stated, first, that while the most obvious culpable state of mind was an intention to cause an injurious result, knowing disregard of an appreciated and unacceptable risk of causing an injurious result or a deliberate closing of the mind to such a risk would be readily accepted as culpable also. But it was not clearly blameworthy to do something involving a risk of injury to another if, for reasons other than self-induced intoxication, one genuinely did not perceive the risk.

Secondly, the Caldwell formulation was capable of leading to injustice. Thirdly, the criticism of Caldwell by academics, judges and practitioners was not to be ignored, and fourthly, it was clear that the majority's interpretation of "reckless" in Caldwell had been a misinterpretation of Parliament's intention in the Bill at that time, which was to leave the essential law unchanged. Therefore the test of recklessness should return to what it had been historically for many years before the Caldwell decision took place.

I have a slight criticism, which is that it took me a phone call to the draftsmen in the Home Secretary's office to get finally an admission that it was true that they had put in not the current test of recklessness, but the old test of recklessness. I know the Government do not like the judiciary, and perhaps the House of Lords particularly, but that is a crazy course of action to adopt.

In her comments, the Minister said, "We've done it in other cases, like rape." Yes, I acknowledge that. When we considered changing to an objective test in rape cases, there was considerable debate in Committee. The reason we chose to do it was the nature of rape as an offence, its seriousness and all the surrounding circumstances. To equate rape with words used by an individual seems a very poor comparison. The equation given in the discussion in R *v.* G refers to criminal damage, which is a good example of the narrow boundary between negligence and recklessness.

Where somebody is to be criminalised for something they said, on the basis that it might indirectly incite terrorism, we would be in danger of perpetrating injustice unless we said that the test that a jury has to apply is the current test, not the old test. The Minister will have to provide a compelling justification for me to be willing to accept the amendment. I questioned the draftsmen about the amended version. I do not think there is any difference between amendment No. 34 and the original draft. If there is, it is minute.

The real criticism of the earlier draft is that it was incredibly sloppy, because the Minister—I hope that she forgives me for saying this—was attempting to conceal what the Government were trying to do, which is why we ended up with the opaque language that I complained about last week.

5.45 pm

Amendment No. 34 is not opaque. It makes it clear what the Minister intends, which is an objective recklessness test to allow a jury to conclude that although somebody had not been reckless in their own mind, they should still be criminalised. I do not want to labour the point, but that is a bad test to apply in this context.

Ms Keeble: I am not a lawyer, but I understand the differences between honest and reasonable belief and between intent and recklessness. What does the hon. Gentleman say about race relations legislation, under which somebody may not intend to discriminate, but, if the consequences of their action are discriminatory, can still be done for discrimination? The race relations legislation on what people believe, what people say and the consequences of, for example, name calling is similar to the powers in the Bill.

Mr. Grieve: The hon. Lady is right: there are other examples where we have kept a test akin to recklessness, but made it objective, not subjective. That explains the recent trend of using the legal gobbledegook of "reasonable grounds for believing" and "likely"—those two concepts are currently used married together.

The Minister expressly consented to putting the word, "reckless" into legislation, but having given with one hand, she is taking away with the other, which is incoherent. In light of the decision of the House of Lords in R *v.* G, the drafting is also unsatisfactory. Indeed, I am almost forced to conclude that if that is really what the Minister wants to do, it would be better if the word, "reckless" did not feature.

Ms Keeble: I used to report such cases when I was a reporter in the 1980s, which is a very long time ago. That stuff is not recent, and it has not led to a spate of groundless prosecutions.

Mr. Grieve: I accept that point, but the Minister seemed to hint that if we introduce a recklessness test, as defined by the House of Lords in R *v.* G, it would present insurmountable obstacles to prosecution and that all sorts of unsavoury people who had said things that they should not would get off. I do not accept that argument: when a defendant goes into the witness box and says, "I acted honestly when I walked out of the shop with the goods under my arm. It was all a mistake," juries have no difficulty in examining the circumstances and saying, "Actually, you were dishonest, and that is a crime of specific intent."

One can still be convicted under the subjective test. All that needs to be shown is that the defendant must have foreseen a risk in the course of carrying out a particular activity. It is even easier to convict under the subjective test, so I do not accept that it will lead to people whom the Government want to criminalise being acquitted. Consider the example of a foreign preacher who does not know much about life in Britain and who has come over on a visit. If he said, first, "I never intended to incite terrorism," and secondly, "I never foresaw that there was a risk of inciting terrorism," the jury could say, "Although we see those words as incitement, we understand that he is telling the truth." The question is this: if the person is telling the truth about it, is it right that he should be landed with a criminal conviction?

That is why I propose, unless I am persuaded otherwise, to vote with some reluctance against amendment No. 34 and invite the House to vote on my amendment, which has exactly the same wording except that it leaves out subsection (1A), which does all the mischief. However, I am conscious that other amendments would have a similar outcome, and I shall listen carefully to what Members say about them.

Stewart Hosie: We discussed this matter at the meeting on Monday with the Home Secretary and his team. Members seemed broadly happy that the Government were going in the right direction. By and large, we were satisfied by the inclusion of intent and recklessness and the removal of negligence, and the subsequent amendments whereby actions had to be emulated by individuals and the content of information had to be useful to individuals. I think that I paraphrase accurately. Is the hon. Gentleman's concern merely that the wrong recklessness test is included, or does he have some deeper objection?

Mr. Grieve: The amendment suggests that we have the wrong recklessness test. If Members disagree, they will support amendment No. 34. It is very odd for the Home Secretary to use the word "reckless" and then to qualify it in a way that makes nonsense of a recent court decision by the House of Lords that says that that is unfair and should not be used. To say that that is cocking a snook at the judges is a bit of an understatement.

Dr. Evan Harris: Article 5 of the convention refers to intention. Does the hon. Gentleman agree that if the Government claim that they are fitting in with that provision by saying that the offence has to be intentional, they can do that with a subjective recklessness test but if they introduce the objective recklessness test that he described their actions would be outside its terms? Those of us who are interested in human rights believe that it is wise to stick to what it says in article 5.

Mr. Grieve: I see no necessity to adopt amendment No. 34 in order to comply with the convention test.

I do not want to take up any more of the House's time, as there are many other amendments that we want to consider.

Mr. Marshall-Andrews: I should like to speak to amendment No. 64, which stands in my name and those of several others. In doing so, I am afraid that I must criticise not only the product of the Home Secretary's labours but the amendments tabled by the official Opposition.

I can do so quickly by referring back to my intervention on the Minister, to which, with great respect, she did not respond. At the risk of wearying the House, let me repeat the now-famous Cherie Booth test regarding what she said in public and whether it would be criminalised. I can put it into my own mouth to make it even more uncomfortable. All I need say is that given the present situation in the middle east, I can understand how perfectly decent Palestinians can be turned into terrorists. When I say that, there is not the slightest doubt that I perceive the possibility that some people, when they read that statement, will be encouraged to carry out terrorist acts. I do not intend that they do, and I do not want them to, but I must encompass in my thinking the possibility that they will be out there. The balance is that my freedom to make such comments is worth risking the possibility that some people will be encouraged.

Ms Keeble: I have heard my hon. and learned Friend make much more provocative and inflammatory statements. I do not understand how that statement could be perceived as intending to encourage people to commit acts of terrorism.

Mr. Marshall-Andrews: I am sorry that we will not have a meeting of minds. It is a matter of semantics more than anything else but I can conceive of a Palestinian terrorist bomber who was in this country saying, when interviewed by the police, "I believe we have considerable sympathy from politicians in this country. I remember hearing Cherie Booth and Bob Marshall-Andrews saying that they had sympathy with our plight in the middle east. I was encouraged by that." If my hon. Friend the Member for Northampton, North (Ms Keeble) cannot understand that, there is no point in repeating it. It appears self-explanatory to me.

Mary Creagh (Wakefield) (Lab): Surely there is a difference between trying to understand the causes of terrorism—we must include journalists, academics and politicians and our statements on the Floor of the House in that—and encouraging it. Surely understanding is a legitimate defence. Understanding is nothing to do with encouraging. I fail to understand how my hon. and learned Friend can make that elision.

Mr. Marshall-Andrews: I am sorry because my comments will be repetitive. If I am a seriously radicalised Muslim who is contemplating carrying out acts of terror, the fact that someone in a public position and a politician indicates that they have sympathy or understanding for such actions is likely to encourage me.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): If one says, "I fully understand but in no way endorse and could never support such a move", it is clear that there is no encouragement. However, if someone makes the abstruse statement, "I understand" one has to make quite sure what is meant—the world is full of understanding people.

Mr. Marshall-Andrews: As always, I respect my hon. Friend's comments. If one couched a statement in those terms, I agree that one might be able to enjoy a defence under subsection (3), which provides for considering the totality of the comments. However, one cannot legislate on the basis that everybody will understand the precise nuances of a statement. If, through inadvertence, one stops simpliciter at, "I have some sympathy or understanding", one is undoubtedly caught under clause 1.

Dr. Evan Harris: Is not the problem for the hon. Member for Wakefield (Mary Creagh) the word "encouragement"? As the hon. and learned Gentleman said, his comments could be taken as encouraging by those who wished to perceive them as such. However, if the word "incitement" were used, it would be hard to argue that saying that something "could be justified" in some theoretical way constituted incitement, even though some might consider it an encouragement. It is unfortunate that we have lost the opportunity to narrow the wording.

6 pm

Mr. Marshall-Andrews: I entirely agree. Incitement is a concept that is well known to the criminal law and in common law. It has been with us for hundreds of years and there is absolutely no reason why it should be changed. "Encourage" is an extraordinarily weak word. To my knowledge, it is almost unknown in criminal jurisprudence because it is so weak, and because the concept of encouragement is so wide. I am not going to repeat this argument; if people do not understand it, they do not understand it. However, I vividly understand that if I expressed such a sympathy, it would be a form of encouragement for someone whose mind was already tainted.

Stewart Hosie: Is the fundamental problem here not that the Bill would criminalise us because we implied something, but rather that we might be found guilty because someone else inferred something from us? Is not that the fundamental weakness of the legislation?

Mr. Marshall-Andrews: Yes, it is. The convoluted drafting of clause 1 is going to be nightmare for anyone who has to deal with it in the courts. On the other hand, in a spirit of good will and compromise, I have not touched that provision in my amendment. I have simply added to it two completely unobjectionable paragraphs that would deal precisely with the point that I am making. This would simply import into the Bill the provision that recklessness would apply only if what someone perceived as likely was inducement or encouragement to reasonable members of the public.

If I say something that I perceive may induce or encourage reasonable members of the public to commit terrorist offences, I ought to be prosecuted for it. I accept that immediately. But I should not be prosecuted for saying something that I genuinely believe may encourage someone whom I do not intend to encourage but who I know may be encouraged by what I say because of their state of mind—however mad, irrational or evil they may be. I would be caught under the existing provision, and we should not allow that.

I hope that amendment No. 64 commends itself to the Opposition. I am going to ask them to smile upon me—because they will be given the first bite of this particular cherry, although the cherry might be too small for two bites to be taken from it—and to allow the amendment to go through.

Mr. Grieve: Because of the procedure involved, the first bite of the cherry will involve getting rid of Government amendment No. 34, without which nothing more can be done. If we do not succeed in doing that, we shall not be going anywhere anyway.

Mr. Marshall-Andrews: That may well be right. That could be the solution.

In the argument that I have just postulated, the problem with the amendment tabled by the right hon. Member for Haltemprice and Howden (David Davis), well intentioned though it undoubtedly is, is that even leaving that recklessness—as in the case of R *v.* G—in the Act means that I would be caught, because I undoubtedly would foresee the possibility that someone out there would be comforted or encouraged by what I say. In those circumstances, I would be caught by recklessness, either under the old Caldwell recklessness or under R *v.* G, because a subjective test would be applied to me and I would own up. I would be guilty, under the Bill. I would have no choice but to say, "I'm sorry, it's a fair cop, guv. It shouldn't be, but it is."

Mr. Grieve: Under the test that I am proposing in amendment No. 19, if the people who were listening

[Mr. Grieve]

were unreasonable, that would give a perfectly good defence because the speaker would argue that they had no reason to foresee the consequences of their words. It would not be reasonable to expect someone to foresee the consequences where unreasonable people were involved.

Mr. Marshall-Andrews: I profoundly disagree with the hon. Gentleman. I would foresee the consequences on unreasonable people. I would foresee the consequences of what I say on both reasonable and unreasonable people, and on the mad and the halt and the lame and everyone else. I would perceive it to be quite clear that they would be induced in those circumstances. It is to everyone that the statement is being made, and I must be taken to understand that it will have an effect on everyone—reasonable or unreasonable. I hope that that answers the hon. Gentleman's point.

Mr. Heath: The Government are developing a prodigious talent for snatching defeat from the jaws of victory. They undertake a listening exercise, and agree that something is wrong with their Bill and try to find a way to resolve it. They go almost all the way towards securing the support of Members in all parts of the House, then they ruin it by quite extraordinary drafting. That is very regrettable. I would have hoped that last week's debate, which was perhaps in rather more high-flown terms than we are mustering this evening, might have persuaded the Government that they had to do the job properly. The result of last week's vote might have indicated that were they not to do it properly, the Bill was highly unlikely to survive in this House or another place without further amendment. I regret that the Minister has come to the House with a rather unacceptable amendment.

I want to return to the origins of what the Government are trying to do, with which I have a number of problems. First, I do not understand why the current incitement offences on the statute book are insufficient to deal with the issue, apart from the fact that they are not prosecuted. Many of us find ourselves increasingly impatient because the police and prosecuting authorities do not use the offences already there to deal with the problem. Undoubtedly, incitement offences could have been used on occasions against prominent individuals who would be caught by the prospective legislation.

Secondly, as the hon. and learned Member for Medway (Mr. Marshall-Andrews) pointed out, incitement is the correct term in the context of such an offence, rather than encouragement. It worries me that such a mild term is used in a way that is open to all sorts of constructions, which we have yet to learn, as the matter has not been before a court. I also worry because we have still not secured—and I do not think that we will do so this evening—an adequate definition of terrorism and terrorist offences. Potentially, therefore, an offence can be drawn from a much wider field.

I do not know whether the Minister intended—or whether she was simply wilfully reckless in the matter—to bring forward an amendment with a self-contradictory internal structure. As the hon. Member for Beaconsfield (Mr. Grieve) ably set out, it applies two conflicting tests—the objective test of recklessness and the subjective test of recklessness—in relation to the same clause. It is recklessness of a high degree to consider what the court has expressly rejected and then to introduce that in new legislation, as though nothing had happened and it had never been considered. That might be part of the Prime Minister's declared policy, as expressed at Prime Minister's questions today—that he would prefer to listen to police officers than Law Lords. I am sure that that will endear him to those who will consider this Bill later. Perhaps he believes that Law Lords simply do not understand law in the same way as police officers do. I must, however, counsel Home Officer Ministers that that is not a sensible way of approaching the issue.

Hazel Blears: Does the hon. Gentleman accept that it is appropriate to have an objective recklessness test in the sexual offences field, and in the Proceeds of Crime Act 2002 relating to money laundering? A range of issues in legislation have an objective recklessness test.

Mr. Heath: There are a number of points to make. First, we are dealing with a constraint on freedom of speech, which does not apply to those other offences. In the sexual offences legislation, we are dealing with a specific issue of an interaction between two people in which the critical issue is consent, and in which one person's word will often be used against another's, and in that instance it is absolutely appropriate for the jury to come to a view on an objective test. I really do not understand how the Minister can come to the Dispatch Box, apparently briefed by her civil servants, to proclaim proudly that what she hopes to enact is that which is within the Caldwell case, which the hon. Member for Beaconsfield has described as something that leads to injustice. The Minister parades case law that has apparently been interpreted as leading to injustice as an argument for including it in the Bill. The House deserves rather better than that.

The hon. Member for Beaconsfield made an interesting point about what a cleric newly arrived in the country might understand the clause to mean. As he said that, it occurred to me that the cleric might be quoting holy scripture. *[Interruption.]* The hon. Member for Birmingham, Perry Barr (Mr. Mahmood) feigns incredulity, but I could quote a large amount of holy scripture that would fall within the constraints of the clause. That worries me. It also occurred to me to wonder—this too is an aside—what the position of an interpreter would be. Does an interpreter publish the words that he is asked to interpret? At what point does his understanding of what he has been asked to interpret become a potential offence under the clause?

Mr. Grieve: Let us suppose that someone is called in to interpret a speech given in Arabic by a cleric to a British audience. As the translation proceeds, he realises that his action constitutes an incitement to terrorism. He will have to stop. That must be the answer, because otherwise he would commit the offence.

Mr. Heath: I agree that he would have a duty to stop, but that is asking a good deal of someone providing a simultaneous interpretation.

Lyn Brown (West Ham) (Lab): Someone using a religious script would be fine. The issue is the interpretation of that religious script at a meeting, and whether it might constitute an incitement to terrorism. Unless the hon. Gentleman can give a quotation from any religious book that he chooses which shows that simply reading it would constitute incitement, he should withdraw what he has said. Members of my community, certainly, would be quite offended by it.

Mr. Heath: I am sorry that the hon. Lady feels affronted or insulted. I do not know what her community is, but I can say that it is fairly easy to identify scriptures in my tradition which, if delivered to an appropriate audience, might—in terms of an objective test for recklessness rather than clear intent—*[Interruption.]* For instance, an eye for an eye, a tooth for a tooth. In the context of someone discussing an atrocity elsewhere, that could be interpreted as falling within this definition.

Dr. Evan Harris: That sort of language should not be protected simply because it is in holy scripture if it constitutes indirect incitement according to a narrow intentional or subjective recklessness test. The problem lies not with the fact that it is scripture, but with the width of the law. The fact that it is scripture should not confer on it any protection or any extra liability.

Lyn Brown: Will the hon. Gentleman give way?

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I think the hon. Gentleman must first reply to the intervention from the hon. Member for Oxford, West and Abingdon (Dr. Harris). He may then be generous enough to give way to the hon. Lady.

Mr. Heath: I am grateful to you, Mr. Deputy Speaker. I was wondering whether I would be required to give a sedentary response.

My hon. Friend the Member for Oxford, West and Abingdon (Dr. Harris) is absolutely right. There are circumstances in which scripture could clearly be used as an incitement to violence, and there are times when that should be prosecutable, but there are also times when, under an objective test of recklessness—when it is not the speaker's intention to incite or encourage such an act in any way—scripture could fall foul of the clause. That is a serious matter.

The Government are keen for there to be a read-across between this part of the Bill and an equivalent part of the Racial and Religious Hatred Bill. We know that that is part of the game-playing, aimed at including an identical definition in two controversial Bills so that they can be used in conjunction with each other.

6.15 pm

We have limited time and I do not want to speak at length to the amendment in my name, but I should point out to the hon. and learned Member for Medway that although I am always encouraged by his arguments and he made a cogent case, I have a serious concern with his amendment, which is the use of the word "reasonable" and the phrase

"whether the statement will have that effect upon reasonable members of the public."

By definition, we are dealing with unreasonable members of the public in talking about incitement to terrorism. I appreciate that his test will be whether he, as the speaker of such a statement, would have expected

"that effect upon reasonable members of the public",

but I can foresee circumstances in which the effect will be on those who are distinctly unreasonable, in that they are predisposed to committing acts of terrorism. That is a flaw in his definition, but he may disabuse me of that view.

Mr. Marshall-Andrews: Strangely enough, I agree, but I do not entirely understand why it is a flaw. I do not see why it should be a flaw to restrict the criminal offence of doing something recklessly—in other words, perceiving the likely consequences of an action but doing it in any event—to its effect on reasonable people. The point is that if I perceive that there may be unreasonable people out there who will receive such a statement as encouragement or inducement to such behaviour, but I go ahead and make that statement, I commit the offence under the terms of the Bill. So every single such statement will be caught, because I must be taken to understand that what I say may be so received by unreasonable people.

Mr. Heath: I do understand that point, but it underlines how difficult it is to construct an offence in the terms in which the Government wish to construct it. That is the underlying problem with the lack of definition—a lack of definition that we have seen elsewhere.

For the purposes of this evening, I am more attracted, for purely practical reasons, to the prospect of voting down Government amendment No. 34 for reasons that I have already adduced. Because amendment No. 19 uses the Government's own wording—up to the point at which it goes barmy—for the purposes of this evening it is a very satisfactory amendment to the Bill. It can then be further considered in another place, where we may be able to construct a better alternative to the whole offence that will secure the Government's objectives without giving rise to the unforeseen—or perhaps all too easily foreseen—consequences that the hon. and learned Member for Medway and I fear will otherwise arise. So I intend to advise my right hon. and hon. Friends to vote against the Government's amendment and to support, if he chooses to press it, the amendment in the name of the hon. Member for Beaconsfield.

Hazel Blears: I will not detain the House for long, but it is right that I say a few words. I seek acknowledgement from the hon. Member for Beaconsfield (Mr. Grieve) that the Government have attempted to narrow this clause to intent to recklessness. Yes, we have an objective test, but it is that the person

"could not reasonably have failed to be aware".

I seek from the hon. Gentleman at this late hour some acknowledgement that that formulation constitutes a higher threshold than the previous one, and that the Government have therefore moved significantly on this issue to try to ensure that recklessness is included, but that the realistic prospect of successful prosecutions remains. The hon. Gentleman should acknowledge that

[Hazel Blears]

this formulation is different and is not simply an objective recklessness test, because it also raises the threshold test.

Mr. Grieve: I did acknowledge earlier, I hope, that there appears to be some slight difference between the test in amendment No. 34 and the test in the Bill as originally drafted. Certainly, if I may say so, this provision is much clearer, which is in itself a commendation. I would also like to put it on the record that I do not believe that either the Home Secretary or the Minister tried to deceive me; I think that there was a genuine misunderstanding between us as to what the Home Secretary was actually conceding. I also hope that the Minister will understand the reasons why, when I was talking about recklessness, I meant the common-or-garden English term as interpreted currently by the courts. It is for that reason, and because it will not do any harm to the successful prosecution of offences, that I prefer my version in amendment No. 19. With some regret, therefore, I have to vote against amendment No. 34.

Hazel Blears: I understand the hon. Gentleman's position, in that he is struggling with modern drafting. All I can say is that our formulation meets the objectives that we want to achieve—to make practical, effective and workable legislation. Who knows? In time to come, perhaps even the hon. Gentleman will be a little more comfortable with some modern attempts at the drafting. I commend the amendment to the House.

Question put, That the amendment be made:—

The House divided: Ayes 318, Noes 276.

Division No. 86] **[6.21 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne

Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Claire Ward and
Mr. Parmjit Dhanda

NOES

Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Austin, John
Bacon, Mr. Richard
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Cameron, Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clark, Ms Katy
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Conway, Derek
Corbyn, Jeremy
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Durkan, Mark
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Flynn, Paul
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Galloway, Mr. George
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gibson, Dr. Ian
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Hopkins, Kelvin
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Jones, Lynne
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Law, Peter
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, Dr. Alasdair
McDonnell, John
McGrady, Mr. Eddie
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, Rev. Ian
Paterson, Mr. Owen

Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Alan
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Wareing, Mr. Robert N
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. Crispin Blunt and
Mr. Peter Atkinson

Question accordingly agreed to.

Mr. Grieve: I beg to move amendment No. 3, in page 1, line 15, leave out subsection (2).

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments:

No. 15, in page 2, line 14, leave out 'subsections (1) and (2)' and insert 'subsection (1)'.

No. 4, in clause 2, page 3, line 21, leave out subsection (4).

No. 6, in clause 3, page 6, line 15, leave out subsection (8).

No. 12, in clause 20, page 17, leave out lines 34 and 35.

No. 31, in page 19, line 4, leave out clause 21.

No. 30, in clause 21, page 19, line 8, leave out from 'which' to end of line 25 and insert

> 'a person whilst acting in the capacity of a member of that organisation commits an offence under sections 1 or 2 of the Terrorism Act 2005.'.

No. 13, in page 19, line 10, leave out from 'include' to end of line 25 and insert

> 'unlawfully expressing approval of the commission or preparation of acts of terrorism.
>
> (5B) The expression of approval is unlawful for the purposes of subsection (5A) if there are persons who may become aware of it who will infer that what is subject to an expression of approval is conduct that should be emulated in existing circumstances.'.

Mr. Grieve: These amendments address the important issue of the encouragement of terrorism. As the Minister will know, we have supported provisions on indirect incitement, even if we have had differences of opinion on whether it can be committed recklessly and what the definition of "recklessness" should be. The difficulty we have is with clause 1(2), which seeks to introduce into the definition of incitement statements that indirectly encourage the commission or preparation of acts, or glorify

> "the commission or preparation (whether in the past, in the future or generally) of such acts or offences; and . . . is a statement from which those members of the public could reasonably be expected to infer that what is being glorified is being glorified as conduct that should be emulated in existing circumstances."

The difficulty, which was highlighted in Committee, is that the concept of an offence—*[Interruption.]*

Mr. Deputy Speaker: Order. I am sorry to interrupt the hon. Gentleman. The hon. and learned Member for Medway (Mr. Marshall-Andrews) should not be discussing matters in sub-committee while this debate is taking place.

Mr. Grieve: The concept of unlawful glorification is alien to our law. On the whole, if people wish to go out and glorify something, they are free to do so. Indeed, as the House will be aware, the origin of the provisions seems to have come from a decision by the Government at some time in the summer that they wanted to make glorification a separate offence. That attracted much adverse public comment and, as a result, the Government decided shortly before the Bill was published—a previous draft Bill contained the separate offence of glorification—to collapse glorification into the single offence of encouragement of terrorism.

The impression that was given at the time was that glorification had disappeared, but unfortunately it has not. It is present as a distinct subsection in clause 1. It is difficult to understand why it has been left there. I can easily think of examples of someone glorifying something that might amount to an incitement to commit a terrorist offence, because the words of glorification could clearly relate to incitement. But if there is indeed no incitement, to identify glorification as a form of incitement and as something that is likely to be understood by members of the public

> "as indirectly encouraging the commission or preparation"

of an offence seems quite wrong. It imposes a burden on anybody who wants to glorify historical events to think carefully, because they may find themselves liable to criminal prosecution and subject to a term of imprisonment of seven years. That is not a reasonable way for Parliament to proceed.

If somebody incites terrorism, even by indirect means—oblique references, nudges, winks or suggestions that terrorism is an appropriate remedy—I am happy to criminalise them and happy that they should go to prison for seven years if the offence is serious enough. But it is not right that the mere glorification of the commission of a terrorist offence, which, under the Bill, could include the past activities of Robin Hood, Wat Tyler or Guy Fawkes, should be sufficient to found the basis of a criminal offence, if the statement was one from which

"members of the public could reasonably be expected to infer that what is being glorified is being glorified as conduct that should be emulated".

I am sure that there was a Wat Tyler society when I was up at Oxford and, as I said on Wednesday, many student societies of a slightly anarchic kind might have dinners or meetings that glorified Wat Tyler or John Bull—names that used to have a great appeal for Labour Members, which has disappeared under new Labour.

Lembit Öpik (Montgomeryshire) (LD): Does the hon. Gentleman agree that the provision would apply not only to Guy Fawkes and Robin Hood but, at least in theory, to Gerry Adams? There is a difficulty for the Prime Minister and the Government, as it is unclear that the Prime Minister would not fall foul of his own law, given the fact that he has often praised, and expressed admiration for, the contribution of a man who is unquestionably a former terrorist. The courts could have a field day with the Prime Minister, who could end up behind bars as a result of the provisions.

Mr. Grieve: The hon. Gentleman raises a possible unintended consequence. In fairness to the Prime Minister, I do not think that he has ever commended Mr. Adams for having committed terrorist offences. He has commended him for being a reformed terrorist, which is a slightly different concept—if indeed, Mr. Adams is reformed, a subject on which there is always a certain amount of speculation, given his membership, certainly in the past, of the IRA army council.

The scope of the definition of terrorism, which is linked to our other debate, is so wide that it encompasses all historical characters who took up arms against the state in any setting whatever.

Mr. Heath: I was struck by the hon. Gentleman's recollections of his student days. When he was at Oxford, did he ever see a poster of Che Guevara in a heroic pose? Did he share that experience—*[Interruption.]* The hon. Member for East Lothian (Anne Moffat) says that this is serious. Taking away people's liberty is serious.

Mr. Grieve: Che Guevara was a student pin-up when I was at university; indeed, there were Che Guevara societies. There were commemorations of what people claimed was his heroic death and life, and of the fact that he was a freedom fighter or, as some would say, a terrorist, using force to combat what were regarded as capitalist and tyrannical regimes. There is no doubt that if someone were to glorify the activities of Che Guevara at a meeting where

"members of the public could reasonably be expected to infer that what is being glorified is being glorified as conduct that should be emulated in existing circumstances",

they would commit an offence. Furthermore, in relation to the term, "emulated in existing circumstances", one has to ask: existing circumstances, where? These are issues that the Minister really must address.

Helen Goodman (Bishop Auckland) (Lab): I do not know whether the hon. Gentleman recalls the statement that Churchill made in the middle of the war: "set Europe ablaze." That is what he said when he gave the job of running the Special Operations Executive to Hugh Dalton, who was a previous Member for my constituency. The SOE supplied the explosives for the resistance in Europe. That is particularly close to my heart since my Danish uncle used those explosives to blow up Nazi trains to disrupt Nazi communications. Would the hon. Gentleman like to comment on that example?

6.45 pm

Mr. Grieve: The hon. Lady makes a serious point. During the war, the Germans described those who were resisting them as terrorists. Indeed, that issue was not necessarily free of difficulty. I am half French by background. General de Gaulle had concerns that the violence being used by the resistance in France should be proportionate and focused, otherwise those involved could be reasonably classified as behaving as terrorists. Indeed, he tried to moderate them by saying that they should use complete force only when the liberation was at hand and it could be shown to produce a military goal. I simply cite that as an example of the very difficult grey areas that we must consider.

Mr. Peter Robinson (Belfast, East) (DUP): We still have a realistic case in Northern Ireland. A significant section of the community no doubt will hold commemorations to glorify the actions of the men of 1916. Clearly, that has a resonance with what is going on in our streets and towns in Northern Ireland today. Equally, others will celebrate the work of Carson and his volunteers, who defied Parliament and the Government. No doubt, that will have a resonance among many people in the streets and towns of Northern Ireland as well. The only defence that the Government have is that the DPP might not take a case to court in those circumstances. That is hardly a safe way for us to proceed, is it?

Mr. Grieve: The hon. Gentleman is quite right. Of course, the commemorations of the Easter rising that are due to take place next year, sanctioned by the Irish Government, are undoubtedly a glorification of the actions of people who were regarded at the time as terrorist and, indeed, treated as terrorists during the rising by a large section of the Irish population. That is a simple truth. Subsequently, partly because of the folly of the British Government, those involved were turned into heroes, but that is not how they were viewed when the rising occurred. That absolutely epitomises the nature of the problem that we face.

The Government's response has tended to be that we need not worry because the DPP or the Attorney-General will deal with this problem in his selective application of the law, but that is not good enough. Glorification as an offence has no place in our law. I do not want to take up the House's time tonight—this issue has been rehearsed before—but the simple and easy solution is for Parliament and hon. Members collectively, and in no spirit of hostility to the Government, to say that we understand the origin of the idea that they have proposed but that, in truth, we do not care for it.

[Mr. Grieve]

If the Government are not willing—I think that they are not—voluntarily to get rid of subsection (2) and the other subsections derived from it, we must do the job. That requires a vote, which is what amendment No. 3 is all about. I hope that the House, which has shown its independence today, will simply say that, of course we support the offence of indirect incitement to terrorism, but this glorification notion is a muddle. It will not help to prosecute those who need to be prosecuted. It will cause endless bother and send out a slightly tacky signal about how Parliament and the Government view individuals who express opinions in a sense about past events. We can deal with clerics, British National party leaders and others who may wish to invoke terrorism, violence or whatever they wish to do quite easily by keeping the Bill while deleting subsection (2) and the related subsections. That is why I commend amendment No. 3 to the House.

Mr. Heath: I entirely concur with the hon. Member for Beaconsfield (Mr. Grieve). There is no place for the offence on our statute book. I do not see the point of it, and that is not because I lack any vigour on fighting terrorism. I simply do not believe that it is a useful addition to the offences available to the police and prosecuting authorities to reduce the likelihood of terrorism.

Let us make no bones about this. The provision is clearly a vestigial remnant of an idea that must have sounded good on the day on which it was put forward by the Prime Minister, but that has been expunged elsewhere. The fragment of the Prime Minister's idea remains in the Bill, but I hope that we will clear it up today, which is why we have put our names to amendment No. 3.

The offence might have looked appropriate in 17th century legislation because it is the sort of thing that Parliament passed at that time. Parliament could afford a little imprecision in its terms in those days because it knew that it had a compliant judiciary that could be relied on to do the Executive's bidding. I can imagine some of my ancestors being prosecuted for glorification. They were transported as slaves after the rebellion in 1685. We had a wonderful judicial system in those days, as defendants were advised not to plead their innocence before the court because that would waste the court's time. We have moved on a long way since then.

The provision is drafted in such imprecise terms that it undermines the Government's rational case behind other measures in the Bill. Its chilling effect is that it has the capacity to worry a great many people who will never be prosecuted under the Bill. We have considered such an effect when we have dealt with other legislation. The fact that it might be possible to bring a perverse prosecution under the Bill could mean that people would think it better not to say what they had intended to say. However, that would lead to the serious curtailment of our free speech.

The Government have provided for other offences in the Bill. We have just debated the encouragement of terrorism. I have already said that I would prefer that activity to be termed as incitement because encouragement is a loose term. However, the concept of encouragement is a million times better than the strange offence of glorification. Labour Back Benchers made many valid contributions when we last discussed the matter and pointed out the dangers of the imprecision that was inherent in the measure.

I hope that the Government will be prepared to think again even at this late stage. I do not think that those in the other place who are well versed in law—certainly better versed than I am—will wear it for a moment. The provision will be struck out there, but as I have said on many occasions, it would be preferable for the elected House to do its job. Ministers claim to be looking for consensus on the Bill, but they know that there is a general consensus on the proper requirement to deal with people who incite terrorism in this country. They should listen to others and acknowledge that the provision will not achieve what they want.

We have heard fanciful and hyperbolic examples of what could be caught by the offence. Although they are useful for illustrative purposes, I do not think that anyone seriously assumes that the Attorney-General would prosecute anyone for the flimsy reasons that have been adduced as behaviour that could be caught by the offence. Of course, such prosecutions would not be brought. When we are legislating in the House, particularly when we introduce new offences that curtail the power of free speech, which some of us hold dear, we must be extremely careful and precise. We should know what is intended in the measures, and if we use hyperbole to illustrate our case we should do so with the intention of bringing the House to its senses so that it can understand the consequences of ill-considered legislation.

My hon. Friends and I have tabled amendments Nos. 31 and 30, which deal with the use of the word "glorification" in clause 21. I urge the Government to reconsider its inclusion, because we have terms to proscribe organisations under the Terrorism Act 2000. Only a few weeks ago, the Minister submitted to the House a further list of organisations that should be proscribed under that Act. The House agreed with her, albeit with concerns about one organisation. Generally, however, it was happy to accede to her view that those organisations should be proscribed under that legislation. If she is going to extend the terms of proscription to include the vague concept of glorification, a vast number of organisations around the world could be caught. Some of those organisations may have had a presence in this country, but that will not be the case for many of them, as we learned from the order that was laid before the House only a few weeks ago.

If we widen the scope of proscription, there will be intense diplomatic pressure on the Government to proscribe many organisations of which we know little. Another country's Government, for example, may say, "We have a problem with a certain organisation, which spends all its time saying what a wonderful thing it was that the statue of our President was blown up last week. That is entirely unacceptable. If Her Majesty's Government are serious about terrorism, when will you take the necessary steps to proscribe that organisation?"

If we wish to maintain a good diplomatic relationship with that country, the pressure on the Home Secretary to accede to that request will be very strong indeed.

Mr. Gummer: Is there not an important reason why this is not just a passing thing that can be ignored? The difficulty with effectively buying prosecution in this way is that we create circumstances in which political decisions appear to be made. Of course, that is not the case, but that is how it appears to other countries when they see that one organisation is subject to the law, but another is not. That is very dangerous: not only does it bring pressure to bear on the Government but it makes people feel hard done by if their organisation is dealt with in that way, while another is not.

Mr. Heath: The right hon. Gentleman is right, and the provision will prejudice British interests in future. People whom we call terrorists today may be freedom fighters tomorrow and the Government the day after. The measure therefore puts the country in the difficult position of receiving requests that we cannot possibly fulfil in the interests of justice, but with which diplomatic pressure and the immediate national interest will urge us to comply. That puts the Home Secretary in a difficult position for the sake of a definition that is not worth the candle. If terrorist and other organisations are covered by the wide definition of support for terrorist activities in the Terrorism Act 2000, it is right that we should proscribe their activities in this country. However, we do not need the flimsy excuse of glorification to extend those provisions, because the House has shown that it is prepared to act responsibly when presented with information by the Government, even when, for reasons of security and the need to protect the provenance of the information, it cannot be given the full facts. The House has been prepared to take on trust the advice of this very Minister in extending the provisions of the Terrorism Act. That trust may be strained if we accept the provision, as the grounds for proscription would then be that much weaker. That worries me because it is a serious step that the Government are taking in these instances, and we wish to protect the strength of the arguments behind it.

For those reasons, we will support the hon. Member for Beaconsfield if he chooses to press his amendment this evening, but I hope the Government will pre-empt that by saying that they will reconsider the clause and do the job that at earlier stages they implied that they might do, and look again at clause 21, which is unnecessarily widened by the provision.

7 pm

Mr. Grieve: If the Government were prepared to look again at the provision, that would be sensible. Clause 21 presents slightly different difficulties. There is agreement that the clause has some merit, but in its current formulation it is fundamentally flawed.

Mr. Heath: Precisely so. That is why I hope that even at this late stage the Minister will give an assurance that she will look again at the clause. I treat such assurances with a little more scepticism now than I did last week, because sometimes the assurance and even the statement in public of an intention to revise do not quite materialise in practice. Nevertheless, I am prepared to take at face value any assurances that the Minister is likely to give this evening. The House will wish the Bill to be improved in the way that has been suggested, and if the House does not demand that in the Division Lobbies this evening, I am confident that the other House will.

Mr. Kenneth Clarke: I support my hon. Friend the Member for Beaconsfield (Mr. Grieve) on his amendment No. 3. I would support him in the Division Lobby if he pressed the argument that we should remove the subsection referring to glorification because, as he said, of its dangerous vagueness.

I spoke on the subject last week during the Committee stage, so I will not repeat the arguments that I advanced and the examples that I gave of incidents that might be caught by the Bill, such as people holding dinners in favour of one national hero or giving speeches in praise of another historic hero. I trust that the Minister will address herself to some of those when she replies.

I agree with the Liberal spokesman, the hon. Member for Somerton and Frome (Mr. Heath), that one or two of the examples that we bandied about were rather fanciful. I doubt whether Robin Hood would fall within the clear definition of a terrorist, but some of the others were quite serious. I spoke last week about the Irish examples that could be cited on both sides of the political divide that has hitherto existed in Ireland, and there are other international ones as well.

In addition to adopting the arguments that I made last week, which were not met, I seek clarification about how international the application of the clause will be. I cannot anticipate a later group of amendments that deals in general with the commission of offences overseas, but in trying to envisage the problems that the insertion of the term "glorification" might create, it is important that we get clear in our minds whether we are speaking of incidents involving glorification in this country, or whether we are still liable to find that people are being prosecuted on allegations that they have glorified various violent people in their own territory, far away from this country.

The Government have tabled, and we will discuss later, amendment No. 48, which seeks to move towards some of the arguments that we used last week about extra-territoriality. The Bill will now apply only to offences committed by foreign nationals overseas if the offence falls within clauses 1 or 6. We are debating clause 1, which, as I see it, will continue to be enforced extra-territorially in this country in respect of an offence

> "so far as it is committed in relation to any statement, instruction or training in relation to which that section has effect by reason of its relevance to the commission, preparation or instigation of one or more Convention offences".

We are discussing the power being applied extra-territorially only in so far as we are discussing a breach of a UN convention or the European convention on human rights, which this country is obliged to enforce extra-territorially. I regret to say that I have not had time to look up the relevant conventions, but I suspect that the Government's choice of phrase is not a word-for-word match. I am unsure whether a foreign national would suddenly be charged with an offence because they had said or done something in their own country before coming here that would amount to an offence if it had occurred in this country.

[Mr. Kenneth Clarke]

I shall move on to one of the more tricky examples. If someone in the Caucasus were to praise the Chechen rebels and their struggle against the Russian authorities, they would arguably commit an offence, although they might not appreciate it at the time. They would have praised the commission of an act, because they would undoubtedly have praised people who had participated in terrorism in circumstances in which it might be inferred that they were encouraging other people to join. It is almost certain that they would not have the first idea that they were breaking British law or were making themselves liable to conviction in a British court when they stood up to speak in some far-away town in the Caucasus and became carried away with their own version of patriotic fervour.

Such a person might come to this country and find that the Russian Government were demanding of the British Government that they should be arrested and dealt with on an extra-territorial basis, because they had committed the act of encouraging terrorism. If that is the case, I regard it as wholly objectionable, although I do not support anybody encouraging the commission of indiscriminate acts against civilians anywhere in the world, and I do not object to the law being enforced against such people.

A Bill that seeks to define the encouragement of terrorism in such general and uncertain terms should not be allowed to create an offence of worldwide application. Furthermore, the British Attorney-General should not be put in a situation in which he or she is subject to political pressure from a foreign Government to start arresting people who come here, because, in that Government's opinion, one of their citizens has committed an offence under the Bill.

Clause 1 would be improved by the deletion of subsection (2), but the key point is that subsection (2) should not be applied to the opponents of President Chavez in Venezuela or those who lead uprisings in Chiapas in Mexico or in the Caucasus. It would be preposterous if the Government were still contemplating the possibility of using that vague wording to start arresting people, if such people were unwise enough to visit this country after making over-stirring and over-excited speeches in the country from which they came.

Mr. Gummer: Would not the Government have to take for granted the information laid before them by a foreign Government? I am thinking about the wholly unjustified attempt to prosecute a Belgian priest in the war-torn areas of Rwanda. It would not be helpful if this Government were pressurised by such a Government to take action against such a person, because we would be unable to make a judgment, except on the advice of the foreign Government who were demanding action.

Mr. Clarke: I agree with my right hon. Friend. That is one reason to be particularly cautious when hon. Members try to claim extra-territorial jurisdiction and give it to our courts. The problem with any offence of any kind that is committed outside the United Kingdom is that it is extremely difficult to get evidence in order to try the case properly and fairly before a British court. It is, however, likely in such cases that a Government who felt a sense of grievance would find it less difficult to start producing what they would describe as "prosecution evidence" than an unfortunate dissident citizen who was suddenly arrested and faced a charge in this country. I am sure that the Government of Russia would facilitate the attendance of whoever had overheard this stirring speech made on the occasion of some dinner in Georgia, or wherever, and would be able to provide the prosecution authorities in this country with the necessary evidence. The unfortunate man who suddenly found himself arrested—

Mr. Deputy Speaker: Order. I think that the right hon. and learned Gentleman will anticipate why I have intervened at this point. I understand that when he began his speech he put it in the form of a query to the Minister. He is, as I think he knows, very much dealing with a group of amendments that comes a little later on. He should therefore be restrained in what he says.

Mr. Clarke: You have been indulgent, Mr. Deputy Speaker. However, I trust that it is in order to press my question on the Minister, because a judgment of the desirability of the clause in its current vaguely drafted form is more clearly made if one knows whether it has a purely domestic application to British events or a worldwide application that might be evoked in circumstances such as those I am describing.

Mr. Grieve: As I understand it, the Bill certainly has an extra-territorial application. Interestingly, although the Government have made some concessions in restricting extra-territoriality for some offences, they have not done so for the offence in clause 1. The points raised by my right hon. and learned Friend are entirely apposite—one can make a speech in the Caucasus and be prosecuted for it in Britain.

Mr. Clarke *rose—*

Mr. Deputy Speaker: Order. My point was that they might be apposite but not necessarily strictly in order.

Mr. Clarke: I accept your doubtless correct ruling, Mr. Deputy Speaker, that I should not press the detail of my question much further.

I heard the opinion expressed by my hon. Friend the Member for Beaconsfield. It looks to me as though clause 1 is relevant only insofar as it is relevant to the application of the convention, but that is not wholly clear, and I hope that the Minister will clarify it. As she knows, I do not like the references to glorification in any event, and the whole thing is made more undesirable, unattractive and fraught with political risk if it turns out to have universal application.

Mr. Gummer: The word "glorification" is pretty unusual. Its only regular use is in the formularies of the Church of England and the Church of Rome, where it has a particular religious meaning. If one walked down a high street saying, "I'm just about to go and do a bit of glorification", it would be thought at least a bit odd.

The problem with the provision is that it is left over from a previous attempt to try to react satisfactorily to the understandable anger of people in Britain about the seeming ability of clerics from various organisations, among others, to talk in a hot-headed manner and thereby seemingly encourage people to accept actions that are manifestly dangerous and unpleasant. The Minister needs to be very careful about things that are left over and no longer of any use. The appendix, for example, is a particularly nasty part of the body in the sense that it causes a great deal of harm to no discernible good effect. That is because it is left over from a use that it once had but does not have any more. It would have been much better had the Almighty so organised the process of evolution that we got rid of it altogether. I suspect that that is precisely what we should be doing with this part of the clause. It would be much better to get rid of it altogether because the residuum is not sufficient to grant any important advantage.

I have tried hard to invent a case that could properly be prosecuted with the possibility of seven years' imprisonment and could not be prosecuted under any other subsection in the clause, let alone the rest of the Bill. So far, I have been unable to do so other than by reaching to those furthest shores that some people have visited in explaining why glorification is so dangerous to history teachers and so on. It is almost impossible to imagine circumstances in which the provision creates any additional defence of freedom or opposition to terrorism that could properly be used. It does not make sense.

Introducing into British law an offence of glorification is seriously dangerous. The word "glorification" is so loose, difficult to define and varied in people's understanding of it that it will become a dangerous precedent for the Government.

7.15 pm

Mr. Mark Harper (Forest of Dean) (Con): My right hon. Friend referred to ecclesiastical language at the beginning of his speech. Is not it dangerous, when those who mean us harm already try to use religion inappropriately to justify their actions, to use terminology in our legislation that would perhaps enable them to do that more, rather than less, easily?

Mr. Gummer: My hon. Friend has put his finger on the reason for my unhappiness with the word. He is right that, if ever there were a subject about which our language should be clinical and avoid overtones that might have the effect that he described, we are considering it. He is right to point out why it is so dangerous.

However, it is also dangerous for another reason. If glorification were some residuum of a law that was passed in 1734 and somebody suggested that it would be a good idea to get rid of it because it was no longer useful or might be used badly, the answer would be the same as the one the Minister has given in previous debates: it is perfectly safe because nobody could use it and there is always the gate of the Director of Public Prosecutions and others. That works if it applies to a provision that has been in desuetude for a long time. However, we are proposing a new provision. It would be difficult in 2006 to say that we did not mean legislation of 2005 to apply to a case. We could not claim that it was a jeu d'esprit or a little twiddle in an otherwise dull Bill. It would be hard to argue that. The intention to include it in such a serious measure is therefore genuinely problematic for the Government. Let me define the three specific problems.

First, the Government should not underestimate the extent to which the Director of Public Prosecutions can be perceived by those who do not understand the process as a political figure. We all have experience in our lifetimes of examples when, because the Director of Public Prosecutions has or has not allowed something, it has been suggested that Ministers have leaned on him. That is a mean, unpleasant and unfair suggestion but it should nevertheless be avoided rather than encouraged.

Secondly, the provision becomes an even greater danger if extra-territoriality—I am delicate in my references because of your earlier, proper restrictions, Mr. Deputy Speaker—turns out to apply to the extent that my hon. Friend the Member for Beaconsfield (Mr. Grieve) suggests. Those who may wish to put pressure on the Government are even less likely to understand the independent position of the Director of Public Prosecutions if they are from countries where such an independent position does not exist. The example given by my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) of the Russians and the Chechen rebels, or my own example of the Rwandan authorities and the Belgian priest, would in those circumstances become even more germane. The Government would be likely to have pressure brought to bear on them by people who were not going to take seriously the fact that this great independent figure, the Director of Public Prosecutions—so unknown anywhere else—was the gate that had prevented a prosecution from taking place.

Thirdly, I beg the Minister to recognise that this legislation as a whole has struck a very sharp note for many people among the ethnic minorities in this country. The Home Secretary was utterly right, in answering an earlier intervention, to point out the enormous support for law and order and the opposition to terrorism that we find among the Muslim community. Unfortunately, he was not answering the question that he had been asked. It was a very good answer to a question on that subject, but that was not the question that the hon. Member for Stoke-on-Trent, Central (Mark Fisher) had asked him. I am not going to stray from the subject of glorification, Mr. Deputy Speaker—

Mr. Deputy Speaker: Order. I am very grateful that the right hon. Gentleman has glorification very much in his sights. I was beginning to worry that he had moved on to a Third Reading speech, and our Third Reading debate is tomorrow.

Mr. Gummer: Be it far from me, Mr. Deputy Speaker.

I was trying to say that what was true in that discussion becomes germane when we think of glorification. I cannot believe that a simple explanation or understanding of the word "glorification" would be universal among the Muslim community. It might be, among some people, but that would be unusual. I do not know what its translation into the various languages involved would be, and it would be improper to refer to them in the House in any case. However, glorification is a concept that is not easy to pass around between those

[Mr. Gummer]

who have lived all their lives knowing it in its ecclesiastical context, and far more so for those who have had no such knowledge. There is a real problem that glorification could easily be misinterpreted by those in the ethnic community when they came to explain to their friends what the word meant.

This is one of the most dangerous parts of the Bill. If the word "glorification" were misinterpreted by some, it could lead to people expecting a prosecution, because of the way in which they had interpreted it, only to have that expectation dashed because this curious figure, the Director of Public Prosecutions, had said, "No, this is the sort of glorification that you can go in for. There are other sorts that you cannot go in for." The prosecution would therefore be prevented.

The whole of the Bill has been overshadowed by the misinterpretation of many of the Government's views. There is so much misinformation out there, and if we consider that alongside our discussions of other Bills—which we shall no doubt discuss again here—we see too many opportunities for misunderstanding being opened up among the minorities in this country. Clarity and sharpness in the language that we use is absolutely essential, as the hon. Member for Somerton and Frome (Mr. Heath) so clearly pointed out.

I turn now to the breadth of the circumstances in which the concept of glorification could be used. Unlike some of her colleagues, the Minister is not someone who eschews history. There is a tendency on the Labour Benches to talk as though nothing that happened before last week actually counts or has any real reference to today. I am one of those who thinks that if everyone learned a bit more history, they would have a bit more humility about the excellence of today's ideas. History is important, and many of us like to be pretty biased about our history. I am pretty biased against Carson, and pretty much in favour of a number of those people whom I would see as freedom fighters in earlier years in Ireland. I have a pretty clear view of that, and history is made much more interesting if one takes sides in relation to it.

I have therefore been guilty of an offence under the Bill over many years, although I hope that the DPP will not enforce it against me. In my enthusiastic pursuit of history, I have glorified a number of people who, in fighting for freedom, behaved in a way to which we would probably object today, largely because we live in a democracy and there are alternative ways of putting one's case forward. One of the things that the Government have found so difficult throughout consideration of the Bill has been to understand that in many cases people have had to take action in a way that has meant the loss of life, because there was no other way of righting terrible wrong. In such cases, the fault lies with the system and the Government, rather than with those who took up arms to uphold such a right.

Mr. Grieve: Does my right hon. Friend agree that there is a strange sense in the Bill, and particularly in the glorification clause, of a refusal to recognise that the use of force to remove a tyrannical regime can ever be justified?

Mr. Gummer: I find that particularly peculiar from a Government who have entered, in my view, an entirely illegal and immoral war, and who have explained it, with hindsight, precisely on such grounds. The Government must accept, however, that there are cases today, and there have been cases in the past, in which such action must be justified. I could not discuss the regime in Burma without giving evidence of the fact that I think that it ought to be overthrown, and if it were overthrown, and in the course of that some activities that would be terrorist in this country took place there, I think that I would condone them.

Helen Goodman: Is the right hon. Gentleman aware that 1.8 billion people in the world today live under military dictatorships or one-party states in which there is no political opposition? We are not talking about a tiny minority but a large proportion of the population of the world today.

Mr. Gummer: The hon. Lady is absolutely right. What we must do—I have been accused in the past of doing it—is to put ourselves into the situation. I seem to remember an occasion on which I graphically explained why I thought a certain product was safe by doing that. I believe that that is the only thing that a politician should do. When I say that I think this or that, I must ask whether I think it in relation to me. Earlier, many of us voted against the 90 days. In doing so, I was not thinking of people a long way away but of what I would think, or of what my children would think, if they were arrested and locked up for 90 days. Many people, I am afraid, think about what other people, whom they do not really like very much, might think.

The same is true with glorification. What would I think were I living under a military regime? I think that I would be bound to take part in activities that the regime would certainly see as terrorist. I hope that I would be brave enough to do so—that would be my only problem. If I cannot glorify those who are brave enough to do so, however, I lack an important part of my freedom of expression.

John Bercow: My right hon. Friend mentioned Burma, and to do so in my presence is to do the equivalent of pricking me with a needle. I entirely agree with what he said about glorification. May I put it to him that if one believes as strongly as I do that the savage and bestial military junta in Burma is among the most oppressive and sadistic regimes in the world, it is not difficult to persuade oneself that the Karen National Liberation Army and others who are engaged in a sometimes violent attempt to overthrow it are engaged in activity that we should glorify and of which we can be proud? If the Government cannot see that, they do not see much.

7.30 pm

Mr. Gummer: The Government cannot turn around and say, "We are allowed to do that. This refers to something quite different." I very much dislike the idea of extending the Government's powers so that they can decide what is and is not suitable for me to glorify.

That is my first objection. My second is this. If the clause does not refer to that, how can it refer to anything that is not covered by the rest of the clause, which deals with the encouragement of terrorism? That is the distinction that seems to me so difficult. If it does mean something different, what it means seems to me to be something that should not be made illegal and punishable by seven years' imprisonment. It is part of life that we must put ourselves in the position in which others find themselves and, in doing that, we may have to glorify actions which we would not only consider entirely wrong in our own democratic society, but might well not have the guts to perform ourselves, in view of fatal flaws that might result from not having been pressurised in the same way.

There is, then, a genuine present reason for the amendment. Let me end by suggesting a reason from the past. I was lucky enough to be taught history very enthusiastically. Part of my historical bias arises from a wish to fight out again the issues that mattered at the time. The glorification clause could so easily be seen as a restriction. I am sure that that will not be the case in the classroom or the local authority, but I warn the Minister that the BBC and organisations that deal with the national press are all too likely to say, "I think this may be a bit dangerous. Let's not do it quite like that." Our experience of people allowing the public to see what an abortion is actually like—which is not glorification—shows what happens if organisations such as the BBC and ITV are allowed to control the expression of powerful feelings and emotions more than is absolutely necessary.

Mr. Edward Leigh (Gainsborough) (Con): My right hon. Friend mentioned history. Does he think that Guy Fawkes was right to try to blow up Parliament?

Mr. Gummer: For obvious reasons, I am rather opposed to attempts to blow up Parliament. I also happen to think that Guy Fawkes was encouraged by the establishment of the time. It seems to me that Lord Cecil, in the good tradition of that long-standing family, was right in the middle of it, and I have no doubt that he knew what was going on and encouraged it. I am not as unhappy about Guy Fawkes as some would be, simply because I think he was a cat's paw whose activity was much closer to the Reichstag fire than people are normally allowed to believe.

Mr. Oliver Heald (North-East Hertfordshire) (Con): Would my right hon. Friend care to pay tribute to Lord Monteagle, who came from my constituency and is still revered there? It was he who gave the warning about the gunpowder plot that saved our predecessors.

Mr. Deputy Speaker: Order. May I ask the right hon. Gentleman to do no such thing? I think that he has pushed this to the limit.

Mr. Gummer: I shall not glorify any of those people, thus protecting myself from the clause.

There are circumstances in which terrorism is seen in different lights in different places. In democracies, people have a right to expect an obedience to the law that they do not have a right to expect in military dictatorships. In today's world, we have a right to expect obedience to the law in a way that would not have applied in Britain 100, 200 or 300 years ago—not necessarily mainland Britain, but certainly the island of Ireland. It ill behoves us to pass legislation that is the Prime Minister's appendix: the bit left over, an entirely different piece of the jigsaw that has unfortunately been left there and will, if we leave it still, have much the same effect as a grumbling appendix. We do not need it but we need to deal with it, and the only way to do so firmly is to cut it out.

Mr. Geoffrey Cox (Torridge and West Devon) (Con): It is a privilege to follow my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer). My objection to this clause is largely based on the fact that it is a pointless excrescence and a wholly unnecessary appendage. It resides in the Bill solely for the reason that the Government announced over the summer that they would criminalise glorification, and so had to leave some reference to glorification in the Bill.

It is clear on examining the relevant part of the clause that, in any event, it is used only as an example of the kind of conduct that the clause proscribes in an earlier part. It is an inclusive statement that simply points the way to the all-embracing umbrella section, which makes it an offence indirectly to encourage a terrorist act. As my right hon. Friend said, it is a pernicious and pointless appendage that has no place in legislation made by this House.

The common law has always been extremely careful to ensure that the proscription of speech is precise, carefully targeted and narrowly defined. That is why the common law has always proscribed the incitement of specific acts of violence. On examining the common law offence of incitement, one sees that the ingredients require that an accused person must—must—have incited a specific act identifiable and particularised by the Crown in the indictment. But the clause and this specific section of it simply enable the glorification of a type of conduct, with no need for a specific act to have been encouraged or incited.

The dangers have been dwelt on by Members in all parts of the House, but my right hon. Friend put his finger on a particularly important point. Among the many examples that Members have used, we have heard some that are fanciful and others that are more realistic. The glorification of some heroes of the past has been dismissed by Ministers as the product of fevered fantasy, but the truth is that a more subtle and insidious danger arises from this clause remaining in the Bill.

Let us suppose that a speech was made at Hyde park corner by an English nationalist who wished to sing the praises of Hereward the Wake. That it should even be thought that the glorification of the conduct of Hereward the Wake—who led an uprising, as I recall, against the Normans—could in any respect be in danger of being criminalised or made illegal by this Bill might attract from us smiles and a degree of risibility, and we would doubtless be right. The Director of Public Prosecutions would greet with consternation and dismay any lunatic who even proposed the idea that a speaker on Hyde park corner singing the praises of Hereward the Wake might invoke the penalty under this clause.

Let us suppose that the speaker on Hyde park corner was not white. Let us suppose that he was a Muslim, and that he was glorifying and praising not Hereward the Wake, but the actions of Saladin. Let us suppose that he was holding out for emulation the actions of Saladin in

[Mr. Geoffrey Cox]

the wars that he fought against Christian civilisation for two or three decades or more. Let us consider the circumstances of the time and take into account the particular factors of the speaker's audience, which might include not only ordinary Londoners going about their business, but one or two Muslims, perhaps some of the Arab race and some who were susceptible to the message of waging a crusade against Christian civilisation. The speaker might notice them coming from the local mosque; he might see them gathering around his soapbox on the corner of Hyde park. I do not know whether there is, in fact, a mosque local to Hyde park, but let us suppose that there is one and that gathering around our speaker is a crowd of turbaned Arab and Muslim people.

Still, our Hyde park speaker continues to sing the praises of Saladin and begins to discern the murmuring and sussuration—[HON. MEMBERS: "Ooh!"]—yes, sussuration and I shall be providing a few more soon. He senses the restiveness of his audience and begins to see that, although he has perfectly innocent intentions, his praise of Saladin—a great hero of the Arab race—is beginning to excite an intemperate reaction among his audience. Perhaps, we might say, a wise speaker would button his lip. A wise man would cease to speak at that point, climb down from his soapbox and immediately go silent. However, it would be too late, for he would already have committed a crime because he would have glorified in circumstances where he could see—*[Interruption.]* I notice that the Minister is looking at me in consternation, but for 23 years I have practised law in the criminal courts of this country, and let me tell her and Government Members that more stupid prosecutions have been brought than that—far more.

Mr. Khalid Mahmood (Birmingham, Perry Barr) (Lab): The hon. Gentleman brought them.

Mr. Cox: It may interest Government Members to know that I spent most of my time defending lost causes. Perhaps that is why I am a Tory.

Here is my point, Mr. Deputy Speaker. We cannot look lightly on a clause of this type in this Bill, which could on so slender a footing lead someone into the commission of a crime, even if unwittingly and inadvertently, even if the person did not mean or intend it, or even if the circumstances gathered around him were not of his own volition and cause. It would be crazy for the House to allow such a clause to pass.

Mr. Salmond: I may be wrong, but I recollect that Winston Churchill once said that if he had been a Boer, he would have fought in the field against British forces. If that is correct, how would that be viewed in relation to the clause?

Mr. Cox: He was not a bore, but I may be one. I agree with the hon. Gentleman that Churchill's comment, particularly if made among the right audience—that is what is so pernicious about the offence; it depends so much on unpredictable local and special factors—could have fallen foul of the clause. It depends not only on the factors of one's audience, but on who is doing the speaking. If I spoke praise of Saladin, it is likely to excite little impression on the minds of radicalised youth, but if I happened to be an imam and started to talk about Saladin, the code that I might be using could fall foul. That is effectively what the offence is designed to tackle—using code to incite or encourage terrorism. That is the meaning of the phrase "indirectly encouraging". It refers to encouragement by a sort of code. If I were an imam praising Saladin to my congregation, I would be committing an offence under the clause.

7.45 pm

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): Does the hon. Gentleman believe that any of his examples could possibly pass the test that the Attorney-General would set before sending them on for prosecution? Also, he has told the House about his legal background. If I ever find myself in trouble, will he assure me that he will not offer his services?

Tony Cunningham (Workington) (Lab): My right hon. Friend could not afford them.

Mr. Cox: Yes, the right hon. Gentleman probably could not afford them.

The point about the Attorney-General's discretion is a very serious one. As my right hon. Friend the Member for Suffolk, Coastal said, the Attorney-General will have to decide when a form of speech is an offence under the clause. Will that depend on the race of the speaker or on his religion? The answer is yes: no impression would be excited if I were to praise Saladin in such circumstances, but it would be if I were an imam. The context would be wholly different. The Attorney-General will have to decide the factors involved, and there is no place in our law for a discretion of such width.

Mr. Harper: Does my hon. Friend agree that there is a danger that our opponents, enemies and people who want to act against the state might be encouraged to make such statements and provocations? In that way they could force the Attorney-General to make a decision and thus drag the matter into the political firmament.

Mr. Cox: I entirely agree that that is one more danger.

In conclusion, the Home Secretary said earlier that the proposed offence was intended to deal with the creation of the moral climate that allowed terrorist acts to be committed. However, to legislate to prevent the creation of a moral climate, as opposed to the incitement of specific acts of violence in specific circumstances, is to go too far. I urge the Minister to think again. If the amendment is pressed to a vote, I urge the House to support it.

Jeremy Wright (Rugby and Kenilworth) (Con): I am grateful to be called to speak in this debate, Mr. Deputy Speaker, but perhaps not so grateful to follow my hon. Friend the Member for Torridge and West Devon (Mr. Cox). However, I shall do my best.

I fully understand the Government's inclination to respond to people's heightened emotional state in respect of terrorism and to respond to those who talk about terrorism in positive terms. We all find such talk very distasteful, but the Government appear to be falling into the trap of making something distasteful into something illegal. There is a big difference, and my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) raised the fundamental issue about the clause when he asked what sort of action would be covered by the word "glorification" that would not be covered by "encouragement" yet still attract punishment under the criminal law.

I believe that no action meets the circumstances of that definition. If that belief is correct, the Government are creating with this clause a piece of law that can have only two possible fates—it will be misused, or it will not be used at all. If the latter is the case, the provision will simply gather dust. Prosecutors will not use it because it is inappropriate to put before a jury, but either fate is unacceptable for a facet of the criminal law.

My second concern has to do with the points raised already about the role of the Director of Public Prosecutions. I understand the Government's argument that there is no need to worry about the clause because, although it may be completely inappropriate in all sorts of circumstances, the DPP will put his foot down and prevent it from being used. That seems a profoundly unfortunate position for a Government to be in when proposing a clause to be part of the criminal law. It may be that the DPP currently in office will be able to protect us from all the different situations in which a glorification charge would be inappropriate. It may also be that the next three or four holders of the office will do so. Surely, however, we in this House must make law that will stand as good law, and not simply as law that needs to be propped up by the DPP, or, worse, law from which the DPP needs to protect us. It is fundamentally unsatisfactory to propose legislation that would have that effect.

If we are to look beyond the immediate compass of the current situation—I accept that that situation makes the Government worry about how we deal with it—it must surely be right to construct legislation today and this week that will stand the test of time and enable us to be confident that it will not be misused in future. As my right hon. Friend the Member for Suffolk, Coastal said, the concept of glorification—indeed, the term itself—does not currently form part of the criminal law. It seems to me that there is good reason for that: it is too broad, too ephemeral and too difficult to define, and if that is so, the fact that it has no place in the criminal law is frankly because it deserves no place there. It will create difficulties in the future. I ask the Government to reconsider that part of this clause.

The Minister knows that there is a good deal of support for a great part of the Bill, and even for a great part of the clause. I fully appreciate that those who encourage terrorism should be penalised. We can, however, do that without needing to criminalise a concept called glorification, and I invite the Minister to consider what it is that is glorification but is not encouragement but should still be criminal. That is the crucial point of the debate, and without an answer on it, we cannot be confident that the clause should remain.

Hazel Blears: I am grateful to those who tabled the amendments for allowing us to revisit this area. I shall endeavour to respond to the contributions made, which have ranged from Wat Tyler to Hereward the Wake through all points in between. I am grateful to hon. Members who acknowledged that some of the examples given have been—I think this was the term used—fanciful. I am grateful, too, for acknowledgements that this is a serious matter, although I must tell the hon. Member for Torridge and West Devon (Mr. Cox) that terrorism is a serious issue and the tone in which he made some of his contribution really did not reflect that seriousness.

I remind the House that we had a pledge in our election manifesto to outlaw the glorification of terrorism. We originally had a stand-alone offence but have come now to the formulation in clause 1. Lord Carlile, our independent reviewer of the legislation, says that

> "in my view, this proposal in its revised form is a proportionate response to the real and present danger of young radically minded people being persuaded towards terrorism by apparently authoritative tracts wrapped in a religious or quasi-religious context".

So, Lord Carlile agrees that in the revised form—not as a stand-alone offence but as something encapsulated in clause 1—the response is a proportionate one.

Mr. Grieve: The Minister must explain what its purpose is. If glorification can amount to incitement without being separately spelled out, the subsection simply is not needed and produces a misleading impression and places emphasis on a particular activity, when all sorts of other activities could also constitute incitement to terrorism.

Hazel Blears: The hon. Gentleman must have a little patience and allow me to explain the point. He has made that point on innumerable occasions, and I shall deal with it. I repeat that Lord Carlile thinks that the provision is proportionate and the proper thing for us to do.

It is right to highlight "glorification" in clause 1 and I direct the hon. Gentleman's attention to clause 1(2) which says that, for the purposes of direct or indirect incitement,

> "offences include every statement which . . . glorifies the commission or preparation . . . of . . . offences."

The use of the word "include" means that we do not have a stand-alone offence of glorification, but statements of glorification are included within the ambit of the direct or indirect incitement in clause 1. That is the point that the hon. Member for Rugby and Kenilworth (Jeremy Wright) made in his thoughtful contribution. It is important to include reference to glorification for the very reason that it is a new concept to our courts and, therefore, we need to provide the courts with a guide to the kind of behaviour that we are trying to ensure is covered through the direct and indirect incitement provision.

The hon. Member for Beaconsfield (Mr. Grieve) said that he found the provision "a distasteful concept". Well, most of us would find statements that glorify, praise and celebrate terrorism in a way that is likely to encourage others to emulate terrorism more than distasteful. We find them completely unacceptable. The hon. Member for Rugby and Kenilworth was generous enough to acknowledge that we do now face a new kind of threat from international terrorism, including people making the sort of statements that we have not heard in

[Hazel Blears]

the past. Therefore, although the right hon. Member for Suffolk, Coastal (Mr. Gummer) was kind enough to say that I am not the sort of person who ignores history, I am the sort of person who wants to ensure that our law is fit to address some of the new threats that we face as well as our experience in the past. There is universal acknowledgement in this House that the threat that we face from international terrorism now is significantly different from threats that we have faced in the past.

Stewart Hosie: I appreciate what the Minister says and what she is attempting do. However, given the wide definition of terrorism and the link to the very broad definition of glorification, the danger is that the Bill will catch not the people she is seeking to catch, but others. If I may give a more contemporary example, thousands of honest citizens in the UK supported the Chilean refugees who were on the run from the Pinochet regime, which deemed them to be terrorists. Is not that the problem with the Bill?

Hazel Blears: We debated that point at great length in Committee and we went through all the different examples. The glorification part of this offence also has to fulfil the other provisions of clause 1. That means that there has to be intent, or recklessness, or the objective definition of recklessness. A statement also has to be one that encourages terrorism and encourages people to emulate such behaviour. The offence contains a series of different elements that have to be completed before there is any prospect of a prosecution.

Several hon. Members have suggested that the only safeguard is the Director of Public Prosecutions. That is not the case. There is a series of seven hurdles, which I have now set out three times at the Dispatch Box, of the different component parts of the offence, all of which have to be completed before a prosecution could be brought. Someone would have to condone or glorify terrorism in such a way that the persons hearing his statement would be encouraged to commit an act of terrorism or emulate that behaviour. It is not simply glorification or condoning that form the offence, because there is the second limb of the likely effect on the audience and what it would be encouraged to do.

Stewart Hosie: It is helpful to have the list that the Minister has given. However, someone might say, to a person who was here in the circumstances I described a minute ago, "What you faced was terrible. I hope that you go home, take your country back and make it democratic." That short conversation would fulfil all the obligations for the offence, except the decision by the DPP.

8 pm

Hazel Blears: My hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody), who is no longer in the Chamber, made an important point earlier when she said that someone could preface their remarks with the statement that they do not condone or endorse acts of terrorism or encouraging people to kill others. They could express sympathy and even support for the activity, but not in a way that encourages people to commit acts of terrorism.

Mr. Grieve: I am interested in the Minister's endorsement of the words of the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), as she has just provided a let-out for every person who wants to incite terrorism. If all that is required to get around the clause is to preface one's remarks with that saving clause, why are we passing clause 1 into law? That is a classic illustration of the muddled thinking behind the Government's approach. The Government should remove glorification and stick to incitement, with proper terminology. They will then have an offence that works, that bites and, moreover, that commands widespread respect.

Hazel Blears: It will be no surprise for Members to hear that I do not agree with the hon. Gentleman. Yet again, he is stuck in the traditional analysis—we can do things only in a certain way, because that is how we have always done them. He is not prepared to look at some of the novel challenges and threats that we face in this new situation, or to try to adapt the law to ensure that we meet those threats in a proper way.

Mr. Leigh *rose—*

Hazel Blears: I want to press on.

Unfortunately, there are young and impressionable people in our society who can all too easily be manipulated by people preaching or advocating a message of hate. Such people can create the climate of hate in which terrorism can more easily flourish. That is what we are trying to tackle with the offence. I remind the House that the terms of the offence are clear. Simply condoning terrorism, or even glorifying it, will not be sufficient to constitute a criminal offence. The glorification must take place in such a way that the person making the statement must intend it or be reckless as to its effect. The statement must have an effect on the audience, who must be encouraged to emulate the behaviour. Because the offence includes all those components, it would address all the illustrations bandied around the House to express genuine or, in some cases, not so genuine concern.

The offence is complex. It has two limbs: what someone does and what the effect is. That combination should be sufficient to reassure people that we are trying to focus on the mischief of those who make statements to vulnerable young people that could draw them into extremism, without casting our net so wide that we catch people where it is inappropriate. I have genuinely tried to formulate the provisions so that they attack that mischief, which I hope everybody acknowledges is a real threat to us, but without drawing people in too widely.

Mr. Leigh: Will the right hon. Lady give way?

Hazel Blears: The hon. Gentleman is persistent. I give way.

Mr. Leigh: Does the Minister accept that the Burmese regime would consider that I was glorifying terrorism when I initiated an Adjournment debate to congratulate the Karen people on fighting for their freedom?

Hazel Blears: There is a difference between expressing support for people's actions and that further step where a person makes the statements that they intend or are reckless about and that they know are likely to encourage others to engage in acts of terrorism. That is what the provision is aimed at and it is perfectly proper to bring it into effect.

Some Members have suggested that the provisions are unnecessary. If that were the case, we would not have included them. They provide the courts with a useful guide as to the type of conduct that Parliament wants to cover in the new legislation. Moreover, if they were to be removed at this stage the courts could interpret that as meaning that we did not intend such conduct to be covered. If the provisions were removed, I am concerned that courts could consider that acts of glorification, celebrating, exalting and praising terrorism were not the type of behaviour that should be covered under direct or indirect incitement. They are an important illustration to the courts of the type of behaviour that we want to cover.

The Protection from Harassment Act 1997 provides an analogy—albeit on a difference scale—that helped me to understand the clause, as the Act includes a description of the type of conduct involved in harassment. When the concept of harassment was introduced, it was new to the courts, so the Act described the type of conduct that would be covered, to assist and guide the courts in interpreting that criminal offence.

This provision is certainly similar because it would tell the courts that we are considering behaviour that glorifies, celebrates or exalts terrorism and that it should be included in direct or indirect incitement in accordance with clause 1, so it is very helpful indeed. Any suggestion that praising Robin Hood would fall into that category is very far of the mark.

Jeremy Wright: I understand that the Minister is saying that the glorification provision is designed to be a guideline and an assistance to the courts—I follow that argument—but does she not accept that, as a result of what has been said in the debate, if for no other reason, problems are associated with glorification that are not associated with encouragement? I simply return to a point that has been made many times to which I have not yet heard the answer. What does glorification give us that encouragement does not?

Hazel Blears: As I have tried to explain, the glorification provision is a guide to the courts that the behaviour of celebrating and praising terrorism is the kind of conduct that would meet the direct and indirect incitement definition, so it is a useful addition because we now face the threat of people glorifying terrorism. Those people are very careful to try to ensure that they do not fall within the criminal definition, so it is important that we can tell the courts which sort of behaviour we want to outlaw.

The hon. Member for Beaconsfield said that, if someone's glorification of terrorism amounted to direct or indirect incitement, such behaviour should be criminalised. That is exactly what we seek to do in subsection (2), which says that glorification includes the behaviour set out in clause 1. He has said that he accepts that such behaviour ought to be criminalised. I can therefore see no reason why he has a problem with the glorification provision. I cannot understand his fundamental objection, other than that he finds the concept of glorification distasteful. I am afraid that we are here not to legislate on the basis of what he finds distasteful in terms of a concept of English law, but to set out what we think is important in tackling this very real mischief.

John Bercow: Should public support for the violent overthrow by long-suffering citizens of a brutal dictatorship ordinarily be criminal?

Hazel Blears: What should be criminal is the indirect incitement and the encouragement of people to commit acts of terrorism. Clearly, when we come to the other clauses—we may not have a chance to debate them—I want to deal with the points about extra-territorial jurisdiction made by the right hon. and learned Member for Rushcliffe (Mr. Clarke) and the right hon. Member for Suffolk, Coastal (Mr. Gummer). Again, with some of the amendments that we have introduced, we have tried to narrow the scope of those offences to try to reassure hon. Members that they are targeted at the specific mischief. However, if the hon. Member for Buckingham (John Bercow) is asking whether I can pick and choose between regimes or perhaps between a good terrorist and a bad terrorist, I repeat that it is wrong for people to encourage others to undertake terrorist acts. As I have said, it is a slippery slope—

Several hon. Members *rose*—

Hazel Blears: Hang on a minute.

As I said in Committee, we are on a slippery slope if we start to try to pick and choose between different regimes.

Mr. Denham: I wholeheartedly welcome the commitment made by the Home Secretary today to refer the thorny issue of the definition of terrorism to Lord Carlile and to ask him to report to the House within a year. That issue has exercised many of us, and it is a very difficult one to get right. I cannot think of anyone better than the noble lord, given his track record, to report to us. I am extremely grateful to my right hon. Friend and to the Home Secretary for recognising that concern and for at least giving us a possible way forward.

Hazel Blears: I am grateful to my right hon. Friend for that contribution. He will know that we have put a copy of the letter from the Home Secretary to him in the Library. The letter sets out the fact that there will be consultation with those in the House who can make a relevant contribution, such as Chairs of Select Committees and no doubt other hon. Members who will want to get involved in the review process. That will be a practical way of reviewing the legislation—*[Interruption.]*

Madam Deputy Speaker (Sylvia Heal): Order. Far too many extraneous conversations are taking place in the Chamber.

Several hon. Members *rose*—

Hazel Blears: Goodness me, what a choice before me. I give way to the hon. Member for South Staffordshire (Sir Patrick Cormack).

Sir Patrick Cormack: Does the right hon. Lady agree with me that it would be rather a good idea if the people of Zimbabwe rose up and overthrew Mugabe?

Hazel Blears: I am genuinely surprised at the hon. Gentleman. I do not think that it is a good idea in the

[Hazel Blears]

House of Commons to get involved in making such statements. On reflection, do we want to get into the business of encouraging people to carry out violent acts against other individuals? There might be circumstances in which we can have that debate. Our legislation is focused on situations in which individuals either deliberately or recklessly encourage people—especially our young people in this country, who can be vulnerable to being drawn into extremism—to engage in terrorist acts. There is a real danger of that in this country given the new threat of international terrorism that is facing us all. It is not just a threat; I remind the House of what has happened in this country. We face a serious situation.

Mr. Gummer *rose—*

Hazel Blears: No, I want to deal with—*[Interruption.]*

Madam Deputy Speaker: Order. It is entirely in the Minister's hands to decide whether to give way. Once again, may I ask for the level of conversation to be reduced?

Hazel Blears: I was going to address the points made by the right hon. Member for Suffolk, Coastal and the right hon. and learned Member for Rushcliffe.

I do not think that the right hon. and learned Member for Rushcliffe is in the Chamber, but it was good that he popped in to see us. He will know that amendment No. 48 is an attempt to narrow the extra-territorial jurisdiction. The measures in clause 1 that we are discussing would apply only to convention offences because if we are to be able to ratify international conventions on the matter and comply with our international obligations, we have to ensure that there is extra-territorial jurisdiction. Other states will be doing exactly that, too. There are circumstances in which we refuse to extradite people to states in which offences take place, such as for human rights reasons. We thus must have the extra-territorial jurisdiction to allow us to carry out a prosecution here for an offence on which we are unwilling to extradite for good reasons. We have tabled further amendments on extra-territorial jurisdiction to narrow its reach as an attempt to address genuine concerns that were raised about the worldwide jurisdiction of the Bill.

The hon. Member for Somerton and Frome (Mr. Heath) talked about pressure from other Governments and raised the question of the glorification of proscription offences in clause 21. We will make a proper and full assessment of organisations, without any preconceptions, to examine the criteria that apply to proscription. We will then reach a proper view on the basis of the evidence. Clause 21 addresses the fact that promoting or encouraging terrorism will include glorification. It is proper for us to say that if organisations glorify terrorism, they should not operate in this country and draw young people into extremism.

The final point that I wanted to make was—.

It being three hours after the commencement of proceedings on amendments relating to clause 1, MADAM DEPUTY SPEAKER *put the Question already proposed from the Chair, pursuant to Order [this day].*

Question put, That the amendment be made:—

The House divided: Ayes 280, Noes 305.

Division No. 87] **[8.14 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baker, Norman
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Cameron, Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clark, Ms Katy
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Corbyn, Jeremy
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Dunwoody, Mrs. Gwyneth
Durkan, Mark
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Fisher, Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Galloway, Mr. George
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gibson, Dr. Ian
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoey, Kate
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Jones, Lynne

Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Law, Peter
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Marshall-Andrews, Mr. Robert
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, Dr. Alasdair
McDonnell, John
McGrady, Mr. Eddie
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Shapps, Grant
Shepherd, Mr. Richard
Short, rh Clare
Simmonds, Mark
Simpson, Alan
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Wareing, Mr. Robert N.
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Crispin Blunt and
Mr. Peter Atkinson

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Howells, Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen

Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Ryan, Joan
Salter, Martin
Seabeck, Alison
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Speller, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Claire Ward and
Mr. Parmjit Dhanda

Question accordingly negatived.

MADAM DEPUTY SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Remaining Government amendments agreed to.

EUROPEAN COMMUNITY DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees).

NOMINAL QUANTITIES FOR PRE-PACKED PRODUCTS

That this House takes note of European Union Document No. 15570/04, Draft Directive laying down rules on nominal quantities for pre-packed products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC; and supports the Government's aim of substantial deregulation, so that most products should be free from restrictions as to quantity.—*[Gillian Merron.]*

Question agreed to.

PETITIONS

IsItFair Campaign

8.28 pm

John Penrose (Weston-super-Mare) (Con): I wish to present a petition on behalf of—*[Interruption.]*

Madam Deputy Speaker (Sylvia Heal): Order. Will hon. Members who are leaving the Chamber please do so as quickly and quietly as possible?

John Penrose: I wish to present a petition on behalf of the Weston-super-Mare senior citizens forum and the Winscombe and district senior citizens forum, of which I have the honour to be president.

The petition declares:

That the year-on-year, inflation-busting increases in Council Tax are causing hardship to many and take no account of ability to pay; further that the proposed property revaluation and re-banding exercise will make an already flawed system even worse.

The Petitioners therefore request that the House of Commons votes to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a system that is free from any geographical or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.

And the Petitioners remain, etc.

To lie upon the Table.

8.29 pm

Mr. Paul Goodman (Wycombe) (Con): I wish to present a petition of about 50 of my constituents representing the IsItFair council tax protest campaign. The petition declares:

> That the year-on-year, inflation-busting increases in Council Tax are causing hardship to many and take no account of ability to pay; further that the proposed property revaluation and re-banding exercise will make an already flawed system even worse.
>
> The Petitioners therefore request that the House of Commons votes to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a system that is free from any geographical or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.
>
> And the Petitioners remain, etc.

To lie upon the Table.

8.30 pm

Dr. Andrew Murrison (Westbury) (Con): I have a remarkably similar petition signed by 594 residents of my constituency. The petition declares:

> That the year-on-year, inflation-busting increases in Council Tax are causing hardship to many and take no account of ability to pay; further that the proposed property revaluation and re-banding exercise will make an already flawed system even worse.
>
> The Petitioners therefore request that the House of Commons votes to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a system that is free from any geographical or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.
>
> And the Petitioners remain, etc.

To lie upon the Table.

Identity Cards

8.31 pm

Philip Davies (Shipley) (Con): I am delighted to present a petition of more than 1,000 signatures that has been collected from around the country by Mr. Christopher Gill, Matthew Illsley and other members of the Freedom Association, an organisation of which I am proud to be a supporter. It declares:

> That identity cards are in principle un-British and in practice will prove to be grossly expensive, utterly ineffective and intensely illiberal. The Petitioners further declare that if ever introduced in the United Kingdom, such cards and the accompanying identity register will have a disastrous impact upon law-abiding subjects seeking to exercise their traditional and hard-won freedoms.
>
> The petitioners therefore request that the House of Commons refuse to pass the Identity Cards Bill.
>
> And the petitioners remain, etc.

To lie upon the Table.

Bruche Police Training Centre

Motion made, and Question proposed, That this House do now adjourn.—*[Gillian Merron.]*

8.32 pm

Helen Jones (Warrington, North) (Lab): After the excitements of today, my hon. Friend the Minister and I come along like sweepers-up after the Lord Mayor's procession. I am grateful to have the opportunity to discuss the closure of the Bruche police training centre and its effect not only on the people who work there but on those who live in the surrounding area.

The training centre at Bruche has been a feature of Warrington life for a good many years. It provides the residential stage 2 of foundation training for probationary officers. It is a large site that caters for the needs of several police forces and employs, I believe, 60 people directly, with about 55 working for contractors. I say, "I believe", because it has proved extremely difficult to get accurate information from Centrex on such matters. There are also 70 police officers stationed there, as well as about 10 security staff.

Because of the position of the site in the midst of local housing, the prospect of its closing became a matter of concern to staff and to people in the area when it appeared that changes to police training meant that recruits would no longer be sent for residential training at regional centres. However, it has proved extremely difficult in the run-up to the announcement of closure to get accurate information about what Centrex plans to do. I had raised the matter on several occasions, but I reverted to it with a number of parliamentary questions, which I tabled in July last year because the staff from the centre had approached me, greatly concerned about their future.

Unfortunately, answer came there none from the Home Office. I wrote again in August and, after much to-ing and fro-ing, I received a reply on 18 November. It stated:

> "It has not proved possible to respond to my hon. Friend in the time available before Prorogation."—*[Official Report, 18 November 2004; Vol. 426, c. 2080W.]*

That is extraordinary. If the Home Office cannot answer a simple question in more than four months, I worry about the rest of its work. On 26 November that year, I received a letter from my right hon. Friend the Minister for Policing, Security and Community Safety, in which she apologised for the delay and said that the Home Office had lost sight of the questions over the summer months.

The letter raised more questions than it answered, however. It said that the matter had been given detailed consideration over the summer. If that was true, I do not understand why I did not receive an answer to my question in November. The letter was unenlightening in other respects. It said that Centrex had been discussing what should happen to police training with the Association of Chief Police Officers, the Association of Police Authorities and other stakeholders. I am never sure what "stakeholder" means. It is one of those words that, like some of Lewis Carroll's verse, means whatever one wants it to mean. The letter mentioned neither the trade unions at the centre nor the staff. They were not mentioned in a parliamentary answer that I received later that month.

[Helen Jones]

I was approached again by the staff, who were concerned that they could not get information about what was happening. I tabled another question to ask who had been involved in the meetings and what options for the future of the centre had been discussed. My hon. Friend the Under-Secretary will be pleased to hear that the Home Office answered that. I suppose that that is a step in the right direction. However, I was not much further enlightened because, again, there was no mention of what was happening or of any negotiations with the staff. That is unacceptable. The staff have families to keep and bills to pay, just like the rest of us.

I know that the Home Office will say that that was the responsibility of Centrex, but it cannot be shrugged off in that way because, after all, Centrex is a non-departmental public body which manages public assets and has strong links to the Home Office. If no one at the Home Office asked what steps were being taken to consult and inform staff, they should have done so. They should be reminded that we are in the 21st century with a Labour Government, and it is unacceptable to treat people in that way.

The failure of Centrex to be open about what was happening caused a great deal of consternation in the local area. The centre is set in the middle of a lot of local housing. Rumours circulated about what would happen to it. That allowed some evil-minded people to spread the rumour that it would be turned into an asylum centre. I am glad that my right hon. Friend the Minister for Policing, Security and Community Safety quashed that rumour in a letter to me on 13 July this year. However, the anxieties remain and they need to be tackled.

Not only was Centrex less than open about its plans, it sometimes actively misled people. In November last year, it told the *Warrington Guardian*, my local newspaper, that the centre was "absolutely not" closing in 2006. In the same letter on 13 July, in which my right hon. Friend dealt with the rumour about the asylum centre, she wrote that

> "there are currently no immediate plans to close the Bruche training centre."

A week later, on 21 July, Centrex sent out an e-mail at 6.4 pm—only four minutes after the House had risen for the summer recess—announcing the closure of three training centres, including Bruche.

I find it astonishing that a public body should behave in that way. I can think of no explanation for that other than a desire to avoid parliamentary scrutiny. That is not surprising when Centrex and the Minister—presumably relying in good faith on what it had told her—previously said something entirely different. Centrex also wrote to me on 21 July announcing the closure. In that letter, it responded to a letter that I had sent to it on 26 June. However, it responded to it in a postscript, which I am afraid is typical of the kind of dismissive attitude that my constituents have had to put up with all the way along.

I am sorry to say that that kind of attitude extended even into parts of the Home Office. When I rang the private office of the Minister of State the day after the announcement, I received what I can only describe as a curt dismissal. I asked to speak to the Minister and was told that she was in her constituency. When I suggested that her staff contact her—she was in Salford, after all, not Timbuktu—I was told that I should write in. To her credit, the Minister did telephone me, albeit a week later when I was no longer around. However, I have to say that I have never before encountered that sort of behaviour from the private office of a Minister. It is entirely unacceptable for Centrex and the Home Office to behave in this way when we are talking about people's livelihoods and the future of their communities. I hope that this can be prevented from happening again.

I wrote again to the Minister on 26 July—there has been a lot of correspondence on this matter—to ask why I had been told that there was no immediate prospect of the centre closing, when in fact the announcement was made a week later. I also raised my concerns about what I saw as an attempt to avoid parliamentary scrutiny. The answer that I received was very revealing. It said:

> "Given the timing of my letter and of the announcement, it would have been more accurate to have said that no decision had yet been taken."

It certainly would. However, I give Ministers credit by assuming that, if they sign a letter, they will have checked the facts and that that is what they have been told. We need to know what happened to change matters between 13 and 21 July. Until that is cleared up, we are all left with the impression that Centrex has been, and is continuing to be, less than frank about its plans.

I was also concerned about what was said in that letter about parliamentary scrutiny. It said that the decision to close the centre had been taken at the Centrex board meeting on the morning of 21 July. It went on to say:

> "The timing of the announcement relates only to the timing of that decision."

But it does not. If the decision was taken in the morning, I can see no reason to wait until just after the House had risen for the recess to announce it. I have asked for the reason, and I was told by the Minister that she was

> "certainly clear that Centrex had not timed the announcement to avoid parliamentary scrutiny".

If the Home Office is "certainly clear" about that, it needs to give me the information as to why, because I have not had it, and neither have the people I represent.

I received a letter dated 5 September, signed by the Under-Secretary of State for the Home Department, my hon. Friend the Member for Leigh (Andy Burnham), in the absence of the Minister of State. The explanation that I was given was that

> "it would have been unacceptable either to make an announcement before the board had made a decision or to delay the announcement until after the parliamentary recess."

Frankly, that is Home Office gobbledegook. A decision cannot be announced before it has been taken, and no one suggests that it can. However, there was an alternative—a third way, if you like. It could have been announced when the House was sitting.

I am equally concerned that that letter shows an unacceptable attitude towards parliamentary scrutiny. It goes on to say:

> "I do not believe that it is an announcement that needed to give consideration to parliamentary timetables".

I beg to differ. When my constituents are losing their jobs, and when decisions are being taken that will affect a whole area, it is not only the right but the duty of their

Member of Parliament to raise the matter in the House. My constituents would expect no less. I am very disappointed that any Minister should think differently. That was a most unfortunate turn of phrase to use.

Because of all this, and because of the way in which Centrex has behaved since the announcement, it is difficult to have faith in what it is doing. I still have staff approaching me who are very demoralised about what is happening, and people who live in the area are deeply concerned. The chief executive of Centrex wrote to me in August to say that he had briefed the staff on what was happening, and that he had set up a programme board. He did not, however, answer any of the points that I put to him about what was happening to the staff or about the future plans for the site. He told me that I would get information about those matters at the appropriate time. I happen to think that the appropriate time to answer queries from a Member of the House is when they are asked, not when some unelected person decides to answer them. That is treating my constituents with a fair amount of contempt, which is unacceptable.

Since then, Centrex has not engaged with the local council's redundancy support service, the job centre or our economic development authority, until yesterday, when it sent an e-mail to the council in response to an e-mail that had been sent weeks earlier, saying that it looked forward to working with Warrington borough council. It is a miracle what getting an Adjournment debate can do, but I would prefer not to have to have one every week to ensure that that process continues.

The sad thing is that we have a good record in Warrington of getting people into jobs following redundancy, but engagement between all the partners involved is needed. If I make a comparison with what happened when Marks and Spencer closed a call centre in my constituency, there was immediate engagement with all the partners in the area, and we had a lot of support from my right hon. Friend the Member for North Tyneside (Mr. Byers), who was then Secretary of State for Trade and Industry. I expect a public body to do no less than that.

I want to turn to the future of the site. As I said, it is surrounded by housing, with only very limited access. When it was transferred to Centrex, I understand that the written-down value was £3 million. It might now be worth much more, depending on the future use of the site. I wonder whether my hon. Friend can tell me what will happen to any windfall profits from that, whether local people will be able to benefit in any way, and whether any of that will be used to help to find jobs for the staff involved.

There is a further problem, however. As well as the rumours that have circulated about this site, there is a real concern about over-development in the area, which I believe is well founded. The adjoining roads already have a lot of traffic problems. For any future development at the site, we need proper community engagement. My right hon. Friend the Minister of State said in one of the numerous letters that we exchanged, the date of which now escapes me, that she was

"keen that there should be proper community engagement"

in any future planning application. I would like to see that keenness translated into reality, however. Although I know from the parliamentary answer of 17 October that Home Office officials and Centrex have had discussions about the future of the site, there has been no contact with the local planning department, let alone with people in the community.

I therefore hope that my hon. Friend will accept that this matter has so far been very badly handled. It has not increased confidence, either in the staff or the community, about what Centrex will do in the future. We now need to put that right. I hope that he can assure me that he will ensure that Centrex now engages with all local partners in order to make sure that the proper procedures are in place to find jobs for people who are made redundant at that site. Far from dismissing concerns raised with it, I hope that it will now engage with the local community and have a proper discussion on what should happen there in future, so that whatever is done with the site, it can be for the benefit of the local community and not to their detriment. I look forward to hearing the Minister's reply.

8.49 pm

The Parliamentary Under-Secretary of State for the Home Department (Paul Goggins): I congratulate my hon. Friend the Member for Warrington, North (Helen Jones) on securing the debate. She has raised an issue that is of concern locally and to her, and I am glad that she has had an opportunity to raise it in a characteristically forthright way.

Let me give some of the background to the decision to close Bruche and the other training sites that my hon. Friend mentioned. Given the points that she raised and the copious correspondence between her and Home Office Ministers, I should say something about how the decision was made.

Until recently, police probationer training was split between an officer's home force and the Central Police Training and Development Authority, known as Centrex. Once officers are recruited, they undergo two weeks of induction and familiarisation in their own forces. They are then sent to Centrex for 12 weeks' residential training, which is followed by a couple of weeks in their own forces learning about local procedures before they go out on patrol with a tutor constable for 10 further weeks.

That system is now changing. In the summer of last year, five forces began piloting the initial police learning and development programme. That moves stage 2—the residential stage with Centrex—back into the force. Officers learn in their own force and their own community, often in conjunction with members of that community. That is a huge change in the system and the culture, but I believe that it will help to foster a meaningful connection with police officers in training and the communities that they will serve. It is important for the police service to develop a culture of training and qualification so that we have a fully professional service. I am pleased to say that the Adult Learning Inspectorate has evaluated the effectiveness of the pilots. It considers them to have been highly successful, and welcomes the enthusiasm and commitment of the staff involved in the programme.

Working to identify and address the huge challenges involved in the change, the Government and the police service are rolling the programme out across all the forces in England and Wales. Thirteen forces have already gone live, and nine more will adopt the same

[Paul Goggins]

approach over the next five months. From April next year, the remaining 21 forces will be ready to go live. We are changing pretty dramatically the way in which probationer police officers are trained. One of the main consequences of that approach is that officers will no longer be sent to Centrex for their initial training. The last probationer officers to go through the old system will leave Centrex on 26 May next year.

Centrex has a number of sites around the country. Three have been used almost exclusively to provide foundation training: Ashford in Kent, Cwmbran in south Wales and Bruche in my hon. Friend's constituency. There are two other sites, Ryton near Coventry and Bramshill, where Centrex's headquarters are sited. They will continue to be used for other purposes because they are multi-functional sites.

For all those reasons, the chief executive of Centrex and his senior management team have been considering the future needs of the Centrex estate for some time. They reached what I judge to be the entirely logical and sensible conclusion that there was no value-for-money argument for retaining the three sites at Ashford, Cwmbran and Bruche. On 21 July, the Centrex board considered a paper from the chief executive that recommended the closure of the sites. I should explain that the board consists of a number of independent members, including the chair, and includes representatives from the Association of Chief Police Officers, the Association of Police Authorities and the Home Office.

The Centrex board agreed with the recommendation from the chief executive that the sites should be closed. Home Office Ministers were made aware of the decision as soon as it was made, and the chief executive then informed the staff. He wrote to staff, spoke to them directly by means of a DVD, and later visited each site in person to discuss the implications with them.

Police staff at the three sites have been given notice that their posts are likely to become redundant by 26 May 2006. On or before that date, up to 175 seconded police officers will return to their forces. Forty of those officers are employed at Bruche, and 40 further police staff at Bruche have been given notice that they are likely to be made redundant. In addition, between 30 and 40 subcontracted workers involved in security, catering and so on face redundancy.

Shortly after the chief executive informed the staff, he contacted Members of Parliament representing the areas affected to make them aware of the announcement. A public announcement was made once staff had been informed, and the head of Bruche training centre also wrote to local residents.

I want to make it clear to my hon. Friend that Home Office Ministers apologise for any difficulties or misunderstandings that occurred as a result of correspondence, particularly the letter sent on 13 July by the Minister for Policing, Security and Community Safety, my right hon. Friend the Member for Salford (Hazel Blears). That reply followed a conversation between the Minister and my hon. Friend, in which she raised some of the concerns that she has outlined this evening. It is true that in that letter, my right hon. Friend said that

> "there are currently no immediate plans to close the Bruche training centre".

Of course, when she wrote that letter on 13 July, that was true. Although discussions were taking place within Centrex, no decision had been taken, and none was taken until 21 September. As my hon. Friend pointed out, such a decision is entirely a matter for Centrex, as a non-departmental public body; indeed, Home Office officials were informed of it only after the meeting on the morning of 21 July concluded. I am pleased that my right hon. Friend the Minister has been able to write since and to set the record straight.

My hon. Friend also raised the concern that the timing of the announcement, which was made on the day that this House rose for the summer recess, was such as to avoid parliamentary scrutiny. My right hon. Friend the Minister explained in her letters, and in answer to parliamentary questions tabled by my hon. Friend, that the decision was taken by the Centrex board on the morning of 21 July. Quite apart from the fact that, as my hon. Friend pointed out, it would have been impossible to make an announcement about a decision that had yet to be taken, it would of course have been wrong to make a public announcement until the staff themselves had been made aware of that decision. My hon. Friend will agree that it would also have been wholly unfair to hold back that decision or any announcement until October, when the House returned from its recess.

Helen Jones: I understand what the Minister is saying, but does he agree that what happened was at the very least unfortunate, and will he give an assurance that the Home Office will do its best to avoid such things happening again in future?

Paul Goggins: I am grateful to my hon. Friend for making that point, because it is precisely the one that I was going to make. This was not in any way an attempt by Ministers to avoid parliamentary scrutiny. However, there is a lesson to be learned here for Government agencies, including non-departmental bodies of this kind. When they are taking such key decisions, they should have half an eye on the fact that Ministers and Parliament may need to be informed, and they should also keep an eye on the parliamentary calendar. Although I cannot give specific assurances about particular bodies, this is a lesson that the Home Office and perhaps other Departments can learn. We need to ensure that a connection is made between decisions taken outside Government Departments, and the importance of Ministers being accountable and able to explain those decisions.

I turn to the future use of the site, which my hon. Friend also mentioned. Rumours circulated that plans were already in place to turn the centre into one for use by asylum seekers. As she has made clear—I thank her for doing so in the manner that she did—there are no such plans, as my right hon. Friend the Minister also pointed out. No decision has yet been taken about the future use of the site. The centre will be in use and fully operational until roughly the middle of next year. It will of course need to be put up for sale before we can know who is likely to purchase it. Only then will we begin to know its possible future uses.

My hon. Friend rightly points out that any future change in use would require planning permission. It is important that both she and local councillors in the area are fully committed to consultation with local residents on any proposals. I pay tribute to my hon. Friend and her colleague councillors for the assiduous way in which they will follow up this issue.

Finally, my hon. Friend is quite right that the staff of Bruche—both the current staff and their predecessors—should be commended for the tremendous work that has been done over many years. They have trained many thousands of police officers, who have worked in my hon. Friend's, my own and many other constituencies. We are deeply grateful for that. We owe them a debt of gratitude and all the help and support that we can provide to enable them to find alternative employment. It is important that Centrex adopt a positive and proactive approach to providing support and help for those trying to find new posts. That will include consulting Jobcentre Plus. I noted my hon. Friend's comments about other local economic development agencies. No stone should remain unturned in our efforts to find suitable employment. Centrex is taking a number of initiatives: paying for a consultant to work with the staff, opening a careers room, offering other employment training opportunities and developing links with other local employers.

In closing, I would like to reassure my hon. Friend that every effort will be made to ensure that those who face redundancy can work through this period. Hopefully, with some new skills and new opportunities, they will be able to find local employment. As my hon. Friend rightly says, they have bills to pay and families to keep, so we are obliged to try and help them to remain in employment.

Question put and agreed to.

Adjourned accordingly at one minute past Nine o'clock.

House of Commons

Thursday 10 November 2005

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

TREASURY

The Chancellor of the Exchequer was asked—

Tax Credits (Staffordshire, Moorlands)

1. **Charlotte Atkins** (Staffordshire, Moorlands) (Lab): What assessment he has made of the impact of tax credits in Staffordshire, Moorlands in each year since they were introduced. [26722]

The Chief Secretary to the Treasury (Mr. Des Browne): With permission, Mr. Speaker, I should like to explain to the House the absence of my right hon. Friend the Chancellor of the Exchequer from today's questions. He is in Israel and the west bank, meeting the Israeli and Palestinian Finance Ministers, the Israeli Prime Minister and the Prime Minister of the Palestinian Authority. To help expedite the peace process and to foster enterprise in the west bank and Gaza, he is announcing a small loan facility worth a potential $400 million, building over a number of years, which will help to create thousands of jobs and small businesses.

In 2003–04, an average of 7,500 families in Staffordshire, Moorlands benefited from tax credits. Tax credits reach far more families on low or moderate incomes than any previous system of income-related financial support.

Charlotte Atkins: I am grateful to my right hon. Friend for that answer. Clearly, tax credits have brought huge benefits to my constituents, but is he aware that problems of overpayments persist? In my experience, they are caused largely by the faulty transcription of details over the telephone. How does he intend to address those ongoing problems?

Mr. Browne: My hon. Friend is correct. Tax credits have lifted more than 500,000 children out of poverty since 1998–99, but I accept that computer and administrative problems in the past have resulted in a number of incorrect overpayments. We are aware of those problems, and have apologised for them repeatedly. On several occasions, my right hon. Friend the Paymaster General has set out what we are doing to improve the tax credits system. She told the Treasury Select Committee on 26 October that, subject to testing, where a claimant disputes the recovery of an overpayment, action would be taken to prevent automatic recovery until the case had been looked at. Final testing has been completed successfully, and Her Majesty's Revenue and Customs has now implemented the procedure.

Richard Ottaway (Croydon, South) (Con): Whatever the merits of tax credits, overpayments are causing serious problems. Will the Chief Secretary clarify what he has just said? Will all overpayments resulting from bureaucratic cock-ups be written off?

Mr. Browne: I will not say precisely what the hon. Gentleman invites me to, but he asked me to clarify the matter and I shall do so. We have made it clear that our objective was to ensure that, when a claimant disputed an overpayment, action would be taken to prevent automatic recovery until the case had been examined. We have been able to achieve that, and either I or my right hon. Friend the Paymaster General may have an opportunity to provide details later. However, the present procedure is manual, and we are working to introduce a fully automated system in due course.

Mr. David Laws (Yeovil) (LD): Will the Chief Secretary confirm that people in Staffordshire, Moorlands will continue to face the problem that the ombudsman called "systemic maladministration"? He has set out today the changes that will be put in place, but overpayments will still be recovered before his Department has assessed whether, under the code of practice, they are recoverable. Is not that the systemic maladministration that the ombudsman described? Will not the problem remain very considerable until the right hon. Gentleman and the Paymaster General deal with it?

Mr. Browne: I accept that the ombudsman's report on tax credits used that phrase, but it did not say that the tax credits system was in general disarray. The hon. Gentleman constantly makes that suggestion but, given the scale of the undertaking, the system has been broadly successful. He encourages me to write off all overpayments, but I am not prepared to do so. Of course, some will be written off, or people will be unable to pay the money back, but HMRC's duty is to seek recovery where that is possible. However, we have made the position perfectly clear as regards errors made by HMRC.

Mr. John McFall (West Dunbartonshire) (Lab/Co-op): I welcome the Chief Secretary's comments on the disputed overpayments. He knows that the Treasury Select Committee is looking into the administration of tax compliance. On behalf of my colleagues on the Committee I welcome the progress that has been made, but we will keep our eye on the system so that it becomes more efficient over the months and years. I am aware that on 30 September the renewal process was completed. What assessment has the Department made of that, and can my right hon. Friend make a statement?

Mr. Browne: I am grateful to my right hon. Friend for his support and I am sure that the Treasury Select Committee will continue to review these matters, as it should, and I welcome that. As my right hon. Friend pointed out, the renewal process commenced some time ago, but it is still early days in this year's renewal process to give a full review of how well it is going. Early indications are, however, that some people fail to renew and termination notices have been sent out to those who have not renewed. If those people come back to us with good reason why they are unable to respond, their payments will be reinstated. Last year that happened with about half of the people. Her Majesty's Revenue and Customs are continuing to make efforts to remind people. Hon. Members will be aware of the high profile publicity campaign to raise awareness of the deadline. In addition, we have made significant numbers of outward bound calls to claimants to remind them of the need to renew.

Mr. George Osborne (Tatton) (Con): I fully understand why the Chancellor of the Exchequer cannot be here and I wish him well on his trip to understand more about the middle east. I hope for reasons of prudence that he got a cheap-day return.

Turning to the tax credits fiasco, the Chief Secretary will be aware that the parliamentary ombudsman said recently to a Select Committee of this House that she is "hugely concerned" that the Government are simply "picking and choosing" from her devastating report and that the Government are

"reluctant to accept her recommendations."

Is she right or wrong?

Mr. Browne: I have already referred to a quotation from the ombudsman's report and I will repeat it for the hon. Gentleman. The report

"does not suggest that the new tax credit system is in general disarray."

On the contrary, it recognises that, given the scale of the undertaking, its introduction has been broadly successful. We have responded in detail to the ombudsman's recommendations. The hon. Gentleman is correct that not all of them have been accepted. The fundamental point is that this process is bringing significant numbers of children in particular out of poverty. The question for him is: where does he stand? Is his position still the same—that he does not think that the tax credit system has helped to reduce child poverty?

Mr. Osborne: The Chief Secretary seems completely unaware of the real situation. Thousands of families are being driven below the poverty line by the administration of tax credits. The citizens advice bureau, which has to pick up the pieces from this mess, told me this morning that it is not uncommon for it to apply to charities for food vouchers to help desperate families who are not getting the tax credit payments that they expected. The Chief Secretary has told us that things are getting better, but the National Audit Office tells us that they are not. Is it not time that he joined a growing consensus that believes that we should consider moving to a system where payments are more certain and less prone to error, or has he decided to join the Prime Minister in his bunker?

Mr. Browne: The hon. Gentleman's assertion about the tax credit system and its effect on poverty is simply not true.

Mr. Osborne: I am adopting someone else's quote.

Mr. Browne: The very fact that the hon. Gentleman adopts someone else's quote does not make it true. *[Interruption.]*

Mr. Speaker: Order. The hon. Member for Tatton (Mr. Osborne) asked me a favour to speak on Question 1 and now he is shouting from a sedentary position across the Chamber. We cannot have that.

Mr. Browne: The tax credit system has served to take a significant number of children out of poverty and 6 million families throughout the country are taking advantage of it. It was set up in a detailed design in consultation on child and working tax credits published alongside the 2002 Budget. At the time the Government recognised that we would need to monitor the operation of the system and learn lessons in the light of experience. That is exactly what we have been doing. My right hon. Friend the Paymaster General has periodically reported to the House on that, and that process will continue.

I know that the hon. Gentleman desires simplicity. Indeed, we know of his desire to simplify the tax system to a flat tax. He will know that, just like the flat tax, simplification always introduces significant inequities. A flat tax would cost £50 billion of public spending, and I am sure that the simplification that he suggests would drive a significant number of people into poverty, as, indeed, did the previous system of support in work.

Mr. George Mudie (Leeds, East) (Lab): In every other aspect of HMRC work there is a right of appeal to an adjudicator, but not for tax credits. Will the Minister assure the House that in the review of the code he will give that right of appeal genuine consideration?

Mr. Browne: I can answer that question simply: yes, of course we will. It was one of the ombudsman's recommendations and we are actively considering it.

EU Budget (UK Rebate)

2. **Philip Davies** (Shipley) (Con): What recent discussions he has had with other European Union member states regarding the future of the UK rebate within the EU budget. [26723]

The Financial Secretary to the Treasury (John Healey): The UK presidency has been consulting all member states about the next EU budget. We are committed to working for a deal at the December European Council. Our position on the abatement remains as set out by my right hon. Friend the Prime Minister in the House on 20 June.

Philip Davies: I thank the Minister for that reply.

According to *The Times*, this summer the Chancellor threatened to veto the entire EU budget if our partners attempted to end the UK rebate. Why has the Treasury retreated from that position, such that last week the Economic Secretary told the European Scrutiny Committee that if our European partners made concessions

"everything would be on the table for negotiation"?—*[Official Report, European Standing Committee C,* 1 November 2005; c. 9.]

John Healey: Our position has been consistent throughout. Our aim is an affordable budget that meets Europe's aims and the challenges it must face in the future. The June plan, on which the Chancellor was commenting, means that even at the end of 2013 Europe would still be spending 40 per cent. of its budget on agriculture, when the challenges for the future lie in innovation, science, research and development, training and education to try to meet competitiveness in the world economy. The difference between the hon. Gentleman's party and mine is that we want to reach a deal in December, as I said, and we are currently working hard to secure that, while he and many others in his party do not want a deal and really want withdrawal from Europe. As he told a fringe meeting at the Tory party conference, the only party—

Mr. Speaker: Order.

Mr. Brian H. Donohoe (Central Ayrshire) (Lab): Will the Minister give us an indication of the potential threat to the European regional fund?

John Healey: I understand my hon. Friend's concern about regional funding and policy. It will obviously be an important part of the new financial perspective, but it waits on overall agreement of the budget. He will be aware that we have made proposals for changes not only in the overall budget, but in the structural funds and regional policies to which he referred. He will be aware that three quarters of the funding for UK regions and nations is from domestic Government rather than from Europe. The guarantee that we have given—that if our proposals are adopted, there will be no fall-off in the funding for UK regions and nations, because we put such a premium on regional policy—is one that he and many of my hon. Friends will welcome.

Chris Huhne (Eastleigh) (LD): I should be grateful for a little clarification from the Minister, as I for one am still confused about exactly what the Government's position is on the UK rebate. Does the Minister intend to agree with the Prime Minister on 8 June, when he clearly said:

> "The UK rebate will remain and we will not negotiate it away"?—[*Official Report*, 8 June 2005; Vol. 434, c. 1234.]

Or does he agree with the Prime Minister on 21 June, when he said, following talks with the Swedish Prime Minister:

> "We have made it clear . . . that we are prepared not just to discuss and negotiate . . . but to recognise that the rebate is an anomaly that has to go, but it has to go in the context of the other anomaly being changed away"?

What is the Government's position on the rebate, and can the Minister assure the House that they will defend the rebate, which is a necessary part of dealing with the anomaly?

John Healey: The hon. Gentleman perhaps has more experience of how the real business in Europe is done, given his experience before his election to the House. The position is as the Prime Minister set out to the House on 20 June, when he said:

> "I made it clear that we should deal with both anomalies: the rebate and the CAP. I proposed that we have a fundamental review . . . to alter fundamentally the structure of the budget, dealing both with the rebate and the CAP."—[*Official Report*, 20 June 2005; Vol. 435, c. 524.]

It should be clear to the hon. Gentleman, because he knows the system, that the review is an important step towards the reform that is needed to correct those imbalances, which mean that the abatement is currently fully justified.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): As there are two rebates—one is the UK rebate and the other is the French rebate, known as the common agricultural policy—can my hon. Friend assure the House he will not make any concessions on the one without having firm concessions on the other, not the mere promise of them?

John Healey: Indeed, as my hon. Friend knows extremely well, given her experience in Europe, the rationale for the British rebate is the imbalances and distortions in the European budget, principally around the common agricultural policy. Those imbalances mean that Britain has paid almost twice as much as France into the European budget since 1984, and that we are paying seven times more on agriculture than on the other parts of the European budget that will help Britain and other European countries to adjust for the future. That is why the Prime Minister and the Foreign Secretary have been leading negotiations to try to secure a review as part of an overall budget settlement. They remain committed to that and are working hard to do the deal that will allow the budget to be approved at the December Council.

Mr. Mark Francois (Rayleigh) (Con): We welcome the Damascene conversion on the Liberal Democrat Benches. It is an open secret that, in the fag end of the EU presidency, the Government are now offering up the UK rebate to try to clinch a deal on the budget for 2007–13. How do Ministers square their eagerness to negotiate away our rebate with the Prime Minister's categorical pledge to the House on 8 June? He said:

> "The UK rebate will remain and we will not negotiate it away. Period."—[*Official Report*, 8 June 2005; Vol. 434, c. 1234.]

What kind of Prime Minister changes his mind so fundamentally on such an issue in just three weeks?

John Healey: I am not sure whether the hon. Gentleman fully appreciates the UK's position as President of the European Union at the moment. It is our responsibility, as well as our aim, to introduce proposals that can be accepted by all. That means the right deal for the UK, but it also means the right deal for Europe. The Foreign Secretary is working hard to try to secure and put in place the preparations for that agreement in December, but it must deal with the main imbalance of the common agricultural policy alongside any question of the UK rebate.

Tax Credits

3. **Barbara Follett** (Stevenage) (Lab): What steps he is taking to promote a better understanding of the tax credit system. [26724]

The Paymaster General (Dawn Primarolo): Her Majesty's Revenue and Customs is taking steps to remind taxpayers of the importance of providing up-to-date information as their circumstances change.

That includes a publicity campaign, which will run from the new year, to remind claimants of their obligations. The Department is also piloting targeted approaches, again, to help to reinforce the message and remind taxpayers of their obligations. HMRC is also discussing with the citizens advice bureau how best to work together with a view to developing arrangements for working to support claimants better, including face-to-face support for the most vulnerable groups.

Barbara Follett: I am grateful to my right hon. Friend for that response, which addresses the main problem that I have been having in Stevenage, where more than 7,500 families have benefited from tax credits, but about 150 have had serious problems with overpayments. As she says, the main cause is failure to report changes in circumstances. Will she consider producing some kind of educational leaflet—in simple, clear language—to explain this rather complex system?

Dawn Primarolo: I deeply regret the fact that some of my hon. Friend's constituents have experienced extreme difficulties with their claims. The House has discussed the matter on several occasions. I would not want to give the impression that this is just a question of ensuring that claimants notify HMRC because there are clear issues that the Department must address regarding the recording of information. Further steps can be taken to ensure that information is clearly given to claimants so that they are able to check that easily. That, in addition to the campaign that I have already described, the redesigned shorter and clearer award notice and the notes that will accompany that notice—I hope that they will be short and specific; perhaps two pages—will make it clear which details on the award notice need to be checked, with the notification given if they are incorrect.

Mr. Michael Fallon (Sevenoaks) (Con): If Ministers do not think that a system that was four years in preparation, that costs £475 million a year to administer and that ends up in its third year of operation wrongly paying 1.9 million families represents disarray, perhaps they will offer us a better definition of disarray. Instead of trying to rubbish the parliamentary ombudsman, why do not Ministers get a grip of this shambles and start sorting it out now?

Dawn Primarolo: I deeply regret the hon. Gentleman's assertion that Ministers are somehow attempting to rubbish the parliamentary ombudsman—nothing could be further from the truth. Her recommendations are being actively considered by the Department. The Department is working closely with the ombudsman, the adjudicator and the citizens advice bureau to deal with specific problems that have occurred due to errors in the Department and computer problems.

The hon. Gentleman is quite wrong to assert that the tax credit system is somehow failing the communities that it serves. It serves 6.1 million families, the majority of whom receive their tax credit. It is assisting the delivery of the Government's strategy of helping people into work, supporting them in work, helping to eradicate child poverty and, most importantly, supporting parents in balancing their work and family responsibilities. That is not a failure, but a policy going forward, albeit with issues that need to be addressed.

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): Does my right hon. Friend accept that tax credits are extremely popular with many working families in Hackney, South and Shoreditch and that there have been few problems? The systemic problem with tax credits arises when people's income increases very quickly in a single year, and, sadly, too few families in Hackney, South and Shoreditch experience such an increase. What can she do to help Hackney families to experience further increases in income?

Dawn Primarolo: As my hon. Friend will know, if the family income of people in the tax credit system rises by more than £2,500 in a year, they are supposed to notify the Department because that might have an impact on their tax credits. However, she should look at the employment rates and the number of people moving into work who are lone parents, especially, and partners in marriages. The presence of tax credits is supporting such people, and they are helping people to move into work, which must be a good thing.

Mr. Nigel Dodds (Belfast, North) (DUP): In terms of a better understanding of the tax credit system, will the Paymaster General clarify what the Chief Secretary said earlier regarding no automatic recovery of overpayments? Does that mean that there will still be recovery of overpayments before the resolution of disputes?

Dawn Primarolo: If claimants dispute the overpayment of tax credits about which they have been notified, the Department now suspends recovery of the disputed overpayment until the matter is resolved. The Department investigates and responds to the dispute. If the case is found in a claimant's favour, the overpayment is written off. If it is demonstrated that repayment is still required, overpayment recovery commences. The system works on a manual basis at present and will move to an automated basis next year.

Self-invested Personal Pensions

4. **Danny Alexander** (Inverness, Nairn, Badenoch and Strathspey) (LD): What assessment his Department has made of the likely impact of the new self-invested personal pension regulations on the demand for second homes in rural areas. [26725]

The Economic Secretary to the Treasury (Mr. Ivan Lewis): There has been widespread speculation about the impact of the new rules that will allow self-invested personal pensions to invest in residential properties. Government guidance sets out the implications of putting a residential property into a SIPP. It is unlikely to be an appropriate investment for most people, but the Government are committed to keeping this area under review and will not hesitate to act if there is evidence of any abuse.

Danny Alexander: I am grateful to the Minister for that reply. Has he seen this morning's *Financial Times*, suggesting that Standard Life alone has so far sold £1.1 billion-worth of investment in those products? Is he aware that Scotland's second homes are concentrated in rural communities in the highlands and islands, for example, and that there is a real fear in those communities that even a small rise in demand for second homes, stimulated by the new rules, will push house prices even further beyond the means of local people? Why is the Minister—

Mr. Speaker: Order. That is fine. I believe that the Minister will be able to answer the question.

Mr. Lewis: Thank you, Mr. Speaker, as ever, for your assistance.

We need to consider the issue in the context of pension tax simplification, which has been welcomed by almost everyone—the industry, financial services and all Opposition parties. It is also true to say that the rules do not put the investments into any tax privileged category over and above any other investments in a pension. There are already around 15 million pension savers who can invest in residential properties. At the moment, there are only around 200,000 savers in SIPPs. Having said that, if we find that the hon. Gentleman's concerns prove to be justified, we remain willing to act and to act appropriately. At this stage, however, we believe that pension tax simplification is the right thing to do and, in that context, SIPPs are relevant. However, if there are unintended consequences, we are willing to consider those and to act appropriately.

Mr. Andrew Love (Edmonton) (Lab/Co-op): Concern has been expressed, especially in the media, about the possibilities of mis-selling, and the Minister commented on that. There has also been concern about whether there will be an adequate regulatory regime. Is he aware of those concerns? What action is he likely to take to ensure the protection of the public?

Mr. Lewis: My hon. Friend raises a legitimate issue. At the moment, there is a 12-month gap between the regulatory regime that the Financial Services Authority will be able to introduce and the changes from 1 April next year in terms of pension tax simplifications and, specifically, the impact on SIPPs. Clearly, the Treasury and the FSA are concerned about that gap, and we are considering whether we can do anything practical about it. Having said that, it is important that the FSA follows its usual consultation processes before rushing in inappropriate rules. We are conscious of the 12-month gap.

Mr. Patrick McLoughlin (West Derbyshire) (Con): May I congratulate the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for South Dorset (Jim Knight), on coming into the Chamber for this question? It is obvious that DEFRA takes the matter seriously. Is the Minister telling us that the Government have done no work on the possible implications of the measure for the countryside? Is he saying that he does not believe that it will have an impact on the price of rural housing?

Mr. Lewis: I am saying that there have been a lot of accusations in the press and elsewhere about the potential of SIPPs that are not supported by the evidence. Having said that, we have been working on the potential consequences of the changes, including the potential impact on rural communities and on housing, which is why if we feel, having considered the evidence, that there are undesirable consequences, we will take the necessary steps.

Paddy Tipping (Sherwood) (Lab): What discussion has the Minister and his officials had with the Affordable Rural Housing Commission? It, too, has raised concerns.

Mr. Lewis: I personally have not had discussions with that organisation, but I am willing, as part of the deliberations that we are having, to ensure that that organisation and similar organisations are consulted properly and that we take account of their views.

Adam Price (Carmarthen, East and Dinefwr) (PC): In drawing up the proposals originally, it is unlikely that the Government intended to help fund second homes at the expense of other taxpayers or the Exchequer. As part of the Minister's willingness to act, does he reserve the right to exclude second homes from the proposals?

Mr. Lewis: As I have said, we are aware of the concerns expressed. We are also aware of the benefits of pension tax simplification, which has been welcomed continually by anyone who has considered the issues. It is not generally known that around 15 million pension savers can already invest in residential property. That has nothing to do with the changes to SIPPs. However, I once again reassure the hon. Gentleman that if we feel that they will have a seriously detrimental impact on our housing policy or on rural communities, we shall certainly consider that and, if appropriate, take the necessary action.

Millennium Development Goals

5. **Jim Dobbin** (Heywood and Middleton) (Lab/Co-op): If he will extend the Government's debt relief programme to all countries that need debt relief to meet the millennium development goals. [26726]

The Economic Secretary to the Treasury (Mr. Ivan Lewis): At the annual meetings in September we secured agreement from the International Monetary Fund and the World Bank for 100 per cent. multilateral debt relief for up to 38 of the world's most indebted countries. Britain goes further than this, and we will unilaterally service our share of the debts of other poor countries where the resources freed up will be definitely used for poverty reduction.

Jim Dobbin: Short-term volatility can be damaging for developing countries. On current trends, sub-Saharan Africa will not reach its development millennium goals by 2015. What progress is the international finance facility making that would aid and support developing countries?

Mr. Lewis: First, I pay tribute to the work that my hon. Friend has done on these issues over many years within his constituency and in the wider community. My hon. Friend is right to raise the issue of the IFF. For example, on current rates of progress it is unlikely that some donors would be able to meet their aid commitments without the IFF, and based on donors' legally binding long-term commitments, the IFF would leverage money from international capital markets by issuing bonds. Bond holders would be repaid from future donor payment streams. More than 80 donor, emerging market and developing countries, including France, Italy, Sweden, China, Brazil and South Africa, support the IFF.

I can assure my hon. Friend that this was very much an initiative of my right hon. Friend the Chancellor, who wanted to see far more rapid progress in this area than would have been the case. I can assure my hon. Friend also that the IFF is gaining continuing and growing support from the international community. We see it as a crucial part of achieving our objectives on an accelerated basis, which I am sure every Member of this place would want to see.

Mr. Mark Field (Cities of London and Westminster) (Con): At the risk of playing into the hands of the Chancellor, even in his absence today, this question time, like so many others, seems to sound more like International Development questions than Treasury questions.

Might I suggest that an extension of the debt relief programme should depend on two conditions? Does the Economic Secretary agree that the best way to meet millennium development goals is to insist on pathways towards good internal governance and recognition of the role of government in the developing world, in both promoting and protecting private property rights?

Mr. Lewis: First, we make no apologies for dealing with these matters in Treasury questions. The Government have embarked on a moral mission in terms of the international community. It is one of the most tangible examples of a Government making a difference in respect of things that really matter in this world. We make no apologies for saying that "Make Poverty History" is a campaign that the Treasury has played a massive part in supporting. We pay tribute to the church groups and other organisations that have ensured that the issue is at the top of the political and public agenda throughout the international community.

On the hon. Gentleman's specific point, of course good governance matters. There is little point, as we have seen through history, in pouring aid into situations where the countries concerned are not being managed in an appropriate way, where there is not transparency and where there is corruption. As part of these new international agreements, the Chancellor has made it absolutely clear that good governance, openness and accountability are crucial if we are to be able to achieve the objectives that we are setting out. In that respect, I agree with the hon. Gentleman about the importance of good governance.

Economic Growth (Global Competitiveness)

6. **Andrew Selous** (South-West Bedfordshire) (Con): What recent assessment he has made of the UK economy's global competitiveness in respect of economic growth. [26727]

The Chief Secretary to the Treasury (Mr. Des Browne): Since 1997 the Government have delivered 53 consecutive quarters of economic growth, the longest period of unbroken expansion on record. Our performance compares favourably with that of our international competitors. GDP growth in 2004 was higher in the UK than in Germany, Ireland, France, Italy, Japan, Canada and the euro area.—*[Interruption.]* The hon. Member for Tatton (Mr. Osborne), who made a sedentary interjection, is correct: my arithmetic in terms of the number of quarters is incorrect.

Andrew Selous: According to the OECD, the UK has the lowest growth rate of all the major English-speaking economies—America, Canada, Australia, New Zealand and Ireland. The World Economic Forum's competitiveness league shows the UK slipping a further two places to 13th. Does the Minister believe, as the WEF does, that excessive taxation, regulation and bureaucracy as well as inadequate infrastructure are to blame?

Mr. Browne: I do not want to turn the question into an exchange of quotes from the OECD, but since the hon. Gentleman refers to it, I shall quote from the OECD report, which says of the UK's economic position that

> "this performance is a testament to the strength of the institutional arrangements for setting monetary and fiscal policy as well as to the flexibility of labour and product markets"

and that

> "macroeconomic performance over the last decade has been a paragon of stability".

Part of that is that the UK's competitiveness has been standing up well to recent global economic challenges. In the period since 1997, UK gross domestic product growth has been more stable than that of any other G7 country, in contrast to the period between 1979 and 1996, when it was the most volatile in the G7, with the exception of Canada. The UK's overall macroeconomic performance remains strong and it compares well with our major competitors.

Keith Vaz (Leicester, East) (Lab): Given our success, are we now able to look again at the tests for joining the euro, and can we reach any conclusions based on that assessment?

Mr. Browne: The Treasury keeps the tests under review. It is not the view of the Treasury at present that it would be an appropriate time to deploy the tests.

Michael Gove (Surrey Heath) (Con): The Minister will be aware how important clear and simple taxation is in generating economic growth. He will also be aware that his colleague, the Chancellor of the Exchequer, regularly blames oil prices for any turbulence in the economy. Can he guarantee that there will be no windfall tax on the oil sector in any forthcoming Budget?

Mr. Browne: If my right hon. Friend the Chancellor were here, he would not rise to the bait of making up his Budget at the Dispatch Box, and as the Chief Secretary to the Treasury, I will not do so in his absence. I do not think the hon. Gentleman expects me to do that. Despite other people's observations, our public spending plans are fully costed and fully affordable on a basis of reasonable and cautious assumptions. They are independently audited by the National Audit Office. We in Government have always met our fiscal rules and we will continue to meet our fiscal rules. The hon. Gentleman joins the growing band of those on the Opposition Benches who look for simplification. We know what that means, of course. That would not be affordable because it would be flat tax, and would mean a £50 billion hole in our public spending plans and for the public services. That is the simplification that the hon. Gentleman and his friends want.

Ed Balls (Normanton) (Lab): The latest figures on the performance of the economy over the past 10 years show that between 1986 and 1997, the economy grew by 2.5 per cent. Between 1997 and 2001, it grew by more than 3 per cent. Productivity growth in the former period was 2.2 per cent. It went up to 2.7 per cent. and has carried on since.—*[Interruption.]* Does my right hon. Friend agree that the right way to carry on that record of improvement in growth and competitiveness is to carry on with policies for stability and investment in the economy, and not to see £50 billion diverted away from public services in our economy to an Estonian-style flat tax?

Mr. Browne: My hon. Friend is correct and the figures that he quotes are accurate, although Opposition Members do not seem to want to hear them. It is stability that has given us consistent growth over the period that we have been in office. As I said earlier, the UK's macroeconomic performance remains strong, compared with that of our major competitors. We have the highest employment in all the G7 countries. Unemployment is at 4.7 per cent., its lowest for a generation; on an annual basis, we have been the lowest in the G7 in the past three years. UK inflation since 1997 has been the least volatile of all the 179 countries tracked by the International Monetary Fund. That did not happen by accident; it happened because of stability.

Mr. Stephen Dorrell (Charnwood) (Con): The Chancellor of the Exchequer is a regular contributor on the international lecture circuit, including to the World Economic Forum, about the importance of competitiveness and productivity. The World Economic Forum, a body to which he regularly lectures, recently said that British competitiveness has fallen since 1997 from being fourth in the world to being 13th in the world. Do the Government accept that judgment, or will they demonstrate to the House and to the country why the World Economic Forum is wrong?

Mr. Browne: The right hon. Gentleman is correct in his description of what the World Economic Forum said. However, the UK is the only G7 economy to avoid any quarters of contraction in output since 2001. It has continually expanded despite slow growth in the G7. Our economy is performing appropriately and positively in the environment and shows greater stability than that of any of our major competitors.

Mr. Jim Devine (Livingston) (Lab): Unemployment in my constituency is 2.9 per cent.—it was 20 per cent. when the Conservative party was in power. Does my right hon. Friend agree that the Conservative Government introduced a flat tax in the past—it was called the poll tax, under which nurses paid exactly the same as—

Mr. Speaker: Order. The first part of the supplementary was fine.

Mr. Browne: Part of our stability has been continued growth in labour markets. More people now work in all constituencies throughout the UK. In total, 2.3 million more people work in the UK now than when the Government came to power. We can contrast that with the Conservative Government's record. That is a measure whereby we can judge whether we should take lessons from Conservative Members about how to run the economy.

Mr. Philip Hammond (Runnymede and Weybridge) (Con): As my hon. Friend the Member for Surrey Heath (Michael Gove) said, the Chancellor blames the halving of Britain's growth on oil price rises. Will the Chief Secretary, in the Chancellor's absence, acknowledge the findings of the National Institute of Economic and Social Research, which claims that the impact of oil on this year's growth will be negligible? Is not the truth of the matter that the slowdown is home-grown? Does the Chief Secretary think it could have anything to do with the WEF findings that Government spending in Britain is now more wasteful than in Tanzania and that our tax system is less efficient than that of Ethiopia or Ghana?

Mr. Browne: If the problem is home-grown, as the hon. Gentleman suggests, why is the UK economy growing faster than that of Germany, France, Italy, the Netherlands, the euro area, Japan, Australia and New Zealand? That is happening because the problem is not home-grown, but caused by the environment. That is why I said earlier that the economy was behaving appropriately in the current macro-environment, which includes oil prices. They have been continuously high for a quarter of a century, not only recently—

Mr. George Osborne (Tatton) (Con): They are not the whole story.

Mr. Browne: Well, if we had had the sustained oil prices, moderation of the housing market and a euro area growth rate to provide the context for the rise—

Mr. Speaker: Order. I must try to get down the Order Paper—it is a difficulty that I have.

Andrew Selous: On a point of order, Mr. Speaker.

Mr. Speaker: No points of order are taken during Question Time.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): Does my right hon. Friend agree that the recent announcement of major funding to the Liverpool school of tropical medicine from the Gates Foundation, the north-west development agency and Europe will enable it to be a bigger player in combating world disease and that that will also have an impact on economic growth in Liverpool and the north-west? Will the Government continue to support investment in science, thus supporting regional growth in the north-west?

Mr. Browne: My hon. Friend is right that investment in science, especially support for research and development in science, is an important component of a modern economy. Of course, the Treasury and the Government will continue to support that. However, we can do that only because of the framework that the Government have created. The Lords Economic Affairs Committee stated:

> "We think that the UK fiscal framework is close to being best practice, with the Government's golden rule a good rule of thumb."

Basic fiscal rules and stability have given us the opportunity to invest in science.

Employment (Social Cohesion)

8. **Tony Lloyd** (Manchester, Central) (Lab): What steps he is taking to ensure that employment flexibility does not adversely affect social cohesion. [26729]

The Chief Secretary to the Treasury (Mr. Des Browne): The Government are committed to advancing flexibility and fairness together, to ensure that everyone in society has the support that they need to achieve their full potential in a modern economy. Steps to ensure that that happens include the introduction of the national minimum wage, reform of the tax and benefit system, delivery of high-quality responsive services such as Jobcentre Plus to enable people rapidly to re-enter the labour market, and investment in education and training.

Tony Lloyd: Will my right hon. Friend reflect on some of the things that he said earlier about the comparison between the past 10 years and the 10 years before that? During that previous decade, this country experimented with the concept of economic promotion at the expense of social cohesion, and we saw the impact of that on our inner cities in the form of rising crime, unemployment and all the other social ills that this Government inherited. Has not the success of this Government been to marry economic advance with social cohesion through the measures that my right hon. Friend described, including the minimum wage, better working conditions for families, and the kind of regulations that are consistent with economic growth but that also allow society to operate properly as a society?

Mr. Browne: My hon. Friend is perfectly correct. It is a component of our success, particularly in labour markets, that we have ensured that flexibility and diversity—which are important in labour markets—go hand in hand with fairness. People are entitled to security and support to ensure that they can cope with the effects of economic change. The Government's approach therefore entails an approach to economic reform that advances both of those concepts. It combines flexibility with fairness, and equips people to cope with the change and to tackle the insecurities that surround it. That is the best route to full employment, and we are well en route to achieving that objective. My hon. Friend is correct.

Mr. Andrew Turner (Isle of Wight) (Con): The Chief Secretary has just spoken about flexibility and diversity. Can he explain how giving 10,000 work permits to Bangladeshis to work in the hospitality industry helps social cohesion among the 50 per cent. of young Bangladeshis in this country who are unemployed?

Mr. Browne: The hon. Gentleman refers to a specific route of migration that has been taken advantage of by those who operate what we call Indian restaurants, but which are predominantly owned and populated by Bangladeshis. Part of the raison d'être for that was that those jobs could not be filled from the indigenous labour market because of a skills shortage. In fact, the people who come in and work in those restaurants make a significant contribution not only to the economy of this country but to the diversity of the community that we live in—I am sure that the hon. Gentleman, among others, has enjoyed some of the products of their labour—and, in my view, the ability to do just that in our communities, where we can celebrate our diversity, contributes to cohesion.

Judy Mallaber (Amber Valley) (Lab): There is one element of employment flexibility that adds to cohesion, particularly among families, that my right hon. Friend did not mention: measures to enable people to combine work and home responsibilities, such as those in the Work and Families Bill on parental and maternity leave, and leave for carers. Will his Department take action to promote with employers and businesses the advantages of such measures to them in helping them to retain experienced staff who are not totally stressed out by the daily burden of juggling their lives at work and at home?

Mr. Browne: My hon. Friend is perfectly correct. It will become more important as time goes on, with the changing demographic of this country, that skilled workers, particularly women, are not lost to employment because of the competing pressures of home life and work. That is why the Government are, after full discussion with all the sectors of industry and business, incrementally and carefully moving forward to deliver the best balance between work and family responsibilities. Of course the Treasury will play a full part in that process.

VAT (Charities)

9. **Sammy Wilson** (East Antrim) (DUP): If he will take steps to exempt charities from VAT. [26730]

The Paymaster General (Dawn Primarolo): Charities benefit from VAT and other tax reliefs worth £2.4 billion a year. This forms part of the Government's total support to the voluntary and community sector of something like £3.3 billion a year. An exemption for all charities would add between £500 million and £1 billion to the cost, and the Government believe that the available resources are better and more effectively deployed through targeted initiatives rather than through a general VAT refund scheme.

Sammy Wilson: In 2004, the Royal National Lifeboat Institution paid £3.2 million in irrecoverable VAT—that is £3 for every £1 raised by volunteers. That would have paid for the running costs of the Larne lifeboat station in my constituency for the next 13 years. What plans has the Paymaster General to implement the Transport Committee's recommendations on search and rescue, published earlier this year, which called for such organisations to be relieved of the burden of VAT, or if that proved legally difficult, to make an annual grant to offset the VAT payments for the previous year?

Dawn Primarolo: I congratulate the hon. Gentleman on giving a great deal of support in this area. The whole House would want to echo his comments with regard to the RNLI and the services that it provides for the country. He will also know that since 1997 the Government have undertaken two reviews to consider this issue. There are something like 250,000 charities, and a general exemption for all of those would produce astronomic costs, of the order that I explained to him in my previous answer. The review also demonstrated that it was extremely difficult, and nigh impossible, to reach a fair and principled position, and to decide how some charities might get VAT relief and some might not. He referred to the Select Committee report, to which the Treasury responded, and I have noted his comments. I undertake to consider the matter again, but I hope that he and the House understand the tight and difficult constraints in relation to a complete exemption for all charities and the costs that that would incur.

David Taylor (North-West Leicestershire) (Lab/Co-op): Successive Governments have done a great deal to help charities with various VAT exemptions, but inconsistencies remain. For those charities that operate admission fees to facilities, exemption is provided as long as the surplus is invested to improve or protect those facilities. Will the Financial Secretary consider the inconsistency that prevents them from using any surpluses for deficit funding of a general nature? It would be immensely helpful to museums, art galleries and other such facilities to have access to that exemption for that, too.

Dawn Primarolo: I know that my hon. Friend the Financial Secretary will of course bear in mind the points that my hon. Friend the Member for North-West Leicestershire (David Taylor) has just made. I want to stress to him and the House, however, that having completed two extensive reviews, making exemptions within the tax system that are fair, targeted and properly used is a challenging and difficult task, and can lead to perverse incentives in the system. I shall reflect on his points with my hon. Friend the Financial Secretary, but I am sure that he appreciates that it is extremely difficult to achieve what he is seeking.

Millennium Development Goals

10. **Steve McCabe** (Birmingham, Hall Green) (Lab): What discussions he has had with other Governments on financing the millennium development goals. [26731]

11. **Mrs. Betty Williams** (Conwy) (Lab): If he will make a statement on progress towards the millennium development goals during the UK's presidency of the G7. [26732]

The Economic Secretary to the Treasury (Mr. Ivan Lewis): The UK is contributing towards meeting the 2015 millennium development goals through our aid programme and by working with the international community. UK aid will reach nearly £6.5 billion a year by 2007–08, and the Chancellor has announced that we will reach the UN target of 0.7 per cent. overseas development aid as a proportion of gross national income in 2013.

Steve McCabe: I know from talking to my constituents in Hall Green how much they value the leadership that this Government and our Chancellor have shown on this issue. But does my hon. Friend accept that it is now the time to focus on the outcomes and the real contribution that each country makes, and to put less store by the warm words and vague promises of those who are dragging their heels?

Mr. Lewis: I agree entirely with my hon. Friend. I pay tribute to the work that he has been doing in his constituency, with Hall Green churches and other organisations, on the "Make Poverty History" campaign.—*[Interruption.]* It is interesting that the Conservative party scoffs when we talk about the moral mission of making poverty history and the Government's leadership in that respect around the international community. My hon. Friend is absolutely right. We will be judged on actions, not words, which is why the Chancellor has personally focused on ensuring that both nation states and individual institutions make definite commitments that are transparent and can be judged in terms of our credibility with the people of the world.

Mrs. Williams: I congratulate the Government on the leadership shown and the excellent progress made thus far. On the basis of that success, may I draw my hon. Friend's attention to early-day motion 899, tabled by my hon. Friend the Member for Ochil and South Perthshire (Gordon Banks)? It calls on the Government to consider introducing a new target date of 2010 instead of 2013.

Mr. Lewis: I must confess that I have not studied the early-day motion, but I shall do so now. As for changing the target, I can give no such assurance today. I will say, however, that while we are absolutely committed to making progress as quickly as possible, it is also important that our target is credible and that we can be judged to have delivered. That is why we intend to stick to our current target.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): Does the Minister agree that by far the most helpful way of reaching the millennium goals in developing countries is through free and fair trade? Will he say exactly what the Prime Minister is doing in the European Union presidency to break down trade barriers facing the developing world?

Mr. Lewis: The hon. Gentleman makes an important point about the United Kingdom's position and about our role as EU president. We are determined that the trade talks scheduled for December should deliver real and radical change, and should not repeat the historic fudge, compromise and failure that have characterised such talks in the past. The hon. Gentleman can rest assured that we are leading in that respect, and in particular that we are using our EU presidency to persuade some of the other nation states that we must step up to the mark in terms of our responsibilities to the developing world and in the context of the trade talks.

Speaker's Statement

11.31 am

Mr. Speaker: As the House will know, this Friday is 11 November, Remembrance Day. The House will be sitting at 11 am, and right hon. and hon. Members, their staff and officials in the House will be attending to their duties at that time.

I regard it as appropriate that the House should join the nation in observing the two-minute silence at that time, so that we may remember those who gave their lives for their country to help preserve our democratic freedom.

Instructions will also be issued to heads of Departments so that members of staff who wish to observe the two-minute silence should be enabled to do so.

Business of the House

11.32 am

Chris Grayling (Epsom and Ewell) (Con): Will the Leader of the House give us the business for next week?

The Leader of the House of Commons (Mr. Geoffrey Hoon): The business for next week will be as follows.

MONDAY 14 NOVEMBER—Remaining stages of the Violent Crime Reduction Bill.

TUESDAY 15 NOVEMBER—Opposition Day [9th Allotted Day]. There will be a debate entitled "Consequences of the NHS Financial Deficit", followed by a debate on the oversight of the ministerial code.

WEDNESDAY 16 NOVEMBER—Remaining stages of the Immigration, Asylum and Nationality Bill.

THURSDAY 17 NOVEMBER—A debate on defence in the United Kingdom on a motion for the Adjournment of the House.

FRIDAY 18 NOVEMBER—The House will not be sitting.

The provisional business for the following week is as follows.

MONDAY 21 NOVEMBER—Second Reading of the Equality Bill *[Lords]*.

TUESDAY 22 NOVEMBER—Opposition Day [10th Allotted Day]. There will be a debate on an Opposition motion.

WEDNESDAY 23 NOVEMBER—Second Reading of the Northern Ireland (Offences) Bill.

THURSDAY 24 NOVEMBER—Consideration in Committee and Third Reading of the European Union (Accessions) Bill.

FRIDAY 25 NOVEMBER—The House will not be sitting.

With permission, I would also like to announce the recess dates for the coming year. The printed version of the calendar is now available from the Vote Office and details can be found on the website www.commonsleader.gov.uk. *[Interruption.]* I did cross out "my website".

The House will rise for Christmas on Tuesday 20 December 2005 and return on Monday 9 January 2006. For the spring half term, the House will rise on Thursday 16 February and return on Monday 27 February. The Easter recess will start when the House rises on Thursday 30 March and will end when we return on Tuesday 18 April. We rise at Whitsun on Thursday 25 May, returning on Monday 5 June. Finally, we will rise on Tuesday 25 July for the summer recess and return on Monday 9 October.

As a consequence of that announcement, it will be necessary to move the private Members' Bill Friday sitting previously announced for 24 February, and I will table the necessary motion later today. As always, all those dates are subject to the satisfactory progress of business.

Chris Grayling: At Treasury questions this morning—I was present, but the Leader of the House did not have the benefit of hearing what Ministers had to say—Ministers left us confused and concerned about reports that the Government are now willing to surrender some or all of the British rebate. Can we have an urgent

[Chris Grayling]

statement from the Chancellor of the Exchequer about what he is planning, particularly whether he is planning to do a deal in order to secure a final budget settlement before the end of the UK presidency? Can we have a statement about what would be a major betrayal of Government promises as soon as the Chancellor returns from the middle east?

No mention was made in Treasury questions about a date for the pre-Budget report. The Leader of the House will remember—I pressed him on it last week—that many Members want to be present to hear that report and may need to amend their diaries. There is no reason why the date could not have been published by now. Is it not the height of discourtesy to the House that it has not yet been published?

I am glad that the Leader of the House responded to my request for the publication of dates for next year's recesses, but I want to raise one matter with him. When did he decide to abandon the September recess? My understanding was that the reason why we did not have a September recess this year—*[Interruption.]*

Mr. Hoon: September sitting.

Chris Grayling: I am grateful. The Leader of the House will know that we had no September sitting this year because of the construction of the security screen. It is finished and I was not aware that we needed another one for next year. Is this therefore a permanent decision? Will there be no September sittings in future? If so, when was that decision taken?

Will the new Chancellor of the Duchy of Lancaster be in place to respond to next week's debate on the ministerial code? If not, will the right hon. Gentleman tell us why the Prime Minister seems to believe that the Cabinet Office is no longer an important part of his Government?

At last week's business questions, I asked the Leader of the House for a statement and debate on trade justice before the Hong Kong trade summit in December. Since then, the preliminary talks have collapsed without agreement. Given that the Government know how strongly Members on both sides of the House feel about the issue and given the strength of the lobbies taking place outside this place, when will we get a statement about what has happened and what can be done to rectify the situation?

Finally, I am sure that the Leader of the House shares my concern about the rising tide of violence in Britain. He will also be aware of the possible legal difficulties faced by many of our people—teachers, for example, trying to intervene to break up a fight in a school playground. In the light of recent events here, will he ensure that members of the Government Whips Office are given access to legal advice, so that they know exactly where they stand if they are forced to intervene to break up a fight in the Labour Lobby?

Mr. Hoon: If I may say so, the hon. Gentleman has gone from the sublime to the ridiculous, but I will start with the sublime. The rebate negotiated by Mrs. Thatcher at Fontainebleau—[HON. MEMBERS: "Hear, hear."] I can tell that there is real nostalgia on the Conservative Benches for a period of firm leadership. She negotiated that rebate because of the imbalance in the operation of the common agricultural policy and the EU budget in respect of the United Kingdom. The Government have made it clear that as long as that imbalance continues, it will be necessary for us to maintain our position on the rebate. That is the Government's position and it has been set out by the Prime Minister and the Chancellor of Exchequer on repeated occasions. I see no need for them to come before the House and say it yet again.

I am sorry that we have not yet established a date for the pre-Budget report. As right hon. and hon. Members will have noticed, my right hon. Friend the Chancellor has been travelling a lot lately, but I will pass the information on to the House as soon as it becomes available.

As to recess dates and the September sitting, I have discussed the issue extensively with hon. Members on both sides of the House. It is clear that there is dissatisfaction about the arrangements for September sittings in the recent past. There are strong feelings about our returning for one week, or perhaps two, at the beginning of September, only then to break for the party conference season and return for a matter of weeks, before a further break for the Queen's Speech, as happens in most years. September sittings are important and the principle of having them ultimately needs to be revisited, but unless we can persuade the political parties to change their conference arrangements, I do not see how we can get the continuity of sitting arrangements that Members require. In the light of that, I have written to the chairs of each of the political parties, urging them to look at this matter and to consider having their conferences earlier in September, thereby allowing the House to return earlier and on a continuous basis, so that the sitting is sensible and manageable for all concerned. I should make it clear to the hon. Gentleman that the reason for this development is very much the reaction of Members from all political parties and in all parts of the House.

On the ministerial code, I am confident that a highly experienced Minister will be available to deal with Tuesday's Opposition day debate. He will doubtless set out the Government's position with care and clarity.

I dealt last week with the Lobby issue to which the hon. Gentleman referred. I am full of admiration for the robust nature of the Government Whips Office. The Whips do their job extremely well.

Mr. David Heath (Somerton and Frome) (LD): May I express my surprise that a decision has apparently been taken on September sittings without the House being properly consulted? However, I will leave it at that for the moment.

Will the Leader of the House review our consideration of the Terrorism Bill over the past few weeks? I ask him to do so not for the obvious reasons, but because even though, in anybody's book, this is a very serious matter on which there are firmly held opinions in all parts of the House, a significant number of clauses and amendments were never considered, whether in Committee or on Report. The Bill will pass to another place without those views having been expressed in this elected House.

Just a few moments ago, the other place commenced a debate, led by Lord May—as the Leader of the House knows, he is president of the Royal Society—on climate change. Lord May will express the opinion that this country is going to fail to meet its Kyoto targets, which is a matter of importance to us all. Can this House have a similar debate?

What has happened to cross-cutting questions? Is that an experiment that has failed? We certainly seem not to have had any for a long time. Are we to have any ever again?

Lastly, should we ever have a Chancellor of the Duchy of Lancaster again, could he—or she—come to the House to account for the regulatory impact unit, which I believe is within his bailiwick? As was pointed out in consideration of a Bill on Monday, the accompanying explanatory notes contain the following extraordinary statement:

> "The Regulatory Impact Unit has confirmed that no Regulatory Impact Assessment is required."

Is that really what the RIU is for—to tell us that we do not need to know what it might know, in case we form a view on it?

Mr. Hoon: I have made plain the position on September sittings. It is strongly supported in the House, and although the hon. Gentleman may have a different view, I am confident that it will also be supported elsewhere. It is important to emphasise that the Terrorism Bill, notwithstanding the fact that it did not come through Report stage in quite the form that the Government would have wished, nevertheless contains a wide range of measures that are important in tackling terrorism. That is something that we support. We want the Bill to come into effect and deal with the threat to the UK's safety and security that international terrorists pose.

On climate change, I have met Lord May on several occasions. I am not a scientific expert, and at school was always encouraged to abandon scientific subjects, so I shall not quarrel about the advice that he has given, but his views and opinions are not shared by the Government. We believe that it is possible for this country to meet its Kyoto targets, and will go on working to that end.

As for cross-cutting questions, there is no reason why they cannot be re-established. They have been useful for hon. Members in the past, and I am confident that they will be again.

I am sorry that the hon. Gentleman got rather tied up in regulatory impact assessments. One of the joys of being Leader of the House is that I am required to look at the regulatory impact assessments of any new legislation that is introduced. They are fascinating, detailed and enthralling documents. When the unit decides that one is not necessary I, at least, am extremely grateful.

Mr. Dennis Skinner (Bolsover) (Lab): Does the Leader of the House recall that the move to hold a fortnight of sittings in September was approved by a vote on the Floor of the House? Yes, opinion was divided, but does he agree that we should be adult enough to accept that, although consultation is necessary—I do not know who was consulted at the time—it is also important to have a debate and reach a decision? The House will know what to do, and it may be possible to hold those sittings again. There will be some inconvenience, perhaps to the Liberal Democrat party conference, but the House has a duty to vote on the matter. That is how we started it, and that is how we must finish it.

Mr. Hoon: My announcement in no way affects the normal way that the House deals with its sitting dates or with my proposals. That will not change.

Mr. Eric Forth (Bromley and Chislehurst) (Con): I support the hon. Member for Bolsover (Mr. Skinner). The Leader of the House will recall that one of the main arguments in favour of September sittings was that they would allow the House to hold the Government to account during the long summer period when they would otherwise have a completely free ride. I have a positive suggestion for the right hon. Gentleman that, if he allows it, we can follow up in the debate requested by the hon. Member for Bolsover. Why cannot the House come back in September and sit in the normal way except for three weeks when it would sit on Monday, Tuesday and Wednesday? That would allow those ludicrous conferences—if we must have them—to take place over a weekend. Real people could then attend them, instead of the ones who normally do so during the week.

Mr. Hoon: The right hon. Gentleman makes a helpful suggestion. I am certainly happy to listen to the political parties and learn whether they are willing and able to alter their arrangements. That is a logical consequence of my announcement, and of the contact that I have established with the parties to determine their future arrangements.

However, the right hon. Member for Bromley and Chislehurst (Mr. Forth) is a former Minister and knows full well that Governments do not get a free ride in September. He regularly writes to Ministers and raises issues with them, and they are required to respond, whether or not the House is sitting.

Mr. Chris Mullin (Sunderland, South) (Lab): The decision to renege on September sittings confirms many hon. Members' suspicion that fitting the security screen was just an excuse. Does my right hon. Friend recall that the decision to hold sittings in September—which my hon. Friend the Member for Bolsover (Mr. Skinner) rightly says was agreed by the House—was originally described by the late Robin Cook as a deal, in exchange for which we had family-friendly sittings to coincide with the school half terms? He may have detected some dissatisfaction in the House with September sittings, but a wholly different perception prevails among people outside. They think that we ought to hold the Government to account during September, and I cannot see why we should not. May I urge my right hon. Friend to allow the House to debate the matter, so that hon. Members can hear the arguments for and against?

Mr. Hoon: Again, my hon. Friend is conscientious about holding Ministers to account, whether or not the House is sitting. He writes to Ministers regularly, and they reply to him: that has always been a way of holding the Government to account during recesses.

[Mr. Hoon]

My hon. Friend the Member for Sunderland, South (Mr. Mullin) said that a wholly different perception about September sittings prevails outside the House. However, hon. Members consistently tell me that in that period they are able to attend events, meetings and organisations in their constituencies in a way that is simply not possible when the House is sitting. My hon. Friend has made observations about this matter to the media on a number of occasions, and he may need to make it clear that hon. Members work in their constituencies as well as in the Chamber of the House of Commons. That is an important point to get across.

Mr. Andrew Mackay (Bracknell) (Con): May I be helpful to the Leader of the House and move off September sittings? Does he accept that when two senior, experienced, ex-Cabinet Ministers table an early-day motion, the House should take careful note? Does he agree that he should read early-day motion 994 in the names of my right hon. Friends the Members for Hitchin and Harpenden (Mr. Lilley) and for Charnwood (Mr. Dorrell)?

[That this House condemns the unprecedented campaign to mobilise chief constables to lobby honourable Members in favour of Government policy; fears that this is a damaging step towards the politicisation of the police; understands that the Government's threat to merge police forces has put additional pressure on chief constables, all of whom may shortly be up for reselection, to acquiesce in demands for them to endorse Government policy; regrets that some chief constables gave the measure their backing even though they and their forces had no local experience of the problems allegedly making it necessary; calls on them in future to leave lobbying and advocacy to others; praises the police for their courage and dedication in tackling terrorism; accepts that police have a duty to offer Ministers in confidence advice and evidence based on that experience; but believes the essence of Ministerial responsibility is that Ministers alone are responsible for the advice and evidence that they accept and the policy conclusions they reach; and deplores the Government's attempts to escape that responsibility by invoking the authority of public servants thereby embroiling them in politics.]

It states clearly that it is wrong for the Government to encourage senior police officers to intervene in the political process. This politicisation of the police is most unwelcome in our democracy. Can we have a guarantee that when the Terrorism Bill returns from the House of Lords, this disgraceful exercise will not be repeated?

Mr. Hoon: I have not read the specific terms of early-day motion 994, but I assure the House that I will. Presumably there are 993 early-day motions before it and I have not read each and every one of them. I urge the right hon. Gentleman to think about what he has just said to the House. No one is suggesting that police officers should be politicised or that they should interfere in political debate, but this House is not only entitled but requires to know what the police view is of the powers that they need to deal with the threat to our security caused by terrorism. It would be absurd—I am sorry that the right hon. Gentleman has suggested this—if somehow the House took decisions in isolation of the police view, and I regret yesterday's decision because that was the basis on which the matter was put to the House. Obviously the House is entitled to take a different view, but it is vital that we do not ignore that police view of the powers they require to tackle international terrorism.

David Taylor (North-West Leicestershire) (Lab/Co-op): As the chairman of the all-party group on smoking and health I am getting a great deal of contact from organisations expressing concern that the date for the Second Reading of the Health Bill, including controls over tobacco smoking in workplaces, has yet to be announced. Can the Leader of the House tell us whether it will take place before Christmas? Will we publish the regulations that will describe the exemptions that the Secretary of State for Health announced in such a controversial fashion? Why is there a need for a second consultation when the first consultation over the summer produced 60,000 responses, 90 per cent. of which said that there was a need for a comprehensive ban?

Mr. Hoon: The Second Reading is on track. The Government have a considerable amount of legislation to bring before the House and that must be done sensibly. I can assure my hon. Friend that he will be able to debate the Second Reading of the Health Bill soon.

David T.C. Davies (Monmouth) (Con): Further to the comments made by my right hon. Friend the Member for Bracknell (Mr. Mackay), can the Leader of the House ask the Home Secretary to come to the House and make a statement about the growing politicisation of the police force and explain why the Association of Chief Police Officers is behaving like an affiliated branch of the Labour party?

Mr. Hoon: I am sure that my right hon. Friend the Home Secretary believes with some justification that he has been to the House quite a lot lately and I anticipate that that will continue today, so the hon. Gentleman's observation is not fair, nor borne out by the facts. I might say the same about his views on ACPO. When I was in opposition I do not recall Conservative Ministers ever being reluctant to tell us of the views of senior police officers. Usually they were warning us that somehow or other we were failing to accept that opinion. It is a demonstration of how times have changed that now it is this Government—this political party—who are concerned about the views of the police and protecting the security of the British people while the Conservative party has disappeared off somewhere on the libertarian right.

Mr. David Chaytor (Bury, North) (Lab): Following yesterday's events, would my right hon. Friend find time for a debate entitled, "How the House deals with controversial issues"? Regardless of one's view—yesterday I was happy to vote for the 90-day maximum period—it would have been better if the matter could have been handled differently. Given the amount of legislation in the pipeline, which may be equally controversial, would it not be useful to air these issues for a longer lead-in period to build consensus, both within and between the political parties?

Mr. Hoon: I recognise that always when sharp differences of opinion arise it would be helpful, if the timetable allowed, to have more time for debate and discussion. However, when we face the kind of terrorist threat that the country faces, the amount of time available for debate necessarily must be limited. On my hon. Friend's wider point, inevitably the House must find ways of resolving difficult and divisive questions. If all issues were straightforward, we certainly would not need lawyers—my previous profession—Members of Parliament or Ministers. The truth is we need people to exercise their judgment and it is important that this House is the place where differences are resolved and decided on.

Mrs. Iris Robinson (Strangford) (DUP): Could the Leader of the House arrange for a debate on the viability of public-private partnerships or private finance initiatives, particularly within the education sector, as they are causing delays in providing a new purpose-built school which was earmarked for children with profound special needs at Tor Bank school in my constituency? At present they have to negotiate between out-of-date portakabins situated on a steep hill. I am sure that the House will agree that that is wholly unacceptable.

Mr. Hoon: I am aware of the considerable extra spending that has been made available in Northern Ireland to deal with a backlog of repairs and rebuilding in the education sector as well as in the health sector. It is important that we continue to use private sector funding through PPPs as a means of adding to the amount of capital spending that can be achieved. That has been successful, certainly in other parts of the country, and I am sure that it will be successful in Northern Ireland. Obviously there needs to be proper checks and safeguards to ensure that that money is properly spent and is part of the overall Government spending alongside the private sector. From time to time that takes more time than would be the case if simple capital provision were made available, but the benefit to the whole country of that extra finance is that we can do more. We can rebuild and repair more schools, more hospitals and more public institutions.

Mr. David Anderson (Blaydon) (Lab): Does my right hon. Friend share the sense of shame that Members across the House feel about the way in which we treat the cleaners in this building? Again yesterday they felt it necessary to go on strike to make us aware of what is happening. There is also a sense of frustration when we try to find a way forward, but are told that it has nothing to do with us. Can the Leader of the House please organise a debate or statement so that we can discuss how we treat the people who look after us?

Mr. Hoon: This issue has been raised with me on a number of previous occasions. In the past the two specific points raised were, first, the provision of accommodation for cleaners and, secondly, the level of remuneration. I have looked at both matters. As I understand it, accommodation has now been provided for cleaning staff and I hope that my hon. Friend accepts that that is a significant improvement. An offer of 15 per cent. extra remuneration has been made to cleaning staff. I understand that that offer has not yet been accepted by their trade union. I have made it clear to the Transport and General Workers Union that I would be willing to meet its representatives to discuss the problem, but a significant offer of 15 per cent. has been made.

Mr. Henry Bellingham (North-West Norfolk) (Con): The Secretary of State is a former experienced Defence Secretary, so he will consider sympathetically my request for a debate on defence procurement, and especially the need for the Minister responsible for defence procurement to retain the confidence of industries and businesses in the defence sector. Before the noble Lord Drayson was appointed to the post of Minister with responsibility for defence procurement, did the Government carry out due diligence into his former company, PowderJect? In particular, did they look closely into PowderJect's relationship with the relevant regulator?

Mr. Hoon: As I announced to the House at the start of business questions, there will be a debate on Thursday 17 November on defence in the United Kingdom. Those themed debates allow for hon. Members to raise any issue they choose, and it will be a long debate on defence in the UK. I am sure that the hon. Gentleman will have the opportunity to raise that point during that debate.

Anne Moffat (East Lothian) (Lab): Will my right hon. Friend find time for the introduction of primary legislation to control ship-to-ship oil transfers? Under one proposal, there could be ship-to-ship oil transfers in the Firth of Forth in my constituency, the consequences of which could be devastating for my community.

Mr. Hoon: My hon. Friend is right to raise her constituents' concerns. I hope that she will forgive me, as this is not a subject with which I am wholly familiar, but I will ensure that the Minister who is responsible for this matter responds directly to her.

Dr. Julian Lewis (New Forest, East) (Con): When the Northern Ireland (Offences) Bill is debated next week, may we have coupled with it a statement from the Secretary of State for Northern Ireland confirming that there can be no question of service personnel who undertook authorised operations during the troubles finding themselves in court on charges involving those operations? Does he agree that otherwise it would be difficult for us to look the veterans of that long conflict in the eye on Remembrance Sunday or at any other time?

Mr. Hoon: The hon. Gentleman is right to raise that difficult issue concerning members of the armed forces and the security services. My right hon. Friend the Secretary of State for Northern Ireland will open the debate on the Northern Ireland (Offences) Bill. This is not an easy issue for anyone, and no one pretends that it is.

The benefit that we get from moving forward with the peace process is clear. This is about reducing the level of terrorism in Northern Ireland—*[Interruption.]*

[Mr. Hoon]

Opposition Members who are commenting from a sedentary position should ask themselves whether they believe that it is better to see continuing terrorism in Northern Ireland or—*[Interruption.]* They are scoffing, but this legislation is necessary as it is part of the Good Friday agreement and the arrangements that were made with a terrorist organisation that for many years has been on ceasefire. We cannot have the salami-slicing logic that says that we can somehow make progress on peace and reduce tension and violence in Northern Ireland and the rest of the United Kingdom without taking the difficult decisions that are necessary. This is part of a package. If we want continuing improvement in the peace process in that difficult part of the country, we must inevitably take these difficult decisions.

Paul Flynn (Newport, West) (Lab): The Leader of the House has answered three questions about September sittings, but he has inadvertently not told us whether he is in favour of a debate. Will he state clearly whether we will have a debate and a vote on the restoration of September sittings?

Mr. Hoon: The previous discussions were part of the usual process by which the House determines the dates of its sittings and recesses. Nothing has been changed by the announcement that I made today.

Lorely Burt (Solihull) (LD): Would it be possible to have a debate on ovarian cancer? Of the 7,000 women who are diagnosed with ovarian cancer each year, tragically 5,000 die. Next week, together with the family members of women from my constituency, I shall present a petition to the Prime Minister in Downing street to ask that that take place. This is such a difficult issue. We need considerably more resources to research ways of diagnosing ovarian cancer.

Mr. Hoon: I am grateful to the hon. Lady for raising this issue, which is vital to women and their families throughout the country. There has been a significant improvement in the rates of detection and cure for cancer across the board, but it is a particularly vicious form of the disease. It is right that she should highlight the issue and that the Government should continue, with the support of Members of Parliament, to put extra resources into dealing with it.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): Would my right hon. Friend arrange for an early debate on the state of our bus services in metropolitan areas? It would give me the opportunity to express the real anger in Sheffield at Firstbus's decision to increase fares again, some by more than 15 per cent. It is the fourth fare increase in 12 months. It is not surprising that passenger numbers are 30 per cent. down on what they were 10 years ago. Surely we need a change to the non-regulatory framework, which has seen continual cuts in services, regular fare increases and a regular and consistent fall in passenger numbers.

Mr. Hoon: My hon. Friend is right to raise the particular circumstances in Sheffield as they affect his constituents. He will know that across the country there has been a significant increase in bus useage.

Mr. Betts: In London.

Mr. Hoon: Right across the country. I would be happy to let my hon. Friend have the statistics. There has been a considerable improvement in the use of buses by the travelling public, and the Government continue to encourage that.

Bob Spink (Castle Point) (Con): Does the right hon. Gentleman agree that if we had September sittings, as I believe we should, that would give us the opportunity to debate important issues such as animal welfare? We could then explore ways of stopping the cruel and unnecessary export to Europe of live animals for slaughter. That trade must be stopped.

Mr. Hoon: I know that that issue interests right hon. and hon. Members on both sides of the House. I recall from my days as a Member of the European Parliament that a number of colleagues consistently campaigned on the issue, and I commend the hon. Gentleman for raising it.

Edward Miliband (Doncaster, North) (Lab): According to the House of Commons Library, there has not been a debate in Government time on new services and issues related to young people for many years, indeed decades. Moreover, the "Youth Matters" Green Paper was published in July at the time of the tragic events of the bombings, so no statement was made in the House. Will he consider with colleagues whether it is possible to make Government time available for a debate on the important issues of the Green Paper, youth services and the wider matters relating to young people, which are of concern to many hon. Members?

Mr. Hoon: My right hon. Friend the Secretary of State for Education and Skills has published the Green Paper, which contains great detail on the importance of providing services and facilities for young people. They are often criticised by older people for hanging around on street corners and behaving inappropriately. I am sure that my hon. Friend is, by implication, making the point that the Government have a responsibility to deal with antisocial behaviour and to ensure that young people have opportunities to participate in activities. The Green Paper is a way of promoting such activities.

Mark Pritchard (The Wrekin) (Con): Would the Leader of the House allow time for a debate on the Government's flawed decision to close the Army Base Repair Organisation in my constituency, with the loss of 628 jobs? Does he regret the comments that he made when he visited my constituency in February this year? He seemed to suggest to the work force that Donnington had an optimistic future.

Mr. Hoon: The announcement made by the Defence Minister, my right hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow (Mr. Ingram), was designed to ensure that our front line continues to have the best quality and the most cost-effective support in terms of the Defence budget—as, in general, Opposition Members observed. I hope that the hon. Gentleman is not suggesting, by implication, that we should not continue to provide our armed forces with that cost-effective support. That was the purpose of the inevitably difficult decisions taken to ensure proper support for our armed forces. It necessarily involves job losses, which I regret, but that is the price we pay for ensuring that we devote the right resources to getting the right kind of armed forces for the 21st century.

Lynne Jones (Birmingham, Selly Oak) (Lab): I draw my right hon. Friend's attention to early-day motion 888.

[That this House believes there should be a free vote on the issues of ending smoking in workplaces and enclosed public places when Part 1 of the Health Bill is debated.]

It calls for a free vote on smoke-free public places and has been signed by 49 Members, most of them from the Labour Benches, yet I understand that last week my right hon. Friend responded negatively to that suggestion, referring to the Labour manifesto. If that is the case, why did the Government carry out a consultation on the matter? Will he reconsider, as he knows that four out of five respondents called for a comprehensive ban? Does he know when the results of the consultation are to be published—and if he does not, will he find out?

Mr. Hoon: I think that I also made the point last week that in the past my hon. Friend has not been slow to criticise Ministers for sticking to the manifesto. It is important, so soon after a general election, that we continue to support the manifesto on which she, I and other right hon. and hon. Members were elected. That is the basis for the decision that the Government have taken.

Mr. Nigel Evans (Ribble Valley) (Con): Is it possible for the Leader of the House to arrange for an early debate on road maintenance funding for local authorities? Lancashire county council has a budget of £40 million a year for road maintenance, yet it has a £600 million backlog. Over the past 10 years, there has been a considerable number of deaths and injuries on the A59 in my constituency, and the situation can only get worse. May we have an early debate on that important matter?

Mr. Hoon: That is an important issue. Sufficient funds are allocated to local authorities to ensure that they can maintain their roads satisfactorily. Obviously, they face different challenges in different parts of the country, but I am confident that Lancashire has sufficient funds to deal with current road maintenance.

Mr. David Winnick (Walsall, North) (Lab): One of the welcome changes from Tory years was September sittings. The word "recess" is wholly unknown to the general public; to them, we appear to be taking a 10 or 11-week holiday, so is it not a backward step to stop September sittings? In previous years, we broke up for 11 weeks. Our duty is first and foremost in the House of Commons, but September sittings in no way prevent us from carrying out our usual visits and other activities in our constituencies. As I see it, not holding them is simply an excuse for not being here for two weeks. Will my right hon. Friend promise that the matter will be further considered? We should not abandon what I and many Labour Members believe was a welcome change in the procedures of the House of Commons.

Mr. Hoon: I am certainly willing to continue to keep the matter under review. I have made it clear that the overwhelming majority of Members who have contacted me on the issue were against September sittings, as recently organised. I repeat to my hon. Friend what I set out to the House: what is important is that there should be continuity in our arrangements, but that is not possible while the party conferences take place towards the end of September and in October. If that could be adjusted, I would strongly support the idea of a late September sitting.

Pete Wishart (Perth and North Perthshire) (SNP): I, too, want to bring up the issue of the next summer recess, but I want the Leader of the House to refer to July, not September. Why, once again, is the summer recess due to start halfway through the Scottish school holiday? Why, when we are off for such an inordinate length of time, can we not have a summer recess that accommodates all parts of the UK, so that we can all spend equal time with our children?

Mr. Hoon: I have spent so much time over the past few weeks poring over details of the different holiday arrangements organised by local authorities throughout the whole of the UK that I can assure the hon. Gentleman that it would not be possible to provide a recess that satisfied each and every Member and the various arrangements in each and every part of the country. There must necessarily be compromises on the dates and I have made a number of them. Obviously, I cannot take every circumstance into account.

Nia Griffith (Llanelli) (Lab): Given that increasing aggression is shown towards our emergency workers, will my right hon. Friend announce as a matter of urgency a new date for the cancelled Second Reading on 24 February of the private Member's Bill promoted by my right hon. Friend the Member for Swansea, West (Mr. Williams), the Father of the House, which would extend to emergency workers the same sort of protection currently enjoyed by the police?

Mr. Hoon: My hon. Friend is right to raise that important issue. Material recently published by the TUC recounts the number of occasions when emergency workers, in the course of doing their job of saving lives, have come under physical attack. I find that absolutely astonishing. It is scandalous and appalling. She is right to raise the issue and we must continue to regard it seriously.

Mr. Edward Garnier (Harborough) (Con): I know that the Leader of the House is a keen supporter—and, indeed, a keen student—of the constitutional proprieties and that as a former Secretary of State for Defence he would have been surprised had Army, Navy and Air Force commanders telephoned, written or e-mailed to Members of Parliament to advance Government defence policy. Will he therefore ask the Home Secretary to come urgently to the House to give a statement about why the Home Office instructed senior police officers to do just that?

[Mr. Edward Garnier]

Furthermore, if he is in touch with the Home Secretary—he may not be—will he ask the right hon. Gentleman to come here and make an urgent statement on police reorganisation? I understand that there has been consultation with senior police officers about the matter, but that the Government have already reached the view that there should be regional police forces rather than any other form of reorganised police.

Mr. Hoon: The hon. and learned Gentleman put his question with his usual elegance. I am always grateful that we do not have to pay his usual fees for the quality of his questions. His question about constitutional proprieties has already been raised several times today and I shall certainly give him the same answer: police officers made available to Members vital information so that they could decide a very important question. The implication of the hon. and learned Gentleman's elegant question is that somehow or other we should not have such information before making up our minds. That may be the position that the Conservative party has chosen to adopt—it does not appear to care for the views of the police on such questions and that, presumably, is the continuing logic of the refusal of Conservative Members to take account of what the police actually requested.

The consultation on police reorganisation will continue. I am sure that the hon. and learned Gentleman can participate in those discussions.

Michael Connarty (Linlithgow and East Falkirk) (Lab): When my right hon. Friend gets around to reading the book of early-day motions, which I know he takes seriously, I hope that he will reach early-day motion 972, on the Post Office and UK passport services.

[That this House notes that key passport services have been provided across the UK for many years through the Post Office network with the result that Post Office Ltd and its employees have developed considerable knowledge and experience of these services, yet that the UK Passport Service intends to procure 70 new offices to act as sites for interview for first time passport applicants under rules that will not allow interviews on premises that also provide Post Office services; believes that security sensitive services like passport interviews should be carried out by civil servants in suitable publicly-owned offices; does not believe that the creation of a new network of privately owned offices at considerable expense to the taxpayer is either necessary or desirable when the proposal contains rules which deny the Post Office a level playing field on which to compete and denies the public the use of available Crown post offices which they have indicated they prefer to use in the pilot studies while simultaneously undermining the long-term viability of a publicly-owned enterprise; and calls on the Government and UK Passport Services to alter the rules to allow the utilisation of the Post Office network to carry out these interviews.]

Will my right hon. Friend ask the responsible Home Office Minister to explain to the House how the Government could draw up a contract whereby the Post Office cannot use Crown offices or offices also used for postal services to interview people for their first passport, thus preventing the Post Office, which we own, from using premises in every high street for that service? That is a ludicrous decision, which threatens the Post Office and will force taxpayers to pay for 70 new outlets that will be used only for passport interviews. That wholly ludicrous decision should be explained to the House.

Mr. Hoon: As ever, my hon. Friend puts his case well on behalf of the Post Office. I shall ensure that the relevant Minister replies to him directly.

Mr. Nigel Dodds (Belfast, North) (DUP): Yesterday in the House, the Prime Minister urged us to support legislation on the basis that it was supported by the public at large and by the police, yet on the very same day the Government brought forward legislation to give an amnesty to terrorists on the run, which is opposed by the public and the police. Does not that send a signal that far from being tough on terror, as the Government like to pretend, they are actually in the business of abjectly appeasing terrorists in Northern Ireland, and that there are good terrorists and bad terrorists? Is not it clear that the proposal is outside the terms of even the Belfast agreement? The Government should not pretend that the legislation extends the rolling out of the agreement—a point made by the hon. Member for Foyle (Mark Durkan) and other members of the Social Democratic and Labour party who supported the agreement.

Mr. Hoon: I am not going to trade with the hon. Gentleman remarks about the situation in Northern Ireland. He has experienced that and knows that far better than I ever will. All I say to him is that this is not an amnesty. The Bill sets out a legal process that will be undertaken in relation to those who have been on the run and who allegedly committed offences before the signing of the Good Friday agreement. He is right that no specific detail in that agreement deals with the issue, but it was part of the wider agreements surrounding the peace process that were made by the Government and [illegible] Governments involved in ensuring a ceasefire and continuing peace in Northern Ireland.

[illegible] I said, I will not trade remarks about the circumstances in Northern Ireland with him. He knows them much better than I ever will. All I say to him is that there has been a continuing peace, that the terrorists are on ceasefire and that it is important that we continue to do what is necessary to preserve that. Again, he knows the situation in Northern Ireland much better than I do. Surely it is better for the people of Northern Ireland that we should take these difficult decisions and preserve the peace, rather than risk a return to terrorist violence.

Mr. Gordon Prentice (Pendle) (Lab): What does my Friend think of early-day motion 985?

[That this House believes that no person should be elevated to the peerage who has donated more than £5,000 to a political party in any five-year period.]

Is it not a disgrace that we are elevating to the peerage people who have given hundreds of thousands of pounds to political parties? May we have a debate on the role of the House of Lords Appointments Commission, which has the job of vetting those appointments and ensuring propriety?

Mr. Hoon: I have noticed over the years—I think that my hon. Friend and I were elected to the House at about the same time—that he tends to have a conspiratorial view of politics and the Government. I am confident that the decisions about elevation to the peerage are taken on perfectly proper grounds in relation to the distinguished contribution to public life that each of those individuals has made.

Mr. Andrew Turner (Isle of Wight) (Con): Now that the Terrorism Bill has almost reached a conclusion in the House, may we have a debate on what the Government are doing, which does not require legislative change, to protect in particular the users of the tube and buses in London?

Mr. Hoon: The hon. Gentleman makes a perfectly good point, but I am sure as well that he will reflect on the fact that there are limits to the amount of information that the Government can make available about precisely the kind of measures to which he refers. As soon as that information is made available, it is obviously a gift to potential terrorists, who would then seek to disrupt those arrangements. There is a balance to be struck. It is obviously important to demonstrate to the public that it is safe to use public transport and to go about their lives in the way in which we want them to continue to do, but we must be concerned about the serious and continuing threat that exists. We must explain that in a way that does not unnecessarily arouse fears. However, the hon. Gentleman is right to suggest that this is an important issue that the Government need to continue to set out clearly to both the House and the wider public.

Kerry McCarthy (Bristol, East) (Lab): To return to the subject of the House of Commons cleaners, which was mentioned earlier, my understanding is that the 15 per cent. offer that is on the table is not an overall increase in the amount of money available; it is dependent on about 30 jobs being cut and a reduction in hours. We have some cleaners who are working up to 75 hours a week to try to make ends meet, so I am not sure what will happen. May I urge my right hon. Friend to meet the union representatives, as he has offered to do, and then make a statement to the House on how those discussions have gone?

Mr. Hoon: I have already met union officials from the Transport and General Workers Union. I will meet them again. A letter has gone out indicating that I would be willing to have those conversations. However, I hope that my hon. Friend will reflect on the fact that it is also important that Members and members of the Government do not get involved in detailed, day-to-day negotiations about the terms and conditions. Two specific issues were raised with me on a previous occasion and I had those issues investigated. I believe that they have been resolved satisfactorily and that a 15 per cent. increase in the rate available to individual cleaners is a very good offer, particularly in the present economic situation.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): May I return to a question that has been asked already by right hon. and hon. Friends about the relationship between the police and Ministers? I regret that the matter has to be repeated for the benefit of the Leader of the House, but the problem is that he is not answering the question that has been put to him. It is all very well him saying that it is proper for the police to have conversations with Members, but that is not the issue. The issue is whether it is right for Home Office Ministers, their employees and other staff there to encourage police officers to contact Members of Parliament about how they should vote. With that in mind, may I please ask again whether the Leader of the House will consider asking the Home Secretary to come to the House to make an appropriate statement?

Mr. Hoon: I anticipate that my right hon. Friend the Home Secretary will be in the House later today. I am sure that the opportunity will be available to raise the issue with him if the hon. Gentleman wishes to do so. Again, the implication of his question is that I am somehow slow in understanding these matters—if I am, I apologise to the House, but I do not think that I am. What he is saying is that, somehow or other, it appears to be inappropriate for police officers to set out their views to Members of Parliament—*[Interruption.]* I have not quite finished. If he can give an illustration of where a police officer has indicated to a Member of Parliament that he should vote in a specific way, that is a matter that perhaps we should consider, but I understand that police officers have been indicating to Members of Parliament, as they have done certainly all the time that I have been a Member, their views on the appropriate level of protection that the House should consider making available to the public. I repeat that it is a matter of considerable regret that the modern Conservative party does not appear to take that information as seriously as its predecessors once did.

Andrew Mackinlay (Thurrock) (Lab): May I take the Leader of the House back to the reply that he gave me last week? When I asked for a free vote on a total smoking ban, he impertinently suggested that I was not supporting the manifesto on which he and I were elected. That is a dangerous argument for him to advance. Does he really want me to produce an audit of those things that we have implemented that were not in our manifesto and those things that were in our manifesto that we have not yet implemented? The manifesto did not say, "Thus far and no further"—it said that there would be a smoking ban, which is a commitment that he and I will support on the Second Reading of the Health Bill. What hon. Members want is the opportunity to make the ban effective and comprehensive; if it is understood with clarity and precision, it will work. Will he give us that free vote—or at least think about it?

Mr. Hoon: I am sorry if my hon. Friend felt that I was treating him with any less respect than I always treat his questions, but it is important for the House and, indeed, for those who have elected all hon. Members that people have the confidence that Members of Parliament seek to implement the manifestos that they set out to the public. The Labour manifesto on which he and I were elected was very specific about the compromise that is necessary to protect people's health from secondary smoking. It is not as though the manifesto was in any way in doubt on that issue. I respect my hon. Friend's efforts to move the

[Mr. Hoon]

debate along beyond the terms of the manifesto, but he must give me a pretty strong argument for why he and I should depart from the very specific compromise set out in the manifesto; until he does, I will give him the same answer.

Mr. Roger Williams (Brecon and Radnorshire) (LD): As the Leader of the House pointed out earlier, we are in a period of consultation about the future structure of police authorities throughout the country, yet a member of the Cabinet has already made it very clear that his preferred option in Wales is a single police force. If one member of the Cabinet has made clear his point of view, is that the view of the whole Cabinet? If so, why do we need the consultation period? Will the Leader of the House provide some time so that we can debate on the Floor of the House the future of the police authorities in England and Wales because that is of such importance?

Mr. Hoon: First, there is a consultation. There is a wide range of views on the appropriate structure of police forces. Most Members of Parliament to whom I have spoken about the issue—indeed, most police officers and even police authorities that I have contacted—recognise that the existing structure of 43 authorities is not necessarily how anyone would have devised the structure if they were starting from scratch, so it is right that we should have a consultation. I am hugely delighted to see my right hon. Friend the Home Secretary in his place, ready to participate, given the considerable number of requests that have been made for his attendance. Hon. Members can see that the Government deliver.

Martin Salter (Reading, West) (Lab): As a member of the Modernisation Committee that proposed the September recalls, I fully accept that they have proved neither popular nor successful with many hon. Members, as I am sure that a vote on the Floor of the House would demonstrate. However, does the Leader of the House accept that three months is far too long for any Government to escape parliamentary scrutiny? Will he consider allowing hon. Members to table written questions during part of what will be an extended summer recess?

Mr. Hoon: I am grateful to my hon. Friend for his practical and realistic view of the September sittings. He was a member of the Modernisation Committee at the relevant time, so it is interesting for the House to hear to his thoughts in the light of our experience. One consequence of not having September sittings is that we need to examine whether there are other ways in which the Government can be held to account. I am certainly willing to consider his suggestion.

Mr. Graham Stuart (Beverley and Holderness) (Con): Following on from the many contributions on this subject, may I broaden the question of the role—and perhaps, in this case, the use—of public servants in political debate? Notwithstanding the Leader of the House repeatedly saying that Conservative Members do not want to hear the words of the police, may we have a debate on the role of public servants and how we go forward so that we can examine the proprieties and ensure that we do not see what many hon. Members on both sides of the House feel is the blatant political use of public servants in Government policy?

Mr. Hoon: I am beginning to have the slight suspicion that there is an element of co-ordination on these matters on the Opposition Benches. I get the slight sense that they might have been discussed earlier. Nevertheless, I will deal with the hon. Gentleman's question directly. It is important for the views of public servants and officials throughout the country to be communicated to the House. I cannot understand what the hon. Gentleman is objecting to. Distinguished public servants have a view—*[Interruption.]* Including former diplomats. In a democracy, we all have to listen to that view.

What I do not understand about this line of argument—perhaps the shadow Leader of the House needs to co-ordinate his efforts more successfully—is that it would mean that, when Members of Parliament were making up their minds on difficult issues, they would not have available to them the views of those who would be most affected by the decisions and whose job it is, if we are talking about the police, to protect this country. It is self-evident that we need such information so that we can make up our minds.

Lynda Waltho (Stourbridge) (Lab): Will my right hon. Friend schedule a debate on the effects of the Licensing Act 2003, which is due to bite from 24 November? I am perturbed by the problems that are coming up. Dudley council, which is my local authority, is allowing blanket later openings for pubs, but it is expected that that will have a devastating effect, certainly in Stourbridge town centre. I am being inundated with concerns from residents, businesses and the local police about what will happen.

Mr. Hoon: My constituents have raised 24-hour drinking with me in my constituency surgery. They have been alarmed about it, but not one single public house in my constituency has been given permission to open for 24 hours—I am not even aware that any have applied for it. The difficulty is that a great deal of mischief has been created on 24-hour drinking and overshadowed the considerable changes to the licensing arrangements that have been introduced, not least those that allow local authorities, local communities and individuals to have a much bigger say in the licensing arrangements that might operate in their areas. The proposals mean that local communities that are affected by licensing hours will have a much better opportunity to state their case and get their point across.

Mr. Peter Bone (Wellingborough) (Con): Last night, I was contacted by an upset constituent, Mr. Nigel Anderson, about his wife who gave birth to a baby girl at the local hospital at 4.30 am, but was told that she would have to leave the hospital by 9 am that same day, despite the fact that she was in distress and wanted to stay overnight. I understand that the local hospital used to have four maternity wards, but now has only one. Will the Leader of the House arrange for the Secretary of State for Health to make an urgent statement on what seems to be an appalling situation?

Mr. Hoon: I am not going to comment on that specific case, but I shall ensure that a Minister from the Department of Health contacts the hon. Gentleman to give him relevant information in response to what certainly sounds like an unfortunate occurrence.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): May I draw my right hon. Friend's attention to early-day motion 995?

[That this House condemns Hewlett Packard for abandoning their manufacturing base in Scotland and transferring it to the Czech Republic in order to exploit cheap labour in that country; and notes that 200 jobs in manufacturing will be lost as a result of this corporate greed.]

The early-day motion refers to the disgraceful decision by Hewlett Packard in my constituency to transfer its manufacturing facility from Scotland to the Czech Republic, which will mean that 200 quality manufacturing jobs will be lost. The decision was driven by corporate greed and the exploitation of cheap labour in eastern Europe. May we have a debate on corporate greed and perhaps review our current employment legislation so that we can stop these faceless corporate magnates from making decisions in which their workers have no input?

Mr. Hoon: I have read the early-day motion and recognise my hon. Friend's concern. I congratulate him on the way in which he has raised the matter. It is important for us all to have regard to the pressures of corporate competition and to recognise the efforts that the Government have been making to ensure that we have the right skills, training and education so that our work force can continue to meet the pressure of international competition to which he refers.

I know that my hon. Friend would not suggest that we should engage in wholesale protectionism because that would not serve the interests of his constituents. The Government must ensure that those people who have sadly lost their jobs as a result of the decision are provided with opportunities, training and education so that they can quickly return to the labour market. The healthy economy that the Government have established since 1997 makes that all the more possible.

Mr. Mark Harper (Forest of Dean) (Con): I impress on the Leader of the House the remarks of my hon. and learned Friend the Member for Harborough (Mr. Garnier)—I am pleased that the Home Secretary is in the Chamber. Yesterday, when others may have been diverted by the important debate in the House on the Terrorism Bill, the Minister for Policing, Security and Community Safety wrote to hon. Members and chief constables to announce the interim decisions of the Home Office on police force restructuring. The letter makes it clear that the Home Office has ruled out practically every option for my local force in the south-west. The Department has posited only two options for the south-west: a south-west strategic force, or two sub-regional forces. Given that the House has not yet been notified of a decision of such magnitude—although I understand that a written statement will be made tomorrow—surely either an urgent debate or an oral statement would be in order. Will the Leader of the House arrange that at the earliest possible opportunity?

Mr. Hoon: I have made it clear that there will be opportunities to discuss the proposals for police force restructuring. The detailed consultation exercise is clearly engaging hon. Members because several of them have raised the matter today. I am confident that there will be every opportunity to discuss any decisions before they are implemented.

David Simpson (Upper Bann) (DUP): Can the Leader of the House explain why the Government have cut funding to young enterprise programmes throughout the United Kingdom, including in Northern Ireland?

Mr. Hoon: I cannot, but I will find out.

Point of Order

12.38 pm

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): On a point of order, Mr. Deputy Speaker. In response to my question about bus services, I think that the Leader of the House—inadvertently, I am sure—gave some incorrect information. While it is true that bus passenger numbers have grown considerably inside London, they have generally fallen outside London in recent years. Would it be possible for the Leader of the House or the Secretary of State for Transport to make an early oral or written statement to correct the information that was given?

Mr. Deputy Speaker (Sir Alan Haselhurst): That is not a point of order for the Chair. It sounded very much like an extra question to the Leader of the House, and the hon. Gentleman has been lucky to get it on record.

Orders of the Day

Terrorism Bill

Order for Third Reading read.

12.39 pm

The Secretary of State for the Home Department (Mr. Charles Clarke): I beg to move, That the Bill be now read the Third time.

It is only a little over two weeks since the Bill had its Second Reading, but I do not think that anyone could claim that it has not been subject to proper scrutiny, both in the House and in the country more generally. The Bill has, very properly, been fully discussed and debated, and what we have clearly represents the will of the House. I reject the suggestion made by some hon. Members yesterday that there has been insufficient opportunity to debate it. We held the Committee stage on the Floor of the House for two days to allow all right hon. and hon. Members to take part, we introduced a second programme motion to extend the time available on Report, and, of course, we now have ahead of us much more time for Third Reading than is customarily the case.

As the House will know, it had been my wish and that of the whole Government to proceed by means of consensus. To the degree that that has been possible, I pay tribute to my counterparts in the other parties for their co-operation and willingness to engage and talk about the various issues that we have had to address. However, I regret that it has not been possible to achieve consensus in all respects, in particular regarding the length of pre-charge detention. Nevertheless, the Government have made it clear all along that if, for any reason, consensus broke down, we would not hesitate to press ahead with measures that we felt were necessary in the fight against terrorism.

We remain of the view that the offence of encouragement to terrorism is needed and that it needs to be framed in the way in which the House has now agreed. In line with our manifesto commitment, it needs to encompass the glorification of terrorism, and I am glad that the House explicitly endorsed that again yesterday. There is no reason why people should be allowed to glorify the terrorist acts of others in such a way as to encourage others to prepare and commit acts of terrorism.

As we always intended, and announced as long ago as July, we have created new offences relating to acts preparatory to terrorism and terrorist training. We have also created a new offence of attending a terrorist training camp. No one has any good cause knowingly to attend a place where terrorist training is taking place.

Moreover, the new offences will give the United Kingdom the ability to ratify two important international conventions—the United Nations convention on the suppression of nuclear terrorism and the Council of Europe convention on the prevention of terrorism. I am sure that the whole House will recognise the importance of working internationally in the fight against terrorism. The Bill will also extend the offence of criminal trespass to cover civil nuclear sites so that we can protect them, because they are an obviously tempting target for terrorists. However—I stress this, particularly in the light of our debates—nothing that we are doing in any way disturbs the absolute right to protest peacefully.

Let me turn to the issue that has probably attracted the most attention—that of the maximum pre-charge detention period. Yesterday the House made a decision on that. It is perfectly proper for it to reach such a decision and I make absolutely no complaint that Members of Parliament have exercised their ability to vote in the way in which they have all individually chosen. What I do regret is that the House has chosen to ignore the professional advice of our law enforcement and prosecution agencies, which we employ to protect us from the very real threat that we face from terrorists. I believed that a maximum pre-charge detention period of 90 days was in the best security interests of the country and I remain of the view that we were right to take the course that we did. Nevertheless, and for the avoidance of doubt, the Government accept the decision that the House has taken and we will not be seeking to overturn it in another place.

David Howarth (Cambridge) (LD): Will the Home Secretary clear something up? In our discussions yesterday on this very issue, I asked him about the possibility of questioning suspects after charge. In his response, he said:

> "The hypothesis that we are discussing is that, in a number of cases, there is no possibility of charging on a short-term basis."—[*Official Report*, 9 November 2005; Vol. 439, c. 333.]

I have had the opportunity to read the code for Crown prosecutors, which says that the test of whether to charge is merely "reasonable suspicion" in cases in which it is intended to hold the suspect, and that reasonable suspicion can include consideration of future evidence. Is it really the Government's policy that people against whom even reasonable suspicion is not present should be held? That strikes me as close to internment.

Mr. Clarke: I am sorry that the hon. Gentleman reheats yesterday's discussion. I reject entirely the idea that our proposals can be called internment by any other name. That is quite wrong. He should consider the issue carefully in the light of the possibility—he may reject it, but it is real—that there may be people who threaten our country whom we are not able to charge in the way that we would like.

The House yesterday also accepted the sunset clause tabled by my hon. Friend the Member for Walsall, North (Mr. Winnick). As I have since discussed with him, his amendment is technically defective. I hasten to say that that it is not in any sense a criticism, but simply a reflection of the fact that he cannot call on the services of parliamentary counsel. However, it does mean that the Government will need to table an amendment in another place to replace it.

Mr. David Winnick (Walsall, North) (Lab): I welcome that. The most important consideration is that the House has an opportunity to debate every year, if necessary, the powers of detention. However much we disagree about 90 or 28 days, will my right hon. Friend take this opportunity to reject with contempt allegations made—outside, of course—that those of us who have a different view, and 28 days was the majority decision, have any less understanding of the acute terrorist danger that our country faces from mass murderers? We are surely at one on this. I hope that he shares my contempt at some of the stories that have appeared today.

Mr. Clarke: To be frank, I accept what my hon. Friend says in his personal case. That is true. He has a long and distinguished record of combating terrorism in a variety of ways and has consistently argued for that. He has a different view of the appropriateness of the length of pre-charge detention, but, as I said publicly in broadcasts today, he personally acted with integrity, in a way that is within the traditions of the House.

If my hon. Friend will forgive me, however, I will not take the invitation to say the same about everyone who voted for his amendment. There were people in the House—I do not desire to name names, and I was not intending to say this unless in response to such a point—who do not fully appreciate the nature of the threat with which we have to deal. That is my view.

Paddy Tipping (Sherwood) (Lab): Does the Home Secretary accept that people in Nottinghamshire know about the threat and accept that it exists? Will he take my reassurance that my office and my phone have been busy today with people backing the 90-day detention period? They believe that he and the Prime Minister were right, and they would like that to be pursued.

Mr. Clarke: I am grateful for that comment. It is the case that all recent tests of opinion, as well as the feedback that I have received informally from a large number of colleagues in the House, reflect my hon. Friend's experience in his constituency. I know that he has always been assiduous in consulting his constituents before deciding how to vote on difficult and problematic issues.

Michael Connarty (Linlithgow and East Falkirk) (Lab): I know that passions ran high, and I voted with the Government. However, does my right hon. Friend regret calling an hon. Member a ne'er-do-well on the radio this morning? It is not an appropriate term to use to describe a fellow Member of the House of any party.

Mr. Clarke: You will need to advise me, Mr. Deputy Speaker, as to whether or not the phrase "ne'er-do-well" is a parliamentary expression. I am genuinely not sure, so I have to be careful about using it or not using it. It is true that I used the phrase outside the House about my hon. and learned Friend the Member for Medway (Mr. Marshall-Andrews). To be frank, I do not regret using it. There was a conspiracy, in which he was engaged with the Opposition Front Bench, which I thought it appropriate to draw to the attention of the House—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I wonder whether I can help the right hon. Gentleman? Expressions used outside the House do not fall within the rules of order and seemly language within the House. However, if some of those words are brought into the debate, there is a danger that one might get into the realms of immoderate language.

Mr. Clarke: I am grateful for that guidance, Mr. Deputy Speaker. I certainly shall not bring any other such words into the debate. I was seeking to respond as honestly as I could to the question.

Mr. Dominic Grieve (Beaconsfield) (Con): May I take the Home Secretary back to another point, away from such contentious issues? He said that the annual renewal clause, which was moved by the hon. Member for Walsall, North (Mr. Winnick) and which I supported, will have to be recast in the other place because it was incomplete. I have no objection to that, but why did the Government not move their own renewal clause, thus obliging the hon. Gentleman to move his? Was that in a fit of pique? I fail to understand why that was not done yesterday, when the provision was on the amendment paper?

Mr. Clarke: Sometimes failure to understand is the hon. Gentleman's characteristic. As I sought to explain in the House yesterday, the Government's amendment for 90 days included a sunset clause for a clear reason. It was that there should be an opportunity for the House to reconsider the situation after a year's application of the legislation, so that the concerns that had been raised by hon. Members on both sides of the House could be assessed and considered by the House after a year.

The sunset clause that my hon. Friend the Member for Walsall, North moved was of a different character. It referred, for example, to annual renewal. Therefore, we decided not to oppose my hon. Friend's amendment but we, the Government, did not move it. I can confirm that the redraft that we will introduce in another place will accept in all respects the intention behind his proposals. I gave him the commitment privately yesterday that I reassert across the Floor of the House that I will consult him in drawing up the exact wording of what we propose. He can then satisfy himself that we are operating in the spirit of what the House agreed yesterday. There is no intention on my part to go past that.

Mr. Kenneth Clarke (Rushcliffe) (Con): I realise that the Home Secretary had no opportunity of warning the hon. and learned Member for Medway (Mr. Marshall-Andrews) that he was going to refer to him because he was invited to reflect on comments that he made this morning. I am sure that the hon. and learned Gentleman would not welcome my leaping to his defence. Will the Home Secretary reflect upon the rather vindictive spirit in which he referred to the hon. and learned Gentleman because he had been hostile to parts of the Bill? I listen to the hon. and learned Gentleman myself quite frequently and do not doubt the sincerity of his views. I regard it as absurd to suggest that he is in some way sympathetic to terrorism. I have to confess that I agreed with quite a lot of what he said. Is the Home Secretary prepared to modify the views that he expresses for some reason about one of his critics?

Mr. Deputy Speaker Order. Perhaps enough has been said from either side of the House on the subject of personality. Perhaps we should get on with the substance of the debate.

Lynne Jones (Birmingham, Selly Oak) (Lab): On a point of order, Mr. Deputy Speaker. It was not only my hon. and learned Friend the Member for Medway (Mr. Marshall-Andrews) who was spoken of in such terms. My hon. Friend the Member for Norwich, North (Dr. Gibson) was also mentioned. There was the implication that other Members had a frivolous attitude towards terrorism. I think that the Home Secretary should withdraw those comments.

Mr. Deputy Speaker: I have heard no unparliamentary language in this debate. What I have said, and will say again, is that I think that we are getting into dangerous ground and getting into the use of immoderate language if we dwell on personality. I think that enough has been said now. We should draw a line under that and move on with the substance of the debate.

Mr. Charles Clarke: I accept your guidance, Mr. Deputy Speaker, and will operate accordingly.

Chris Bryant (Rhondda) (Lab): My right hon. Friend was talking about the sunset clause. If in a year's time we choose not to renew, we will go back from 28 days to 14. Many of my constituents who have been in touch with me today and who have been speaking on BBC Radio Wales and elsewhere want Parliament to consider an extension in a year's time, if the police still believe that that is necessary and if the circumstances in the intervening time suggest that it should be done. Will my right hon. Friend look at that?

Mr. Clarke: I am certain that my hon. Friend is accurately reflecting the views of his constituents who have been in touch with him. It is always open to the Government to bring back further proposals if we wish to do so. I will shortly make a comment about that process. It is important to get all our terrorism legislation on to a very firm, secure and permanent basis.

I shall turn to an issue that was raised briefly near the end of our proceedings yesterday, which is the definition of terrorism. I know that several hon. Members, including my right hon. Friend the Member for Southampton, Itchen (Mr. Denham), have concerns about that. Even though the Government are not yet convinced that a more satisfactory definition is easily available, we recognise the level of concern about the issue among Members on both sides of the House. I know that the House will be keen to have a further opportunity to consider the definition of terrorism. Accordingly, the Government have invited the independent reviewer of our terrorism legislation, Lord Carlile of Berriew, to carry out a review of the definition of terrorism. I do not think that anyone could cast doubt on his independence or his experience in these matters. I am sure that he will want to take account of the current initiatives in the European Union and the United Nations. As the House may be aware, the UN comprehensive convention on terrorism is grappling with just these issues. I am sure that he will also want to take account of the views that have been expressed in the debates that we have had on the issue in the context of the Bill.

Lord Carlile has said that, in performing his task, he will want to see contributions and views, including consultation with people in the House who can make a relevant contribution. I have asked him to complete this work within a year of commencement of the Act. I will lay his report before Parliament. Clearly I cannot predict at this stage what the outcome his deliberations may be, but I can say that we shall provide Parliament with an opportunity to debate and take a view on his conclusions. If consensus is achieved on a change to the existing definition, we would commit to bringing forward that change as soon as parliamentary time would allow.

Lord Carlile is also reviewing the operation of the control order regime that we established under the Terrorism Act 2005. He will be reporting on that.

More generally, I am extremely keen to see whether we can find some means of getting the legislation to combat terrorism in Parliament on to a secure and stable basis rather than having a series of emergency arrangements. As the Opposition parties know, we considered in this Parliament trying to bring together the Northern Ireland terrorist legislation that the House is considering in parallel with the legislation that is before us. For a series of reasons about the time of expiry of existing legislation we decided we would not do that. In general—I am not making any proposal at this stage—I am keen to get to a state of affairs where we arrive at a stable and fixed position that is the will of Parliament across the entire range of the legislation. That is the approach that I will follow. Lord Carlile is particularly important in his looking at these issues to try to move into that sort of process. In that context, I would listen to the proposals being made and take them more generally.

Mr. Grieve: If that is the course that the Government intend to adopt, we will help and co-operate with the Government in trying to achieve it. I think that the right hon. Gentleman is aware from previous conversations that we have had that we can certainly see the desirability of achieving a framework of legislation rather than having a series of bits and pieces. If we can be of assistance in that process, we shall take that approach.

Mr. Clarke: I am grateful to the hon. Gentleman.

Mr. David Heath (Somerton and Frome) (LD): I welcome what the Home Secretary has just said. As he correctly says, there was disquiet in all parts of the House about having a valid definition of terrorism. I am sure that my noble Friend Lord Carlile will do a good job. I wonder whether he will have access also to the considerations of the Law Commission, which might be of value.

I suggest to the Home Secretary that he might review another aspect of this legislation that has caused concern, which is the legal context of post-charge questioning. As my hon. Friend the Member for Cambridge (David Howarth) said, there is some doubt about what exactly can be done post-charge and what cannot, and to what extent it can be mitigated by changes to PACE—the Police and Criminal Evidence Act 1984.

Mr. Clarke: I have already dealt with the hon. Gentleman's second point. On his first point, I am grateful for his party's general support of this approach. It is always difficult debating with Liberal Democrats, but I look forward to a proper engagement in a serious way with the individuals concerned.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): I thank my right hon. Friend for the way in which he has tried to listen to many different and conflicting views, particularly from Labour Members, throughout the process of consideration. He knows that my concerns have always been about the glorification clause, the definition of terrorism and the fact that many people might feel themselves criminalised for supporting what they see as genuine liberation struggles throughout the world. Can he give me an assurance—I welcome his reference to Lord Carlile—that Lord Carlile's report, whatever it says, will come back to the House for debate and decision as part of the process?

Mr. Clarke: I have given that assurance and I am happy to repeat it. It is obviously important that such reports are matters that inform debate on the law, and that is precisely what is intended.

Mr. David Kidney (Stafford) (Lab): To return to my right hon. Friend's exchange with the hon. Member for Somerton and Frome (Mr. Heath), in what way has my right hon. Friend dealt with post-charge questioning? Now that the maximum period of detention can be only 28 days, what is the Government's view on allowing the police to question people after charge and adjusting the law relating to bail to allow that to happen? In my opinion, more damage could be done to our judicial system, and in respect of the propaganda point, by going down that route than by sticking with the 90 days that we could have had.

Mr. Clarke: My hon. Friend, with his experience, puts his finger precisely on the issue that we are considering. There are attractions in that route, as I have indicated. There are also some significant wider implications for the way in which the legal system, and particularly the bail system, operates, that we would need to consider extremely seriously before taking that course of action. However, I can confirm that we are considering the matter. It is right to do so, but as with every legal reform of this type, and many of the issues that we have discussed, a reform that seems simple in one neck of the woods can become very complicated in other respects.

John Bercow (Buckingham) (Con): As one who jousted with the Minister for Policing, Security and Community Safety on the definition of terrorism, and who expressed a real concern about the plight of people fighting for freedom in thoroughly unfree and, in some cases, bestial environments, I consider this an extremely positive development. The review by Lord Carlile will be warmly welcomed, and I would not want the Home Secretary to think that it was not appreciated. It is, and it is the right way forward.

Mr. Clarke: I appreciate the hon. Gentleman's personal commitment. One of the exciting revelations for me through the entire debate has been the transformation of a number of Conservatives into

[Mr. Clarke]

freedom fighters throughout the world, which is genuinely entertaining to some of us who have been involved in these matters in various ways over time.

Mr. Grieve: May I take the Home Secretary back to post-charge questioning? I appreciate that there may be some difficult practical issues, but if he gets advice, I am sure he will find that the principle of post-charge questioning does not pose any great theoretical difficulty. It may be a change to our general criminal law that could properly be introduced, if there are adequate safeguards. I urge him not to disregard this. The police have consistently said that it is a problematic area in terrorist cases. If we are responding to a problem identified by the police, we should do so positively where we can, especially where it appears to be wholly compatible with the maintenance of the rights of a suspect.

Mr. Clarke: I am overwhelmingly delighted that those on the Opposition Front Bench are listening to the advice of the police on these matters. I wish that that would happen more generally in addressing the issues that we have to face. On the particular point that the hon. Gentleman makes, I said and I say again that there is a case for that, but as my hon. Friend the Member for Stafford (Mr. Kidney) said, there are serious implications more widely and those need to be properly considered. We are engaged in that consideration.

Mary Creagh (Wakefield) (Lab): Is my right hon. Friend aware of paragraph 60 of Lord Carlile's report, where he refers to the current situation for interviewing terrorist suspects and states:

> "Those arrested in groups share the same solicitors, usually drawn from a narrow circle of firms with special expertise and experience in terrorist crime . . . Those solicitors are generally very professional, extremely skilled and analytical"?

However, he goes on to say:

> "the reality is that most suspects exercise their right of silence in interview".

What difference does my right hon. Friend think the Bill will make in that regard? Does he think that people will continue to exercise their right of silence, or that there will be a difference?

Mr. Clarke: The purpose is to gather evidence, rather than to change that aspect of the situation, but my hon. Friend is right. One aspect of that report that concerns me is the small number of practices that deal with such cases, which creates massive delays in the legal process, quite properly at present. That is a matter of genuine concern.

Lynne Jones: On post-charge questioning, my understanding, which arises from a briefing from one of the lawyers mentioned, Gareth Peirce, is that post-charge questioning was always possible and is possible, provided that significant new evidence arises. Is that not the case?

Mr. Clarke: I am not a lawyer, but one thing I have learned in this job is not necessarily to accept the advice of Gareth Peirce on anything.

Mr. Peter Bone (Wellingborough) (Con): During the long debates that we have had, the Home Secretary referred a number of times to a small number of people who will be detained for more than 14 days without charge. Outside this place, "a small number" has been interpreted as being fewer than five, fewer than 12 or fewer than 20. Can he give us an idea of what he has in mind as a small number? If it is greatly different in practice, what will the Government do about that?

Mr. Clarke: All the numbers that the hon. Gentleman mentioned are small numbers. I can tell him some large numbers, if he is interested—a googol, for example.

John Bercow: That only broadens the category, instead of narrowing it.

Mr. Clarke: Indeed. We are talking about a small number, but by definition we cannot be precise about it because by definition we do not know which terrorist conspiracies we will be able to stop and put through that process or not. But we are talking about a small number, and that stands.

Peter Bottomley (Worthing, West) (Con): I am sure Gareth Peirce's shoulders are broad enough to take any praise or other comments that the Home Secretary wants to make. Can he tell the House whether he read her article in *The Guardian* yesterday and whether the interviewing conditions at Paddington Green are as she stated?

Mr. Clarke: No, I did not, but again, I am delighted that the readership of *The Guardian* now encompasses large numbers of Opposition Members. That is a major development. The hon. Member for Chesham and Amersham (Mrs. Gillan) says from a sedentary position that she can read. I am delighted that in her case that is true. I notice that the hon. Member for Buckingham (John Bercow) claims with pride to write for *The Guardian*. So he should claim with pride. I note that he opposed the Bill on Second Reading. I hope he will support it today. We shall see.

Mr. Chris Mullin (Sunderland, South) (Lab): There is a serious issue here. Will the Home Secretary look at the interviewing conditions at Paddington? If he is interested in expediting the process and making maximum use of the 28 days available, there are several changes that could be made.

Mr. Clarke: My hon. Friend has a good point. There are many serious issues relating to the procedures and processes, so yes, I will consider the matter.

Mr. Grieve: I should be grateful if the Home Secretary would make a statement. There will be occasions when detention goes beyond 14 days. Will detentions still take place at Paddington Green? Will people be moved to Belmarsh? What will happen in practice? Will there be a blurring between what is effectively police detention, pre-charge, and people being detained in an ordinary prison environment?

Mr. Clarke: I have nothing to add today to what I have said on the matter throughout. That is the situation.

No hon. Member can seriously question the fact that the United Kingdom and many other countries, as we so tragically saw in Jordan yesterday, face a very serious and, in our history, unique threat from terrorism. We face foes who seek to destroy our way of life and everything we stand for. They are happy to sacrifice their own lives in pursuit of that aim and they have no qualms about how many innocent lives they take. I do not pretend that legislation is the only solution to such a threat, but it is very important that we have the most effective legislation at our disposal. The Bill will be another important weapon in our armoury in fighting terrorism, and we need to get it on to the statute book as soon as possible. I hope therefore that colleagues from all sides of the House will unite to give the Bill a Third Reading and to send it to another place.

1.7 pm

Mr. Dominic Grieve (Beaconsfield) (Con): The Bill as it now stands merits the continuing support of the official Opposition and will have it. In the unlikely event of the House being divided this afternoon on Third Reading, we will support the Government. I am pleased that the circumstances that have arisen in the House, both in Committee and on Report, have enabled us to do so. It is greatly to the credit of Parliament as a whole that the Bill has been sufficiently improved so that the consensus that the Home Secretary sought has been achieved, even if he might have wanted somewhat different details in the Bill from those that are in fact present. We will give the Bill our support and wish it fair passage through the other place.

I hope the Home Secretary will forgive me if I examine some of the details. I had to disagree slightly with him on one aspect. It is true that we have had a great deal of time to debate the detail of the Bill, but we have not had—I do not entirely blame the right hon. Gentleman—sufficient time, particularly yesterday, to decide whether we wanted to make changes to the Bill in certain areas, following that scrutiny. There are issues relating, for example, to whether a defence should be available to somebody who is arrested for having been present at a terrorist training camp. The House has not had an opportunity to decide whether a proper defence should be allowed and, if so, how it should be worded. That will have to be considered in another place.

We have also failed to resolve whether there should be a defence for the dissemination of terrorist publications. That has been of great concern to academics and librarians because, as the Bill stands, if one hands out an al-Qaeda manuscript to students so that they can write an essay on it at a university, one commits a serious offence. Only the discretion of the Director of Public Prosecutions will prevent prosecution. That is unsatisfactory. It is not sufficiently unsatisfactory to make us abstain or vote against the Bill, but it must be tidied up in another place.

We have great problems with clause 1 that have not been resolved at all. Glorification remains a concept in the clause and it essentially muddies the provision's clarity. I cannot believe that there is no better formulation, which meets the Government's need to criminalise indirect incitement without introducing to our national law a concept that has previously been alien to it and which is so opaque and woolly that we fear that it risks creating injustice. I hope that perhaps lawyers—it is a legal issue—can tackle that in another place and devise a better response.

Dr. Julian Lewis (New Forest, East) (Con): I beg my hon. Friend's pardon for not being a regular attender at earlier stages of the proceedings. Has sedition been considered in the context of the problem of glorification? That already covers in law the sort of anxieties that the Government rightly have—we would like to support the Government in resolving them—without the side effects about which my hon. Friend is rightly worried.

Mr. Grieve: My hon. Friend is right. One of the curiosities of the Bill is that, in almost all cases, it is at least arguable that offences similar to those that we are creating already exist. There are some exceptions, especially mere attendance at terrorist training camps abroad and aspects of terrorist training. My hon. Friend is right that the offence of sedition already exists. One of the extraordinary aspects of clause 1 is that nobody has yet been prosecuted for the sorts of utterances that it criminalises, yet in the past few years many such utterances have been made and existing law is available to deal with them. The Government have never provided an explanation for that. I have therefore inferred that they take the view that such prosecutions would perhaps cause more harm than good. That poses the question of why clause 1 is being promoted with so much gusto.

Bringing anti-terrorist legislation together in one Bill may have something to commend it. The problem is that clause 1 as it is currently worded remains deeply unsatisfactory. We discussed and debated yesterday the problem of whether indirect incitement can be caused intentionally, recklessly or negligently. The Government have amended the Bill and it now reads slightly better, but it is remarkable that they have adopted a test for recklessness that the House of Lords described last year as no longer sustainable because it risked creating injustice.

I have serious doubts about whether the clause will last long in that form when it is scrutinised in another place, where, apart from anything else, one or two former Law Lords may be present who will point out the intellectual problem that it poses. The word "reckless" is incompatible with the way in which the Government have qualified it in the provision. It will create injustice and lead to people being criminalised who should not be. I hope that that will be altered when the Bill is considered in another place. I also hope that the glorification provisions will be amended or removed.

There are two major problems in the Bill and we have touched on both. The first is the period of detention and the second is the definition of terrorism. The definition of terrorism colours the consideration of the Bill. I acknowledge that the Government have a problem. We have little difficulty in deciding what constitutes terrorism if it takes place in this country, but much more difficulty when we try to apply the definition abroad, especially in countries that may be governed by tyrannies. It is unfortunate that we have been unable to resolve that problem satisfactorily.

I am grateful to the Home Secretary for explaining to the House that Lord Carlile will review the matter. However, the Bill is likely to reach the statute book some

[Mr. Grieve]

time before Lord Carlile reports. In the intervening period, all we can do is hope that those who are accused of committing an offence abroad do not come through our court system. If that happens, we will face serious difficulties. Lord Carlile's review, which I welcome, does not mean that Members of the other place should be fettered and prevented from considering whether the Bill can be improved in the meantime. Lord Carlile can always improve matters further later.

The definition of terrorism is profoundly unsatisfactory; we have not succeeded in tackling that. I disagree with the Home Secretary's view that we had enough time. We did not reach those clauses yesterday—it is as simple as that. The problem impinges not only on the definition but on proscription of organisations for glorifying terrorism abroad and, indeed, every other aspect of the Bill. The Government have offered some improvements by providing that one or two clauses do not apply extra-territorially.

The problem however remains that we are creating an over-arching structure, which, if it were applied logically, could criminalise all sorts of people in a way that Parliament never intended. It is a fundamental flaw in the Bill. I hope that Lord Carlile can solve the problem, but in the meantime the House and the other place cannot abdicate our responsibility for trying to improve the measure.

I do not want to take up too much of the House's time—after all, we have had plenty of debate. Let me deal with the key issue of the period of detention. I listened carefully to the Home Secretary's speech and I regret the tone of his remarks on that. When the police approached the Government [illegible] the summer, they presented a series of documents. I have seen them, the Home Secretary has seen them and I daresay that, by now, every hon. Member has seen them. Although they raised a clear concern about whether 14 days was sufficient time pre-charge to carry out investigations, they never explained anywhere why 90 days was the appropriate period to which detention should be extended. Nothing in the documents explained that and nothing since has provided a justification for that figure.

What is the House to do in such circumstances when faced with a request from the police for a change, and the need to protect the liberty of the subject, which is one of the fundamental reasons for our existence? I say to the Home Secretary kindly that the outcome of 28 days, which some hon. Members would argue was too long, represents a reasoned and reasonable assessment of, and a sensible response to, the information that was placed before us. To accuse people of opportunism or conspiracy demeans the Home Secretary and suggests that the Government are woefully out of touch with what this place is supposed to try to achieve. Speaking of opportunism, if we had wanted to be opportunistic in the face of the Government's propaganda barrage, the solution would have been to say that the period should be 500 days, and to appeal to the most frightened or base sentiments in the country. It is greatly to the House's credit that it did not respond in that way.

Mr. Charles Clarke: The political editor of *The Times* wrote this morning that, had I come forward with a proposal for a period between 28 and 90 days—60 days, for example—the Conservative Front Bench would have gone for it. I have said that that is not the case, because the hon. Member for Beaconsfield (Mr. Grieve) had said that there were no circumstances in which his Front Bench would go beyond 28 days. Am I right, or is the political editor of *The Times* right?

Mr. Grieve: The Home Secretary will recall that, when we met, I picked my words with great care. I said that I took the view that 28 days was the outer limit of what was acceptable. If he had then come back to me and said that he had some other variant to offer, I would have had to consider it, as would all hon. Members. If he had come back and said, "We think 28 days is too short, but we have decided that 30 days is the right period", it would have been extraordinary if the House had not given serious thought to what he was saying.

The Home Secretary said that he was going to come back with an alternative, which we would have had to consider in debate. I do not know what happened—well, I have an idea of what happened next. I think that he was prevented from doing that because the Government, greatly to their discredit, took the view that it would be better to adopt a populist stance, to browbeat MPs and encourage newspapers such as *The Sun* to describe them as traitors if they did not sign up to the Government's agenda, to wheel in senior police officers to behave in such a way as is incompatible with their position as Crown servants, and to tend to their politicisation in a way that is massively undesirable and which, I regret to say to the Home Secretary, we have also seen in respect of other parts of the civil service on other occasions. All those things were done so that the Government could have their way over the figure of 90 days which, as the right hon. Member for Southampton, Itchen (Mr. Denham) so tellingly highlighted, has never had proper justification.

I believe that the House acted correctly in wanting to protect people, and in wanting to protect freedom. A balance needs to be struck between those two things, as I am sure the Home Secretary would concede. After all, if we did not have such a balance, we would sanction indefinite detention before charge, and I would not accuse even the Home Secretary or the Prime Minister of wanting to do that.

Mary Creagh: I wonder whether the hon. Gentleman is aware that Lord Carlile's report states that

> "there have been situations in which significant conspiracies to commit terrorist acts have gone unprosecuted as a result of the time limitation placed on the control authorities following arrest. This is not in the public interest, in which the prosecution of terrorist crime is of great importance."

To return to the point that the hon. Gentleman made to the Home Secretary, Lord Carlile's own view is that the three-month period is

> "a reasonable maximum in all the circumstances".

Those are his words, not mine. He goes on to say that

> "more than three months would certainly be unacceptably draconian",

but recommends that the proposal for that maximum should be regarded as

> "a practical and sensible option, all other things being equal".

Why is Lord Carlile's Liberal Democrat view wrong, and why is the hon. Gentleman's view correct?

Mr. Heath: He was referring to a process of judicial investigation—read the report.

Mr. Grieve: The sedentary intervention by the hon. Member for Somerton and Frome (Mr. Heath) is correct. Lord Carlile was talking in his report about setting up a rather different system, almost one of investigative justice. Furthermore, I am bound to make the point again to the Home Secretary, as it was highlighted by other hon. Members yesterday, that Lord Carlile may have had access to information to which the House was not privy. That must undoubtedly have coloured the way in which we approached this debate. Clearly, the House has to respond to the information that it receives. In fact, no justification was ever provided by the police for why they wanted 90 days as opposed to any other period. The Government adopted 90 days as their mantra on the back of a press release and two case studies, neither of which sustained the 90-day thesis.

Sir Patrick Cormack (South Staffordshire) (Con): My hon. Friend is making a very good case, and he is doing so very moderately. Does he agree that there are occasions on which Ministers write to all Members of Parliament to point out that a particular course is being taken, and to urge us to support it? Would it not have been the best possible course of action in this case to have written to all Members and made a coherent case which we could have contemplated in the privacy of our own offices, so that we could come to a sensible decision?

Mr. Grieve: I entirely agree with my hon. Friend. There is a problem here, and the Bill has suffered as a result of it. Somehow, the ordinary processes of Government—including the way in which decisions are taken—seem, particularly in respect of this legislation, to have been bypassed. Something strange has happened. Decision making now seems to be done informally, and those decisions, once articulated publicly, are no longer capable of being subjected to proper scrutiny because that would be seen as an attack on the Government's standing. So it has become much harder to have a debate, and the possibility of making mistakes becomes greater on all sides.

Mr. Mullin: The hon. Gentleman mentioned *The Sun* newspaper a moment ago. Did he notice that the victim of the July bombings whose bloodied image was used on Tuesday's front page in an attempt to intimidate us into voting in a particular way has said today that he was utterly opposed to a 90-day detention period, and that he resents the way in which his views have been misused? Presumably he must be taken to know a thing or two about terrorism.

Mr. Grieve: Yes, I did note that. I thought that the tone and content of those two articles were astonishing, on both days. It was a form of intimidation, sanctioned by the Government. They certainly did not discourage it. They encouraged it; it seemed to be part of a concerted campaign of abuse, and I very much regret that. We will not get sensible legislation if that is the level at which debate is conducted. All I can say is that I am delighted to be a Member of a House that has withstood the pressures that we came under in that respect.

Peter Bottomley: My total was two sensible responses from readers of *The Sun*, and two that even *The Sun* would regard as not very sensible. Does my hon. Friend agree that it is likely that *The Sun*'s tactic led to a greater number of people helping Parliament to change the Government's proposal, and that if more campaigns of that nature were mounted in the future, that might happen more often?

Sir Patrick Cormack: It was *The Sun* what lost it.

Mr. Grieve: I think that my hon. Friends may well be right. I detected a stiffening of resolve in the face of the strength of the onslaught directed towards us.

John Bercow: I think that it was the late Enoch Powell who said that politicians complaining about the media were like sailors complaining about the sea. It is a largely pointless and unproductive exercise. May I put it to my hon. Friend that, if we were to be intimidated by the very down-market level of abuse that has been forthcoming from some newspapers, we really would not be worthy of the positions that we hold as Members of Parliament? In regard to the comments made by the hon. Member for Wakefield (Mary Creagh)—who wins the gold challenge cup for Blairite loyalism in all circumstances—I must point out that the observations of Lord Carlile were the expression of an opinion. That was his personal judgment, but it was not evidence based. We need to see the evidence on which the argument for 90 days was based, but it has not been forthcoming.

Mr. Grieve: My hon. Friend is absolutely right. We need to see the evidence in order to make a judgment. We also need to hear an explanation of the arguments. The oddity of the basis on which the Government decided on three months as their period of pre-charge detention is that they were offered certain material that suggested that there had been instances in which 14 days might not be an appropriate maximum, but there was absolutely nothing to explain why the maximum had to be 90 days, as opposed to any other figure.

This was reinforced during our debate by the fact that, before he was restrained by the Prime Minister, the Home Secretary appeared very fairly to indicate that he accepted that the 90-day period was not set in stone, and that he knew that there were arguments that the period could be shorter. And yet suddenly all those arguments flew out of the window. Where the Home Secretary had been conciliatory, reasonable, and apparently willing to engage in debate and discussion, suddenly the shutters came down and war was declared. If, in the Government's view, the outcome on the duration is unsatisfactory, it is entirely the Government's fault. They bear entire responsibility for the way in which they handled the matter and treated Parliament in the process.

Mr. Charles Clarke: On the conduct of the hon. Gentleman, he should acknowledge to the House that he decided and said clearly, publicly and directly to me on Monday morning, in my office and then afterwards to

[Mr. Charles Clarke]

the media, that 28 days was at the outer limit of what the Conservatives might accept. He said that there was a debate between 14 days and 28 days, and was essentially saying that if we negotiated within that range, he might go to 28 days, but that was it. That is what he said. As far as consensus and the Opposition were concerned, that is when the shutters came down.

Mr. Grieve: It is quite right that I said that 28 days was at the outer limit of what I considered to be acceptable, and that is a view that many Members of the House would hold. Some Members of the House would hold that 14 days, under the existing terrorist legislation, is already a long time, and not something that we should celebrate—we might be forced to accept it reluctantly, but we certainly should not celebrate it. I also said to the media, and, I think, to the Home Secretary, as I remember, that that is our position, but we understand that the Home Secretary is coming up with other options and the ball is in the Government's court. Those were the very words that I used. The ball remained in the Government's court, because we never heard anything further from the Government about the matter.

Mary Creagh: The hon. Gentleman says that Lord Carlile's report was on something else, but I was referring to his report on the Bill, in which he discusses clause 22. He also describes his own inquiries and processes as an independent reviewer. He is the person whom the House has charged with reviewing the Terrorism Bill. Why is his opinion not important, and why does the hon. Gentleman think that he and his party are in a better position than the independent reviewer appointed by the Government to review the Bill? Do the Opposition somehow have a greater understanding of the police and the processes involved in the case? On the 90-day point, will he support a move to the investigative magistrate model, which is in place in other European countries? Does he not agree that if there is any chance of mass-casualty terrorism, certain people should not walk our streets?

Mr. Grieve: The hon. Lady is not doing herself much credit, certainly on the final point. First, as far as an investigative magistrate system is concerned, the Government have at no stage suggested that that is the policy that they wish to adopt. I only point out that there is plenty of evidence to show that the system of investigating magistrates, which exists in some continental countries, is not free of difficulty, particularly in respect of miscarriages of justice, which she might do well to ponder.

That said, I have never taken the view that our system is necessarily perfect, but it does provide safeguards. As we have debated, there are ways in which, in my view, one can both detain people and carry out the investigation pre-charge—and post-charge, if we applied the rules correctly for post-charge questioning—none of which require investigating magistrates and prolonged periods of detention before someone is brought to trial, which is not a satisfactory state of affairs.

As for Lord Carlile's opinion, we should consider it, and I certainly treat what he has to say with very considerable respect. He is knowledgeable and also has access to information to which Members of the House are not necessarily privy. All that adds to the strength of any of the recommendations or views that he expresses. They are views, however. If Lord Carlile simply gives a view on 90 days without the police providing an explanation as to why that is the period required, we are here to apply our independent judgment, not just to say that because some expert or anyone else has pronounced on the subject we should follow that slavishly.

There was an interesting moment in yesterday's debate, as the hon. Member for Wakefield (Mary Creagh) will recollect, in which two members of the Intelligence and Security Committee who had both seen similar documents came to very different conclusions as to their content. I respect both those Members. I must face the fact, however, that that highlights that we should not suspend our independent judgment just because someone else says that we should do something. Yet the way the Government treated the House was such that it was our obligation to do so. The more the Home Secretary told me that it was my obligation to do so, the more reluctant I was, because I was elected above everything else to defend people's freedoms. I do not intend to abdicate that duty to Lord Carlile or anyone else.

We are happy that we are in a position to support the Bill, and will do so if the House divides. We believe that the Bill is still capable of being approved. As an official Opposition, we can only express our thanks to those on both sides of the House who have made it possible to turn it into a document that merits and commands support.

1.36 pm

Bill Etherington (Sunderland, North) (Lab): I am grateful to have the opportunity to speak today, because unfortunately I was not able to be present on the two previous days on which this matter was discussed, as I have been away on Council of Europe and Western European Union business.

I listened carefully on Second Reading to my right hon. Friend the Home Secretary, and I thought that he made a pretty fair case for allowing the Bill to continue, and making any alterations or amendments at subsequent stages. I respected that because, initially, I was going to vote against the Bill on Second Reading. My one concern throughout was the 90-day clause. I am extremely grateful to and congratulate my hon. Friend the Member for Walsall, North (Mr. Winnick) on at least making a less draconian measure by obtaining a 28-day clause. Some of us in the House, who might well be in a minority, do not think that a good case has been put forward to justify any extension from 14 days. I have heard people saying consistently that evidence has not been put forward to justify 90 days. If evidence has not been put forward to justify 90 days, it has not been put forward to extend from 14 days. In those terms, nothing concrete was laid down.

Also on Second Reading, my hon. Friend the Member for Sunderland, South (Mr. Mullin) mentioned what had happened in years gone by when the police had misused anti-terrorist legislation. Like him, I am pleased to say that there has been a tremendous improvement in that area—there must have been, because I get precious few complaints about anyone being wrongly detained by the police. A long time ago, however, police in the north-east committed two of the worse abuses of anti-terrorism legislation that it was possible to see. I do not need to remind Members that, as recently as the Labour party conference, it was reported that a persistent heckler had been interviewed by the police under anti-terrorist legislation. We therefore still need to be very careful when we extend any powers without proper countermanding and modifying measures.

John Bercow: The hon. Gentleman said a moment ago that he did not think a case had been made so far for any extension of the detention period. I should point out to him that many of us voted for the "28 days" amendment only because we knew that if it were not passed, the original three-month detention would remain in the Bill. We had to make a tactical judgment.

Bill Etherington: It is always a great pleasure to accept a correction from such a talented politician. I entirely agree with the hon. Gentleman: that is why I referred specifically to my hon. Friend the Member for Walsall, North. I too am very pleased that the detention period will be 28 days rather than 90—for it is fairly obvious that the Bill will be passed today, although I shall vote against it.

Let me now refer to a couple of issues that are near and dear to me. I am no less concerned than any other Member about the need to wipe out terrorism. I was as horrified as anyone by the happenings of 7 July, which will live with me for the rest of my life. I am also conscious of what was said some time ago by Sir John Stevens, the former Metropolitan Police Commissioner. I have great respect for Sir John Stevens, with whom I had dealings when he was in the north-east. He was right to say that no matter what was done and no matter how hard people tried, there would be times when certain acts of terrorism could not be prevented, but that we were duty-bound nevertheless to make every effort to minimise it.

Will the Bill lead to any cessation of terrorist activity? I hope so, but I have my doubts. I am not aware that any of the four bombers of 7 July were on a suspect list. *[Interruption.]* I hear Members saying from sedentary positions that they were. I never heard that, but I may be wrong. I think that, in any event, we should consider another important factor: civil liberties.

A couple of weeks ago, during a debate on identity cards, I expressed my increasing concern about the gradual but unremitting reduction of civil liberties in this country. I was not elected to be part of a regime that would curtail civil liberties, unless it could be shown beyond doubt that such action would benefit society. I still have those doubts. What happened to Magna Carta? What about habeas corpus?

The Home Secretary says that he will not accept the term "internment". Someone who is incarcerated without trial is interned: there is no doubt about that. No one needs a PhD in English language to realise that that is internment. I shall be honest, and say that I find it extremely distasteful. If someone is interned on suspicion, surely that suspicion will be strong enough to be turned into a criminal charge in a very short time. It should not take 28 days. If we are going to lock people up, there should be some semblance of evidence that the suspicion is soundly based.

I shall vote against the Bill. No doubt certain people will accuse me of being a bit of a luddite and not being concerned about terrorism. I have already explained my position, and can do no more than that. Let me, however, say one or two further things that need to be said.

There has been a good deal of conjecture about pressure being put on Labour Members to support the Government over the 90-day period. I have never suffered any arm-twisting or intimidation. Never in 13 years has anyone from the Whips Office threatened me in any way. The Whips have tried to persuade me, as is their right, and have occasionally succeeded; but they would not have succeeded on this occasion. I have made my position plain, and it has all been very civilised.

One person has telephoned me to say that the 90-day period seemed satisfactory. Unlike my hon. Friend the Member for Sherwood (Paddy Tipping), who is not here now but who says that he has been inundated with calls supporting the 90 days, I have received only one, and have received only one letter over the past fortnight. We should be careful about so-called public opinion, however. The people who say that they are in favour of severe punishment and are not too bothered about the civil liberties of others are soon at our surgery doors if a family member or friend is suffering what they describe as an injustice.

I want to say a few words about the Prime Minister—my right hon. Friend the Prime Minister: let me make that very plain. I have received an appeal to the effect that someone should support the Prime Minister, because he is coming in for a lot of criticism. Let me say this. I respect the integrity of my right hon. Friend, and I will never doubt that he is a well-meaning and genuine person. That does not mean, however, that I must agree with all his politics. It does not mean that I have no right to question his judgment on this issue. My right hon. Friend has been convinced by the argument for 90 days; I have not.

The proposal for 90 days emanates from the security services. I recall that the security services managed to convince my right hon. Friend the Prime Minister that there was a danger of weapons of mass destruction in Iraq. That has since been proved to be untrue. I do not doubt that the security services do a very good job—I am sure that they do their best—but they do not always get it right; and, unlike us, they are not accountable to the electorate or the public. They just get on with their work.

Ultimately we must make the decisions here, because ultimately it is we who will be held responsible for them. I still think that, even with the amendment to 28 days, this is a bad piece of legislation which we will regret. Although I hope that it may go some way towards combating terrorism, I have severe doubts.

1.47 pm

Mr. Alistair Carmichael (Orkney and Shetland) (LD): It is a pleasure to follow the hon. Member for Sunderland, South. [HON. MEMBERS: "North."] I am sorry; I meant the hon. Member for Sunderland, North (Bill Etherington), although it is also a pleasure to follow the hon. Member for Sunderland, South (Mr. Mullin). I have heard the hon. Member for Sunderland, North speak on two occasions in recent weeks, and on both occasions he has treated the House to a remarkably sound first-principles exposition.

[Mr. Alistair Carmichael]

Today's debate offers the House an opportunity to take stock, to reflect on yesterday's events and the debates of the past few weeks, and to consider—in a more measured way than was possible yesterday—how we should proceed from here. It is unfortunate that the Home Secretary is not present, because I was going to say something nice about him. I have had substantial disagreements with him on this subject over the past few weeks, and I believe that he has made a number of mistakes—and that mistakes have been made for him, notably by the Prime Minister. Nevertheless, he responded to the immediate aftermath of yesterday's vote with a remarkable degree of personal dignity, for which I give him credit. I must qualify that by saying that he rather blew it today with some of his comments about certain of his hon. Friends.

The Home Secretary also said that he found Liberal Democrats difficult to debate with. I considered that to be a remarkable piece of praise, for which I should thank him. I should have thought, though, that compared to debates with some of his own Back Benchers, debates with Liberal Democrats would be models of straightforward simplicity.

The replacement of the 90-day period and the amendment to 28 days has removed a major barrier to our support for the Bill. It indeed gives me and my hon. Friends some reassurance that we can begin to work with this Bill. For that reason, I place on record the fact that we will not oppose the Bill on Third Reading today. If others choose to divide the House, we shall not be with them. We nevertheless view the legislation very much as work in progress. It is beyond doubt that there remains substantial scope for improvement. I want to take some time to highlight a few of the remaining areas of concern from the point of view of my right hon. and hon. Friends.

On clause 1, it is important to reflect and acknowledge that we have come a very long way from the original views expressed by the Government and the Home Office earlier this summer. The continued inclusion of glorification within the clause, however, remains unsatisfactory, as does the formulation of recklessness, which needs to be fixed. Those matters will be dealt with again in the other place. The concerns of academics about many of the offences in part 1 have not had a proper or full airing. They will also have to be dealt with, sadly, in the other place. We also want to put on record the fact that we remain concerned about the lack of proper statutory defences in respect of clauses 6 and 8.

Clause 17 deals with the commission of offences abroad and it is right to welcome the substantial amendment and restriction of the clause's scope that the Government put into the Bill yesterday. It is still far from a model of clarity, however, and it may help the House if I read out the amended provision in clause 17, which refers to

"an offence under section 1 or 6 of this Act so far as it is committed in relation to any statement, instruction or training in relation to which that section has effect by reason of its relevance to the commission, preparation or instigation of one or more Convention offences".

The vagueness of the term "relevance to the commission" remains problematic and could eventually cause some difficulties. It would be an excellent point for our noble Friends to deal with.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): Is that not a classic example of where the Home Secretary was wrong to say that we had enough time to debate the Bill? Given that the House has for once improved a Bill in this place, it is a pity that the Government did not give us enough time to do the full job of improvement, so we now have to rely on the other place to do the detailed work.

Mr. Carmichael: Proceedings on this Bill have demonstrated that, if given the opportunity, this House can be trusted to do the job that it is here to do in holding the Executive to account and properly scrutinising legislation. The fact remains that the time allotted to us was inadequate for the job in hand. It worries me that we are sending the Bill to the other place with so many unresolved questions. As is the case with so many provisions in the Bill, clause 17 still suffers from the absence of a proper definition of what is meant by terrorism.

I welcome the Home Secretary's announcement from the Dispatch Box today of a review that is to be carried out by my noble and learned Friend, Lord Carlile. I greatly look forward to participating with my hon. Friends and other Members in that review. Implicit in that offer, however, is the Government's acceptance that they have not got it right. Given that we have 12 months before we can revisit the provision, we seem to have legislation that will be firing on something less than all cylinders for the course of those months, so we should not be satisfied with that. In welcoming the review, I also say to hon. Members in this place and our noble Friends in the other place that they should not feel that this is the end of the story on the definition of terrorism. If we can come up with a better definition than the current one, it is still open to my noble and learned Friend to review it, if he feels it necessary.

Clause 21 concerns the grounds of proscription and I can tell the Minister that we had an excellent debate in Committee, particularly in respect of the impact of the inclusion of glorification within the clause. It is a matter of substantial regret that we were not able to revisit that point yesterday on Report.

Finally, I want to say a few words about clause 23. It is now apparent that 28 days is the settled will of the House and I believe that it will be included in the final form of the Bill. In our view, there remains scope for improvement and I remind the House of the terms of our amendment yesterday. I am uncomfortable with the idea that 28 days should be automatically available. Liberal Democrats would prefer to put some locks on the availability of extensions from 14 to 28 days. We would like that extension to be made available only where there was evidence to be obtained from abroad or where there was some issue awaiting a further outcome of an analysis of evidence or perhaps decryption. A judge should be required to be satisfied that no other terrorist charge can be brought. Given the terms of provisions relating to acts preparatory to terrorism, which will eventually be passed with the Bill, it raises the bar significantly. The judge should also be required to approve any further questioning that is to be carried out.

John Bercow: I strongly agree with the hon. Gentleman about the need for some check or constraint on the operation of the 28-day period, as agreed in the amendment. There are two reasons why that is important. First, as I said earlier to the hon. Member for Sunderland, North (Bill Etherington), many of us voted for the 28-day period only in order to prevent something worse that would otherwise have appeared in the Bill. Secondly, there is the simple principle that, in respect of the police and intelligence services as with any other organisation, work tends to expand to fill the time available.

Mr. Carmichael: That is a truth that we can understand and accept without any difficulty on both sides of the House.

My other concern is much more fundamental: that the longer a person is held in custody, the greater the likelihood that eventually a court may see that any evidence obtained from that person will have been obtained under duress. Such evidence would then be inadmissible, leaving us with the prospect that, ultimately, the prosecution will be unsuccessful. In that case, either terrorists will go free or people who have had serious allegations placed against them may never have a proper opportunity to vindicate their name because they are seen to have been released on a so-called technicality.

Dr. Julian Lewis: Before the hon. Gentleman returns to the remainder of his list, will he also comment on what the shadow Attorney-General had to say about the uncertainty of the conditions in which these people will be detained? If they are detained in anything other than solitary confinement, is there not a risk—the longer they are detained—of radicalisation? On the other hand, if they are innocent, is there not a danger of them being brutalised by other prisoners merely on the suspicion that they might be guilty?

Mr. Carmichael: The hon. Gentleman's point speaks for itself and I agree absolutely. As someone who used to earn his living in the criminal justice system—mostly as a defence solicitor, but for a number of years as a prosecutor—I have seen at first hand the conditions in police stations. In most cases, they are certainly not suitable for a lengthy detention, and the same is true of the conditions in prisons, particularly—dare I say it?—those in which remand prisoners are held. It is the ultimate irony that the conditions in which a person is held on remand are infinitely worse than those in which a person is held post-conviction.

We Liberal Democrats will be interested in exploring with Ministers how we can monitor the number of cases that may be dealt with in the extended detention period. I suggest in the broadest possible terms that we could have some mechanism for triggering a report to Parliament on the operation of this part of the Bill once a certain number of detentions has taken place. That would go some way towards addressing the concerns that were expressed earlier about what constituted a small number of cases. We, as parliamentarians, are duty bound to keep the closest possible eye on that issue.

Mr. Kidney: Given what the hon. Gentleman has just said about the Liberal Democrat proposal on questioning after charge, is he saying that whatever the total length of detention may be, whenever a charge is laid there would never be questioning beyond 28 days after arrest?

Mr. Carmichael: No, and I do not see why the hon. Gentleman could even think that.

Mr. Kidney: I pursue this point because of what the hon. Gentleman said about the idea that the longer a person is detained, the less reliability can be given to anything said in interview. Let us consider the example of a suspect who has been detained for 28 days, and who is then charged with an offence unrelated to terrorism, such as fraudulent use of a credit card. I choose that example because Mr. Hayman cited such a case. As it stands, the police would grant bail or put before the court. If put before the court, the accused could apply for bail and the court would have the power to grant that. Is the hon. Gentleman saying that there would be another change in the law to prevent such a person having the right to bail at all, or would the ability to question depend on whether the court held the person in custody?

Mr. Carmichael: No. On the question of lesser charges, I hope that the hon. Gentleman has simply misunderstood and is not misrepresenting my case. We have always said that it is a question of other terrorist charges, which is why I made specific reference to acts preparatory to terrorism. On the question of a person being held for a particular length of time, leading to a greater danger of evidence being obtained unfairly in the view, subsequently, of the trial judge, that is no barrier to questioning. However, the longer that a person is held, the more careful the police and the prosecution must be about the nature, extent, duration and circumstances of such questioning. The court will consider the circumstances in which the person has been held. *[Interruption.]* In England and Wales, all such matters can be dealt with through the Police and Criminal Evidence Act 1984 code, as my hon. Friend the Member for Cambridge (David Howarth) says from a sedentary position. What, therefore, is the hon. Gentleman's point about bail?

Mr. Kidney: Does the hon. Gentleman mean that a person could not apply for bail because the police would need to keep them to ask them further questions after charging?

Mr. Carmichael: That question relates to cases where a charge other than a terrorist is charge is brought in the first instance. In Scotland, at least, it would be for the court to decide whether or not a person is admitted to bail. Such a question would be determined on the basis of the procurator fiscal bringing charges. I am not familiar with the concept of police bail, but I see no barrier to questioning taking place after someone has been admitted to bail. Perhaps the hon. Gentleman knows of examples to the contrary. I am mindful of the fact that I am skirting around a subject—English evidence and procedure—in which I am scantily qualified.

Mr. Kidney: Surely the point is obvious. We are talking about a few cases of suspected terrorism. If the

[Mr. Kidney]

hon. Gentleman is suggesting that someone who is granted bail would hang around to be questioned, that is rather fanciful.

Mr. Carmichael: I am glad that we have finally got to the kernel of the issue. There is no question of bail being given when terrorism charges are brought. In any jurisdiction in the United Kingdom, the nature of the offence is always a substantial factor, and in such cases bail is not given.

David Howarth: The test for remanding in custody instead of granting bail, taking the prosecution's case at its highest, is whether there is a substantial risk that the defendant would abscond, commit a further offence or interfere with witnesses. On the basis of that test, I cannot see how any terrorist suspect could be given bail.

Mr. Carmichael: We are now on safe territory that I understand. Exactly the same test is applied in Scotland, and I can see no such circumstances in which any court would grant bail. In the event that it did, it would almost certainly be followed by a swift and successful bail appeal by the Crown.

Mr. Kidney: Will the hon. Gentleman give way one last time?

Mr. Carmichael: The hon. Gentleman can make his point later in the debate. I promise that if he says anything that interests me during his speech, I will intervene on him.

Mr. Kidney *rose*—

Mr. Carmichael: I have been quite generous to the hon. Gentleman, so I will not give way again.

A number of matters outwith the scope of the Bill need to be addressed, such as the PACE code. We also have the right to ask why section 57 of the Regulation of Investigatory Powers Act 2000 has not yet been brought into force. My right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith) did point out to me last night, however, that the intelligence services commissioner's report of earlier this year makes it clear that section 57 has not been introduced yet because the extent and nature of encryption has not been as great as was envisaged when the Act was passed by this House. Members who have put great reliance on encryption would do well to consider that point.

Mr. Heath: I am still puzzled by the question of the implementation of section 57 of the 2000 Act. The Under-Secretary of State for the Home Department, the hon. Member for Wythenshawe and Sale, East (Paul Goggins), assured me at the Dispatch Box during our deliberations in Committee that he would write to me to explain why the Government have not implemented it. It would have been useful to have had that response before Report, and certainly before Third Reading.

Mr. Carmichael: That is yet another of the defects in our procedures with which we have to contend. It is an unsatisfactory situation.

I want to conclude by saying a few words about the nature of the debate in this House, and outside it, in the past few weeks. The debate in this Chamber has been of the highest possible quality. Contributions from Members in all parts of the House have been well motivated, sincere, well informed and passionate. That debate has done a great deal, notwithstanding some of the press comment today, to restore the standing of this House.

The debate outside this House, however, has caused me some concern. The role played by the Association of Chief Police Officers has crossed lines that, frankly, should not have been crossed. I was going to say a great deal more about this issue that might have proved fairly controversial. However, I shall not say too much today, because the time for that debate is when the dust has settled and tempers have cooled. There is, however, a distinction to be drawn between briefing, which is quite appropriate for a body such as ACPO, and lobbying, which is not. ACPO clearly crossed that line, something with which the House must concern itself.

The Bill leaves this House with much work still to be done. We see ourselves as involved in a process; we will play the fullest possible part in that. We hope that at the end of the process in the other place what we have is rather better than what we face today.

2.10 pm

Michael Connarty (Linlithgow and East Falkirk) (Lab): I rise to welcome the Bill, as amended. I did not vote for those amendments; I voted for the 90-day provision. Those who know me, such as my hon. Friend the Member for Sunderland, North (Bill Etherington), know that I am not someone whom the Whips approach and that I have voted many times with my conscience and according to what I think is correct for my constituents. In this case, I had serious reservations. The Bill is amended as it is because the Government lost the argument many times in Committee. At that time they appeared to be conciliatory and to accept that even though, when a Government lose an argument, they may be able to press the vote and get their Members through the Lobby, they then have to reach a proper compromise. In some cases they did, and that is why I welcome the Bill, as amended.

My hon. Friend raised the question of moving away from the 14-day provision. We got locked into thinking that we were giving the police the power to slam someone up for 90 days almost automatically, rather than the detention being seriously reviewed again and again. I regret that our law did not originally state that people could be held for only seven days before the case went to the High Court for proper review. I believe that holding for seven days anyone who might prove innocent would be traumatic for them and their family, for their personal relations and for their relationship with their community, whether or not that is a Muslim community. When we moved to 14 days, we moved beyond what was, without review, a reasonable step. The debate should have been about how many times one could go back and ask, at a review, for another seven days and about why that request should be granted each time.

I was therefore much more interested in a number of issues on which the Government have made significant moves. I was not so concerned about the idea of time, but the debate became fixated on that idea. If we had been more skilful, we might have got a better amendment that would have allowed the reasonable renewal of detention for seven days, but within a very strict process, which I will mention later.

The question of definition is still difficult, although we have moved a long way. I have discussed this at length with my constituency party and my constituents, some of whom went through experiences similar to those mentioned by my hon. Friend. I represent a large section of the mining community in West Lothian. On incitement, the people to whom I spoke said that they want people to be stopped from inciting. On encouragement, they want people to be stopped from encouraging.

Acts of glorification have to be defined in a proper, fixed and recognised context. "Glorification" is such a vague term that lack of definition could lead not only to miscarriages of justice, but to a waste of time by the police and those involved in intelligence and research. That time should be focused on proper concerns—going to war in Iraq has not improved our ability to fight international terrorism and is a glaring example of our chasing the wrong enemy.

I heard a number of Members refer in the debates in Committee and elsewhere to the Jenny Tonge test or the Cherie Blair test: whether glorification could be inferred from what someone has said. When I discussed that with people whom I regard as serious and intelligent, they laughed. What they wanted was a Mr. Hamza test, in which it would be clear whether someone was doing something that could incite or encourage terrorism. We were told that the powers available would not deal with such situations, and they wanted that dealt with before we got into what seemed like silly arguments about what people had said.

I have often been to Palestine and seen the victims of what was clearly sniper shooting by the Israeli Government. I have seen the families of children killed—not in confrontations with soldiers, but by the mischance of being in the wrong place when soldiers decided to continue shooting. That leads one to understand why people cross the barrier of what is reasonable and commit acts against other innocents in anger and stupidity. That is not to condone those acts; indeed, one can completely deprecate them. I can see why Jenny Tonge might say what she did and why Cherie Blair might say what she did. That is not glorification of terrorism, and the fact that it was described in those terms was inappropriate and downgraded our discussions in the eyes of the public who followed what we were saying.

John Bercow: I respect the hon. Gentleman's principled opposition to the war in Iraq, but it is important in this debate to emphasise that opposition to some of the central tenets of the Bill is not confined to the anti-war lobby. There are many of us who felt strongly that the Government were justified in going to war in Iraq, and still feel that the Prime Minister was justified in the overall stance that he took, but who feel uncomfortable with, and unpersuaded by, the Government's case on these central tenets.

Michael Connarty: As the hon. Gentleman knows, I respect him greatly. He wanted to put that on the record and I am glad to have allowed him to do so, although I do not think that it added a great deal to the debate.

The question of the review clause needs to be settled in a better way. Any review clause must be debated on the Floor of the House and carried by a vote of the House. Anything in a statutory instrument may be taken off the Floor or considered in a way that does not allow full debate on the Floor, and that would not be acceptable to those who are concerned about having the Bill at all. I hope that when we get the review clause in its final form, after the Bill has been through the other place and returned to this House, the Government will ensure that we have the right to a full debate on the Floor on a proper motion and that the provision is not slipped through. Prevention of terrorism legislation passed when we were not in government was discredited by the fact that, in the early stages, we did not have those debates.

There was some to-ing and fro-ing about the word "reckless". It is a difficult word, but I first saw it in an amendment tabled by the Conservative Opposition in Committee. I do not know how one deals with that difficulty in legislation. If people do something innocently but recklessly, which part do we lean on? Do we judge their act innocent, so the police do not pursue them? Or do we judge it to be reckless and have the police pursue them, even though they may end up, days or weeks later, being deemed innocent but a little reckless? Holding them under the Bill would have a damaging effect on their life, their family and community and on the perception of them in the community, and it would also be damaging to the work of the police. I hope that we can have a provision that clarifies what we mean.

If someone knowingly does something recklessly, such as driving a car and causing an accident, that is different from doing it unknowingly. I think of a recent case in Scotland in which someone thought that they were driving properly but were in fact driving recklessly. That case went to court and the individual was fined because he should have known that he was driving recklessly. We have to get the definition of "reckless" right.

I return to the time provisions that the Bill now contains—28 days; four periods of seven days. That may prove inadequate. I know that people voted for that for all the right reasons. The problem is that the House focused on time rather than process.

I was concerned about the definitions used in the Bill, especially in connection with the actions of people who wanted to encourage and support those fighting against oppression and state terror in other parts of the world. The Bill has still not got that quite right. For example, when I was a youth I went around sticking up posters for "Back from Hanoi" meetings. Representatives from the National Union of Mineworkers had gone to Vietnam to find out what was really going on, and on their return condemned what the Americans were doing to the people there. At the time, that was not a popular opinion.

Would the Bill mean that I would end up in the slammer for sticking up posters, going to meetings and handing out leaflets that told of the American atrocities against the people of Vietnam? Theoretically, the Americans were our allies, and thank goodness that the Prime Minister of the time kept this country out of that terrible debacle. We have to get our approach right as we cannot discourage people—anywhere in the world,

[Michael Connarty]

and even in this country—from standing up for the serious principles of human rights that have so often been abused.

I return to the question of process. Sadly, the House originally settled on a 14-day detention period. Judicial review every seven days depends on the Bill containing the strictest definition of what merits continuation, but I believe it probable that opportunities will arise to abuse the system that is being proposed.That abuse will take the form of acts of omission, and I am worried that the police will think that, in order to keep a person in detention, they will have to prove only that they are pursuing a trail of evidence, regardless of its weakness. In contrast, I think that they should have to show that they are engaged in a serious and ongoing investigation of evidence that has not yet been analysed properly. The important point is that the evidence should exist: if it does not, and the police merely hope that they will find it after holding the person for another seven days, that will be insufficient reason for continuing that person's detention.

The process has to be defined very clearly. In our discussions, we were told that such matters would be kept under review by a High Court judge and that the people in detention would be properly represented. However, I want to know in detail how transparent the process will be. Giving the people involved representation will be no good if they are told by the police that they are in possession of evidence that can be shown to the High Court judge but not to the defence representative, on the ground that it has security implications. I want the people accused under the Bill to have the right to due and proper process, but such an approach would render that process null and void.

In addition, we must make sure that the police do not think that they can hold for 28 days anyone whom they pick up. They cannot be allowed to believe that the detention period will be automatic as long as they can show that they are pursuing an investigation.

I voted for a period of 90 days because I wanted a reassurance that the proper process would be observed. The actual length of the detention period would not matter to me—or to my constituents, or those in my constituency party who hold me to account—as long as the security authorities were required to show that they were pursuing a trail of evidence. As long as they could do that, detention could be prolonged by successive periods of seven days. The arguments that we got locked into about 28, 90 or 14 days were less important than ensuring that a person arrested by the police on suspicion of taking part in terrorist activity was held to be innocent until enough evidence had been gathered to allow a charge to be brought. Adopting that approach would make sure that every review by the High Court judge would start from the assumption of the person's innocence, even though there were grounds for suspicion. At every review, the police would have to prove that extending detention for a further seven days was justified, and they could do that only by demonstrating in an obvious and transparent way that they were accumulating real evidence against the person involved.

I hope that the Bill will return from the other place with the problems to do with definition, the maximum period of detention, glorification and the response to international terror all fixed. If that is the case, the Bill will be a good one. Whoever said that the people who voted for the strongest possible Bill consistent with the wishes of the public was on the money. It is possible that the House will benefit from the way that the Bill has been debated and we may feel that the process of deliberation has been wonderful. However, if it fails to do what it sets out to do—that is, prevent another atrocity such as happened here on 7/7, or on other occasions around the world—we will be held liable by the public.

2.24 pm

Mr. Kenneth Clarke (Rushcliffe) (Con): I am sorry to begin my Third Reading speech by underlining the fact that I take very seriously the threat that terrorism poses to the citizens of this country. Much of the campaigning that is going on retains an undertone of suggestion that those who have resisted the more draconian elements of the Bill are complacent about terrorism or do not take it seriously, but that is certainly not my position.

The Home Secretary was in a rather petulant mood today, for understandable reasons. For the past two weeks, he has tried to be the reasonable face of the Government, but I do not think that he did himself much justice when he started to suggest that some hon. Members are less opposed to terrorism than he is.

I take the threat of terrorism extremely seriously. Over the past fortnight, I have taken as active a part as possible in discussions about the Bill because I think that terrorism is one of the most serious problems that will face this Government and their successors for years to come. The climate of the recent past proves beyond doubt that the citizens of this country face a grave threat of random terrorism, and will do so for a long time.

It is not possible to guarantee complete protection, however dramatic the measures put in place. I have a dreadful feeling that more bombs will explode from time to time, with the concomitant political reaction. It therefore behoves us all to consider very seriously how we will tackle the problem. If we can, we should act on a consensual, cross-party basis to protect our population and minimise the terrorist threat.

Many factors outside the Bill are involved. For example, how will we approach resolving the mounting conflict between the Muslim world and the rest of the world? How will we address the question of the relationships between this country's Muslim community and their fellow British citizens, and how can we make sure that we avoid producing growing numbers of alienated young men who can be radicalised and turned to fanatic activity?

Those are important questions, but the key will be to get right the balance between, on the one hand, the force that we apply to security and the fierceness with which we crack down on those who propagate terrorism in this country with, on the other hand, our belief in personal liberty and individual freedom and our need to protect the values of our society that the terrorists want to threaten.

When faced with a terrorist threat, it is worth asking what the terrorists' ambitions are. It is no good dismissing them all as mindless fanatics or brainless extremists, as some are very sophisticated and intelligent people indeed. One of the main aims of terrorists attacking a civilised society is to provoke an overreaction by that society's authorities. The best present for terrorists is to introduce repressive measures that help them politicise and mobilise the elements in the community with which they identify. Those people might then be persuaded that their sense of injustice and deprivation is so strong that it justifies extremism.

I take the Bill and the terrorist threat very seriously, but the Government have totally mishandled the matter from the start. They have kept on suggesting that criticism of the more difficult measures is the result of complacency, in Parliament and elsewhere.

In passing, I assure the House that I have not approached the Bill from a party-political or partisan basis. I was one of those who voted against it on Second Reading, and that was not the approach of my party. Many hon. Members have made their own judgments about the Bill and the hon. Member for Sunderland, North (Bill Etherington) was eloquent and graphic when he demonstrated how people have not merely followed the party line. If the Government need more reassurance, they have proposals forthcoming on education, health and welfare, where they might expect my support on their more well-judged measures. It is no good saying that all Conservative Members are opportunists and that the opponents of the Bill are motivated by ill will towards the Prime Minister or any such thing.

My opposition to the legislation so far has been on the basis that I regard it as extremely ill considered. It does not add much, if anything, to our protections against the risk of terrorism. I rather think that it was motivated by a desperate desire to do something in response to the appalling events of July. At the time, the Government were seized with the feeling that they did not know what else to do. I cannot get rid of the feeling that, essentially, the Bill is gesture politics. I hope that we do not have more gesture politics if we have more terrorist outrages.

The bombs in July were not caused by any gaps in our legislation. We have 200 pieces of anti-terrorist legislation already on the statute book. So far as I am aware, the bombs in July were not caused by the outpourings, however distasteful and unpleasant, of some bizarre, extreme preachers, encouraging people to do what they did. The reaction, at a time when the public were frightened as a result of the horrors on the underground and when the Government were in something of a political panic about how to react, was to suggest that tough legislation and a provision to deport mad mullahs from our territories would be the answer that a strong Government would implement to minimise the chances of that happening again. Since then, we have gone into more detail. Some measures in the Bill, such as offences about preparing and training for terrorism, might add something, but at its heart I still suspect that this is gesture politics, padded out with measures to make it look more convincing.

It worries me that, time and again during our proceedings, the Bill has been driven forward with disparaging remarks about opponents in this House and elsewhere and with a disregard for those who are concerned about the rule of law, civil rights or individual liberty. I expect editorials in *The Sun* to talk about left-wing judges challenging this, but the present Prime Minister and the former Home Secretary have got into the habit of allowing their lips to curl when they describe lawyers, liberals and others who are sensitive about individual rights. That is a most unhealthy development. I am a lawyer and, I think, a liberal on a large number of matters. I was not a very liberal Home Secretary. I brought before the House the renewal of terrorist legislation, suspending provisions of the European convention on human rights. I was opposed by my shadow, the present Prime Minister, for going too far. I was a more liberal Home Secretary than any of my successors. My right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) was a more liberal Home Secretary than any of his successors. The last truly liberal Home Secretary was Lord Hurd. Since then, we have been going down hill. I had hoped that the new Home Secretary might reverse the trend, but the pressures he is under now are not making it easy for him.

The reasons why I remain against the legislation are, first, my suspicion that it is gesture politics and, secondly, because as we examined it in Committee and on Report, the frailty and thinness of most of its contents have become increasingly evident. My main reason, that it is gesture politics, has been touched on by others. It is difficult to see what almost all its provisions add to the present provisions of the criminal law. Incitements to violence by people preaching in mosques can be dealt with under the present law. It has been a decision of public policy not to prosecute some of the more self-publicising, wild preachers because a judgment has mistakenly been made that that would cause more trouble than it was worth. There is scarcely a new provision in the Bill that could not be covered by a prosecutor under some existing charge, if the evidence existed to proceed against someone engaged in terrorist activities. Therefore, it is ill-considered legislation, which has caused terrible trouble. We now shall see whether anything worth while can be produced from it when it goes to the House of Lords.

John Bercow (Buckingham) (Con): My right hon. and learned Friend has just explained that one weakness of the Bill is that most of its provisions fail to add to what already exists on the statute book. Does he agree that a sign of the weakness in which the Government find themselves intellectually is that Ministers have taken refuge in arguing that opinion poll evidence shows that people support the Bill? Given that my right hon. and learned Friend and I are both staunch opponents of the death penalty, as are most Labour and Liberal Democrat Members, can he envisage circumstances in which Labour Members would seek to argue that opinions should be followed simply because it is public opinion? We have a responsibility to exercise our judgment.

Mr. Clarke: Hon. Members on both sides have been resisting for many years the simplistic argument that the criminal law should be written in line with the opinion polls of the day. I can remember when the vast majority of the public would have supported hanging and flogging. Many police officers have expressed great disquiet over the years about the constraints on their powers of arrest, questioning and restraint, and they have pressed for more powers. Heaven forfend that we see the day when the criminal law, including the most

[Mr. Clarke]

essential provisions that bear on the liberty of the individual, are determined by focus groups or newspaper headlines and leaders. The arguments used by Ministers on occasion, both inside and outside the House, have strongly suggested that that is the approach that we should adopt.

We have been told to consult our constituents on the issue. I live near the constituency of Sherwood and I was astonished to hear that the hon. Member for Sherwood (Paddy Tipping) has been showered with representations on the issue. I have received only two, one for and one against. I might ask my two correspondents what their feelings were based on and what they thought was lacking in the powers available to the police and the present period of detention of 14 days. I could ask them what had led them to the conclusion that 14 days, which was introduced only in January last year, was too short and that 90 days were necessary. I suspect that neither of my constituents, enlightened though they may have been by the opinions of *The Sun*, would have been aware of the present constraints, the basis for arrest and charge or the present state of the law. If they had been asked what the case for 90 days was, I would have been interested to see if they could have produced a response, because no Minister has yet been able to provide concrete argument to explain why 90 days is preferable to 14 days, except that I should ask my chief constable. That is what is at the heart of the legislation, and that is why the House has done a good job putting it in its present state.

The only argument that has been introduced to justify the provisions in the Bill that extend the law—the extension to 90 days and the creation of the new offence of encouragement of terrorism, which are the two dramatic and draconian measures—is that they are needed to face the new threat of modern terrorism. We are told that we must now understand that what we have done in the past to waive our normal civil liberties to deal with extremist terrorism—mostly from Ireland—is overtaken by the modern terrorism, for which the rules of the game have changed. That, we are told, is why we need to toughen up particular provisions.

I find that argument faintly preposterous. I do not like being fobbed off with the argument that I do not understand modern terrorism. Apparently, Irish terrorists were simpler folk and less sophisticated measures were necessary to deal with them. They were decent fellows, apparently, who did not do too much harm and gave a bit of warning. They did not pose the risk of mass murder that we now face from disaffected Islamic youth. Well, I do not believe that. It contradicts my recollection that it was always a mistake to underestimate the sophistication and cunning of the IRA. It knew exactly what it was doing. It went in for mass murder and, when it gave warnings, they were usually slightly misleading, so that the police could be blamed for the casualties that resulted. I do not see that modern terrorism has moved on very much when I recall the outrages in public houses in Birmingham, in which young people were blown up by weapons deliberately designed to cause mass injury in two underground bars. Both were, by repute, frequented by under-age drinkers, which is why they were chosen. I could describe many other similar outrages.

Mary Creagh: Does the right hon. and learned Gentleman agree that, when we were dealing with the threat of IRA terrorism in the 1970s and 1980s, terrorists did not have mobile phones, the internet was in its infancy and in most cases the terrorists spoke the same language as us? There were none of the interpretation and translation issues that we find in the current threat.

Mr. Clarke: I shall deal with some of those points. First, the mobile phone has proved a great aid to investigation of crime of all kinds. One can intercept mobile phone conversations much more easily than most other forms of communication. I do not understand why the Government adhere to the tradition in parts of the police and security services of not using intercept evidence. I support such use. Indeed, I have always thought resistance to it faintly preposterous; it is getting more preposterous as time goes by. In that sense, things are not moving in the direction that the Bill suggests.

Of course, there is the argument that today's terrorists are more multilingual, but most of those who attacked us were British-born, spoke perfectly good English and were educated in this country. Certainly, the international links, which the IRA also had, involve a certain amount of multilingual activity, but it is not impossible to find interpreters. We do not have to wait three months to find someone who speaks Arabic. Perhaps if we improved our relationships with the Muslim community, we would receive a constantly ready supply of helpful Arabic speakers. I do not accept the argument about interpretation.

Encryption is usually given as the main reason why things should now take longer because the codes to what is encrypted are refused. However, the weapons being used are not that high-tech. Computer technology is not normally required to design today's terrorist bomb. Reference has been made to communications and planning, but if the only man who knew the codes was dead, it would take someone months and months, unless they were lucky, to decrypt the material on a computer. The idea that the difficulties of modern computer technology justify giving the powers originally in the Bill is not acceptable.

The changes in the situation are not that dramatic, but the Bill was introduced in the heat of the public reaction to terrible and dramatic events, as though that was something new. The importance of tackling such events is the same as ever, but the exploitation of emotion after the underground bombs should not allow us all to be persuaded that we face grave new threats that justify the erosion of our liberties.

I am delighted to say that, due to the state to which the Bill has been brought by the House, our noble colleagues in the other place will have almost carte blanche to address it and to find what can be made sensible out of the improved but somewhat battered Bill that is about to receive its Third Reading. I invite them to have a go and rewrite large stretches of the measure with all vigour. There are some distinguished people in the upper House who will be able to improve the current Bill beyond all recognition.

I shall not rehearse the arguments that I have already made in Committee and on Report. We have an extremely difficult clause 1, with the new offence of encouragement to terrorism, into which the ill-fated reference by the Prime Minister to the glorification of terrorism has been rolled. I fail to see the need for that new offence, as incitement to violence can be covered in other ways. The present definition in the Bill is quite appalling. It will catch radical campaigners of both the right and left, and immerse us in international controversy on a scale that should be avoided.

We all talked at length about detention without charge. It is extremely important that in all normal circumstances—apart from extreme situations—we do not allow the police of our country to hold people without charge indefinitely, and persistently to continue to question them. The House was persuaded to move to 14 days, with effect from the early part of 2004. The Australians are still in a ferocious internal controversy about whether to move to 14 days. The 90-day period is preposterous and I have yet to hear a good case for 28 days. The only case that would induce me to vote for 28 days would be that it was better than 90 days, and that if we did not vote for it the Bill would leave the House of Commons unchanged. I hope that the Lords address that point.

I am rather worried about a consensus that seems to be growing about questioning after a charge has been laid. There are restrictions on the ability to question after someone has been charged in this country, although in my opinion—unless they have changed since the days when I practised—they are not as absolute as some people have assumed. If there is new evidence, questioning can be resumed, and I do not quite see what the difficulty is meant to be. Before we sweep away the whole question of allowing the police to continue to question a suspect after he or she has been charged with an offence, we should hesitate and exercise some care.

I agree with those who say that, if the idea is that we should bring in someone without sufficient evidence to bring a charge against them and persist in questioning them day after day for a month—let alone three months—we are likely to start to produce evidence or confessions that no one will regard as reliable because of the undue pressure put on the suspect since he or she was brought in.

I mention en passant, because I kept going on about it, that the extraterritorial application of the Bill is absolutely extraordinary. I do not wish to have bizarre litigation in this country with people arguing from strange parts of the world about whether they were terrorists or freedom fighters when they made a speech that someone has decided justifies their being arrested on a visit to London. I really do think that we must comply with our international obligations, but we must not go one inch beyond what we have committed ourselves to.

My final point causes me most concern. The atmosphere of the past two or three days, when the Prime Minister made the foolish decision to intervene and stake his own authority on the proposition that got defeated last night, has been extremely unpleasant. An attempt has been made to whip up popular fervour. I have no idea whether the Government were associated with *The Sun* newspaper's campaign, but the close connections between the present Government and the Murdoch press are well known.

The Home Office's encouragement to ACPO and the chief constables to start going in for political lobbying was taking ACPO into very dangerous territory indeed. We all have the highest respect for the opinion of chief constables and indeed for the police who are at the sharp end of the fight against terrorism, but to start lobbying for a political position in Parliament is not what ACPO and chief constables should do.

I return to the point that I made when my hon. Friend the Member for Buckingham (John Bercow) intervened. If we pass criminal law of any kind in the House in response to populist campaigns on the back of well-publicised crimes and if we are all told that we should go out and just take an opinion poll or read the newspapers, we will have some appalling legislation. Indeed, it is the danger that we might slip into that that gives a role to the upper House and, indeed, to the courts.

Whenever I see a chance being taken to try to bounce Parliament into some ill-considered, populist measure that impinges on personal liberty, I think how lucky in some ways the Americans are to have the Supreme Court to make sure that their Congressmen cannot do that. It is probably wise that we remain signatories to the European convention on human rights, and I do not resent British judges feeling themselves bound by that convention to make the principles of human rights override populist legislation.

We have an upper House, and it is very sad that we have got into a state where this House is increasingly passing silly, ill-considered, populist legislation, with everyone relying on the fact that the upper House will rewrite it. This is by no means the first Bill in the past five years that we have allowed to leave the Commons with all hon. Members on both sides of the House knowing perfectly well that some of its provisions will not last five minutes once it gets to the House of Lords and that, fortunately, the House of Lords will rewrite it and send it back.

The last time that something similar happened, we had all-night sittings when a bizarre attempt was made to bully this House and the upper House into agreeing to provisions on control orders that, I am glad to say, both found quite unacceptable, and the Government had to compromise. I hope on this occasion that having had a bloody nose on the Floor of this House—this is where Governments of all complexions should get a bloody nose when they step an inch too far—the Government will not try to start imposing some of the worst features of the Bill on either this House or the House of Lords.

The Bill should never have been introduced. It contains some of the silliest and most curiously drafted pieces of criminal law that we have seen for a long time, and the House of Lords will probably make it much more sensible. I hope that the Home Secretary will finally reveal to us whether he is the gentle face of the Government, or genuinely the conciliatory and more liberal policy maker in the Government. If he has more arguments with the Prime Minister about whether they should tough it out, or reason with their colleagues in Parliament to reach an acceptable consensus, I will be grateful.

[Mr. Clarke]

If we have no more bombs, the Home Secretary's assertion that we might try to move the whole thing on to a more stable basis and come back in a year's time to make a genuine attempt to get a consensus in a less charged atmosphere will be welcome. We all hate terrorism and we would like the broadest possible agreement on what should be done to enable people to protect us from it. A more measured view is the way to go about that, rather than trying to take through Bills such as this.

2.51 pm

Mr. Piara S. Khabra (Ealing, Southall) (Lab): We have heard a lot of argument, discussion and debate in the House. There has been a lot of intellectual haggling and squabbling to try to win the argument on the question of civil liberties and the length of time for which people should be detained. Some of the barristers and solicitors in the House, as well as others, have exercised their vocal cords to try to win the argument.

I broadly support the measures in the Bill. I recognise the unique situation in which we find ourselves in this country when fighting a terrorist threat of new complexity, with new evils and new murderous proportions. However, I was disappointed that hon. Members did not vote yesterday for a pre-charge detention period of 90 days, which the police requested for a good reason.

My constituents and I are sadly no strangers to the evils of terrorism. In the middle of the 1980s, I was subjected to murderous threats against my life by terrorists and placed under armed police protection. Terrorists in the UK who were supporters of a separatist movement in the Punjab in India murdered three law-abiding members of my constituency in Southall and included me on their murderous hit list. Kashmiri terrorists murdered an Indian diplomat in Birmingham. Those terrorists were able to enjoy the freedoms of this country that were available to them and to foster terrorism here and abroad by disseminating their message and collecting money for their evil acts in the UK. Such opportunities should not be afforded to any terrorists in the future. In summer 2001, a Real IRA bomb exploded in Ealing town centre, in my constituency. It caused millions of pounds of damage to property, but fortunately did not result in the loss of human life.

Evil and terrifying as the acts in my constituency that I have described were, they do not compare with the new terrorist threat that we face today in the wake of the 9/11 and 7/7 terrorist atrocities when suicide bombers were intent on taking as many lives as possible in terrifying circumstances.

We all know that we face a new threat of chilling proportions, and we have felt the reality of such a threat with the sad events of 7 July. The new threat, with its new complexities—with international terrorists using new technologies and computer encryptions—requires a new response by the Government and the country. New police powers must be given to tackle it. The Government have been pushed into that situation. They have no choice but to tackle the deadly new terrorist threat to protect the people of this country.

The threat should be met in a united way. The whole House and country should be united. Sadly, the Tories show double standards. When in government, they wanted to introduce tough laws and always claimed to be the custodians of law and order. Now, in opposition, they enjoy the luxury of opposing parts of the Bill and of voting against police advice in spite of the evidence held by the police and security services. What hypocrisy!

Three different categories of people spoke in opposition to the Bill and the 90-day pre-charge detention period. First, there were those who had genuine concerns about civil liberties. Secondly, there were those who were naïve about civil liberties and the terrorist threat. Thirdly, there were those who indulged in cheap politics by opposing the 90-day amendment as a weapon against the Prime Minister and the Government.

Stewart Hosie (Dundee, East) (SNP): Surely there is a fourth category: those who believed that the doubling of pre-charge detention from 14 to 28 days to provide the necessary time for the police was useful in principle, and who were not forced to take that position, who were not hypocrites and who did not indulge in oppositionalism? That category should be mentioned as well.

Mr. Khabra: I am coming to that and will tell the hon. Gentleman why the Government had a good reason for introducing the 90-day detention. We are not dealing with an ordinary situation. It is unique. We are dealing not with ordinary criminals, but with terrorists and organised terrorist activity. They have a network everywhere and keep this country under the threat of terror. I agree with the Government's proposed detention period of 90 days. I hope that hon. Members who voted against the police advice of 90 days will not live to regret their decision. I also hope that the police will be able to halt the efforts of the murderous terrorists within the 28 days that the House, in its wisdom, has decided to give them.

Detaining arbitrarily a massive number of suspects would be unpopular, counterproductive and wrong. As a Member of Parliament with a large ethnic minority population in my constituency, I am sensitive to people's concerns. However, I am also convinced that the vast majority of my constituents supported the proposed measures to deal with the threat. The new powers would, I believe, have been used only in exceptional circumstances, where there was strong evidence and it was felt necessary for an early arrest to protect the public from terrorist attacks.

We never know how terrorists organise such activities. We know that they have the facilities in this country. Ours is a liberal country, which provides all sorts of protection, even to those who are engaged in such activities. We are dealing not with a catch-all situation, but with something that is designed with the new terrorist very much in mind. I believe that many human rights campaigners and civil libertarians take a naïve view of the people with whom we are dealing. They wrongly charge the Home Secretary with trampling on their civil liberties.

The UK is a mature, democratic country. The measures that we have been discussing will take effect only where there is strong evidence. Law-abiding citizens not involved in terrorist activity will have nothing to worry about.

It must be emphasised that we are dealing with a completely new and dangerous situation. Terrorist and suicide bombers from across the world plan for long periods the mass murder of innocent civilians. Some Northern Ireland Members know what terrorists can do, how they organise and how much damage to the community they can cause. It is not ordinary crime where individuals are involved in murder, rape, robbery or fraud and where it is not necessary to detain suspects for a long period. When terrorism is involved and the lives of people are at risk, there is a need to detain suspects for a longer period to enable the police to investigate. When it is a well planned international conspiracy, we all know that al-Qaeda is involved.

Only yesterday a bomb exploded in Amman in Jordan. Obviously that is not the United Kingdom, so terrorists are active throughout the world. We must face the fact that terrorism is in this country. Terrorists have the motive and intention of killing as many people as possible—innocent ordinary men, women and children. We must understand that that is completely different from other forms of crime.

The security services and the police definitely need a longer period to detain and question terrorist suspects given the nature of their planning. I hope that 28 days will be enough, but I fear that it will not be—hence my support yesterday was for detention for 90 days.

Those opposed to 90-day detention are forgetting these clear facts and treat the Bill as if it deals with an ordinary situation. It is not only the civil liberties of those who are detained that are put at risk. In my opinion it is complete nonsense to suggest otherwise.

The Government have a responsibility to protect the civil liberties and human rights of citizens as they go about their lives, safe from the evil threats of terrorism, so we must act to give the police the extra power that they need. The Bill's opponents can celebrate today and in future over the defeat of the Government, but they will feel sorry when terrorists strike in our cities once again.

3.3 pm

Sir Patrick Cormack (South Staffordshire) (Con): I think that the last remarks of the hon. Member for Ealing, Southall (Mr. Khabra) were unworthy of him. We all hold him in great affection and we are all delighted that he escaped those terrorist attacks in 1980, not least in my case, because he affords me the rare privilege of following someone in the House who is older.

I say to him in a spirit of true friendship that if he reads the report of his speech he should reconsider some of the remarks that he made about those who voted in the opposite Lobby from him. Perhaps there were some hon. Members who were seeking to settle scores with the Prime Minister. I do not know, but it is possible. However, the vast majority of those who voted yesterday in an opposite sense to the hon. Gentleman did so because they genuinely had real concerns. It was not, as my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) so eloquently put it, because they were soft on terrorism. All decent Members of Parliament—I believe that most of us are—are fundamentally opposed to terrorism. We all want to see our Government, and it is our Government—I am sorry that the Home Secretary is not present—uniting Parliament and the nation behind a series of coherent and sensible measures. But some of us felt that the measures contained in the Bill were not particularly coherent, and some of them had not been properly thought through.

I yield to no one in my admiration for the Prime Minister's personal courage. I do not always agree with him, but the Prime Minister has on many occasions demonstrated real political courage. He has also demonstrated on a number of occasions that he is capable of being the political leader of the nation. When he spoke on 18 March 2003 in that amazing debate before the country went to war—let us not forget that he gave the House the opportunity to vote on that—he spoke with a passion and an eloquence that I have never heard exceeded by any Prime Minister in my 35 years in the House. When he came before the House on the Monday after those despicable acts on 7 July, he spoke for the nation and was congratulated on so doing by my right hon. and learned Friend the Leader of the Opposition, by the leader of the Liberal Democrats and by speaker after speaker in all parts of the House.

I am not in any way impugning the integrity of the Prime Minister or his ability to rise to the occasion, but in this instance I do not think that he did entirely rise to the occasion. I say that for a number of reasons. First, although I do not doubt for a minute that he believed with passionate sincerity that 90 days was right, he did not do anything to convince a majority of the House that that was right. He rather acted on the "Alice in Wonderland" principle that if I say a thing three times, it must be true. He said it more than three times, but many of us were not entirely convinced that it was true.

Then there was that rather crude attempt—I absolve my own chief constable, because I received no letter from him—to persuade chief constables, in the apposite words of the hon. Member for Orkney and Shetland (Mr. Carmichael), to act not as those who would brief, but as those who would lobby. That is not their function, important servants of the Crown though they are.

What I would like to have seen and what we did not have was a concerted attempt properly to brief Members in all parts of the House. Perhaps if we had been so briefed, more of us might have been convinced of the 90 days. The hon. Member for Ealing, Southall has been so convinced, and I do not doubt his sincerity.

Mr. Khabra *rose*—

Sir Patrick Cormack: No, I shall carry on, if I may.

The hon. Member for Sunderland, North (Bill Etherington), who made an excellent and moving speech earlier, was not convinced. As between those two gentlemen, I do not believe there is one scintilla of difference as to their genuineness, their sincerity, their passionate support for their own political party or their desire to serve the nation, but they have come to different conclusions, and I honour them for that.

As I observed earlier, we sometimes get circular letters. I hope the Solicitor-General will make a note of this. If we had all had a letter from the Prime Minister and the Home Secretary, telling us that there was real conviction and inviting us to briefings—there are precedents for that, such as before the beginning of the

[Sir Patrick Cormack]

Iraq war—we could have gone to the Home Office or to rooms in Westminster Hall, and we could have been briefed. We could then have exercised our democratic duty in the House on the basis of information given to us. I do not know what conclusion I would have come to.

I suspect that I might have been on the Prime Minister's side because yesterday, by chance, I chaired the Select Committee on Northern Ireland Affairs—two of its members are in the Chamber—and Sir Hugh Orde, whom I hold in high regard, gave evidence. The hon. Member for North Down (Lady Hermon), who voted with the Government, asked the Chief Constable whether he believed that 90 days was justified. He gave a brief but passionate answer, which was so initially—I am choosing my words carefully—compelling that if I had spent an hour in his company, discussing the matter directly, I might have been convinced. I do not know.

However, I was not given such an opportunity. That applies to all Back Benchers because the cross-party talks were confined to the Front Benchers. I do not claim that there should not be talks between Front Benchers—of course there should. On such an issue, they are vital. But the vast majority of hon. Members do not sit on the Front Benches. Every hon. Member is equal in his or her vote—*[Interruption]*—and responsibilities, as my hon. Friend the Member for Buckingham (John Bercow) reminds me, in an intervention that was untypically sotto voce. We should, therefore, have been treated equally.

Mr. Khabra: When the Conservative party is in government, it is prepared to listen to police advice but when it is in opposition, and the police ask for 90 days for good reasons—to detain people who are involved in or planning terrorist activity—it does not. What is the difference? Why are Conservative Members unable to consider 90 days, even on the advice of the police?

Sir Patrick Cormack: There are some fundamental misunderstandings in the hon. Gentleman's question. First, the country has never had the benefit of my services in government—I infinitely regret that and the country is much the poorer for it—and I cannot therefore speak as a member of a Conservative Government. However, it is the duty of advisers to advise, the responsibility of those whom they advise to listen, and the obligation of those who are in executive government to present proposals to the House. It is for the House to determine the ultimate content of the legislation.

As I said earlier, much as I like the hon. Gentleman, he has been too narrow in his definitions and interpretations of yesterday. He has imputed party political motives to those who did not have them. On such an issue, many of us regard every vote as a free vote and would never be constrained by Whips to go into a Lobby if we did not agree. I can cite my frequent rebellions on Bosnia in the period of Conservative Government, when a few of us stood out because we believed that our Government were wrong. We all do those things. Just as I do not question the hon. Gentleman's passionate sincerity, he should not question mine or that of any other hon. Member. He, the hon. Member for Sunderland, North, my hon. and energetic Friend the Member for Buckingham, who is about to bounce up again, and I all go to our constituents, answer to them and ask them to send us back here. I know a bit more about that this year than do most hon. Members.

John Bercow: I am grateful to my hon. Friend for giving way; I certainly would not want to disappoint him by failing to bounce at the appropriate moment. In reinforcement of his argument on motivation, may I remind the House that my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard), the Leader of the Opposition, invited Conservative Members to support the Bill on Second Reading? I respected his motivation, but I disapproved of the advice and I rejected it. I voted against the Bill because I thought that it was wrong. It would be a good idea if the hon. Member for Ealing, Southall (Mr. Khabra) took to heart the behaviour of the late Austrian economist and philosopher, Friedrich von Hayek. It is said that his view was that one should accuse someone only of intellectual error, and nothing worse.

Sir Patrick Cormack: I am almost tempted to quote Richter, the conductor, when he said to the third flute:

> "Your damned nonsense I can stand twice or once, but sometimes always, by God, never!"

But, of course, my hon. Friend makes a good point.

To return to the point that I was making, I believe that we should have been better informed. The point was made yesterday by my right hon. and learned Friend the Member for Rushcliffe and me, and by the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith) and others, that this debate has not been structured as it should have been. This has been treated as emergency legislation, but it is not. Emergency legislation—it is generally wrong; one has only to think of the legislation on dangerous dogs, or that enacted after the Omagh bombing—is introduced in the wake of a specific emergency and rushed through the House. There is a case for it in theory, even though it often does not work well in practice.

This however is not emergency legislation, and the constraints on the House at this juncture of this Parliament are not such that we could not have had considerably more time to debate the Bill. It might even have been better, within the allotted time scale, to have spent more time on Report and less on Third Reading. We should have been able to debate the definition of terrorism, but we did not. There were other matters that we should have been able to debate properly—including stop and search, on which a new clause had been tabled—but did not. Those issues must be debated. We have had quite a discussion today, following the welcome announcement of Lord Carlile's new responsibilities.

The definition of terrorism will have to be debated in the other place. I have a very high regard for the other place. Unlike my right hon. and learned Friend the Member for Rushcliffe, I would leave it as it is; I would not muck it around. However, he and I unite in saying that, while it is as it is, it has a real function and a real responsibility, and they are very considerable in regard to this Bill. The Bill needs further significant amendment. There must be a tightening up of definitions, and further attention must be paid to the glorification concept—a misguided one, in my view, even though I understand the motives behind it. There must also be a further opportunity to consider the period of detention. I am not convinced that we have decided on the right period. The Home Secretary said that that issue would not be reopened, but it might well be, when the Bill reaches the other place. If it is, it is incumbent on the Government to ensure that any amendments made in the other place are properly and fully considered.

In a very spirited speech yesterday, my hon. Friend the Member for Buckingham referred to this Chamber as the "cockpit of parliamentary democracy", and he was right. Even though I attach enormous importance to Select Committees and other Committees, this is the most important part of both Houses of Parliament. In this Chamber, there should be adequate and almost unrestricted opportunity for full and lengthy debate on issues of great importance. In that 1970 Parliament in which my right hon. and learned Friend the Member for Rushcliffe and I were new Members, I well remember how night after night we were kept up by the Labour Opposition, led by people such as Eric Heffer and John Mendelson, great orators in their day, on the Industrial Relations Bill. On the final day, as dawn broke, I remember a chorus of "The Red Flag" coming from the Opposition Lobby, as they felt that they had exercised their democratic responsibility. I am not advocating a return to those days, as current Labour Members would not know the words—

Madam Deputy Speaker (Sylvia Heal): Order. I wonder whether the hon. Gentleman could now bring us forward in time to the Bill currently before the House.

Sir Patrick Cormack (South Staffordshire) (Con): A little reminiscence illustrates, Madam Deputy Speaker.

This is a very important point. I am not advocating a return to those all-night sittings. What I am advocating is that Bills such as this should have more time. They should not be treated as emergency legislation when they should be the Government's considered response to an issue of great national importance. May I make a plea through the Solicitor-General that when we have amendments back from the other place, we should be given adequate time on the Floor of the House to debate those issues? It is crucial that that should be the case.

Let me end where I began. There is a real need for the House to be united in fighting terrorism. That real need, in my view, involves a recognition, in contradiction of a fundamental principle of English law, in a sense, that it is better that one person be detained wrongly than that a bomb go off in the underground. The legislation must be so structured, however, that the opportunity for the wrong person to be detained must be the minimum, and there must be a consensus in the House that we have got it right.

I will support the Bill tonight if there is a Division, and I am glad that my right hon. and hon. Friends on the Front Bench will do likewise. I am glad that the Liberal Democrats will not oppose it. I honour those who will do so, because I respect their motives. It is important, however, that as we search for consensus we do not just roll over, and that we always respect the honest, firmly held views, based on convictions, of those who might not agree with our beliefs and prejudices, of which we all have both.

I wish this Bill a safe passage, and I hope above all that when it finally goes on to the statute books it will be a much better Bill.

Several hon. Members *rose*—

Madam Deputy Speaker: Order. Several Members are hoping to catch my eye. May I make a plea that if contributions were brief, they might be more successful in doing so?

3.23 pm

Gordon Banks (Ochil and South Perthshire) (Lab): I have listened intently to a large amount of the debate on the Bill over the past few days and weeks. I am glad that I have the opportunity to raise a few issues today, and I will be brief.

In the early stages of the Bill's consideration, I had reservations about the Government's proposal for the pre-charge detention period of up to 90 days. I came to the opinion that there was significant movement by the Government in relation to issues surrounding the clause, brought about largely by the empowered discussion and knowledge of the House. In my mind, the proposal for seven-day judicial review by High Court judges, or by judges of the Court of Session in Scotland, and for defence representation at such hearings, addressed any sort of inappropriate use of the proposals. Having listened to much of the debate, however, I am left with the impression that our judiciary would have been unable to act in everyone's best interests in the face of a maximum 90-day detention period, which is not a view that I hold.

I think that the sunset clause would have provided a suitable way of determining whether the 90-day period worked in practice. It would have allowed both Houses to analyse its use and effect, establish the average number of detention days and then possibly suggest to the Government that the legislation should be adjusted to fit the actuality. I supported the 90-day period last night because I thought that the mechanisms were appropriate. Both police forces in my constituency, Central Scotland and Tayside police, confirmed to me that they agreed with the Association of Chief Police Officers in Scotland on the issue.

Stewart Hosie: Did the hon. Gentleman speak directly to the chief constable of Tayside? If so, did the chief constable confirm his support for the 90-day period?

Gordon Banks: I did not speak to him directly, but I spoke to one of his staff officers, and was told that his position was the same as that outlined by the chief constable of Fife on behalf of ACPOS.

Mr. Nick Hurd (Ruislip-Northwood) (Con): What was the one compelling argument that emerged from those discussions?

Gordon Banks: The police were happy with the proposal. They are the experts, and I will be guided by them. I believe that we should be guided by the

[Gordon Banks]

experts—the police and the security forces—because they are charged with protecting our security, and because they risk criticism and condemnation if they fail to keep us safe should further terrorist atrocities occur.

I believe that new threats require new methods, and I believe that the current terrorist threat is new to our way of life. I am not convinced that, in its present form, the Bill deals adequately with the threat that we face. Much has been made of civil liberties and rights, but it has been largely one-way traffic. What about the human rights of people in this country not to be victims of terrorism—not to be maimed by suicide bombers, or killed by religious fanatics who want to destroy our very way of life?

There has been much discussion about the 110-day limit in Scotland, and a certain lack of knowledge has been displayed. As a Scottish Member, I remind the House that the 110 days relate to the period between the charge and the case being brought to court. It never was and never will be an additional 110-day period of detention before charge.

As we have heard, the pre-charge detention period would have been used only in exceptional circumstances. Today Members have mentioned five, 10, 15 and 20 people. In my view, those are low numbers. Indeed, I fear that 28 days will prove inadequate, and that something may happen that could have been avoided if the House had adopted "up to 90 days" yesterday.

John Hemming (Birmingham, Yardley) (LD): If evidence is put before a High Court judge and is sufficient to warrant [illegible]omeone's detention, why is that evidence not sufficien[illegible]r someone to be charged and remanded in custody?

Gordon Banks: We have had that discussion several times today and in earlier debates, and enough convincing arguments have already been made. I have spent only a short time in Parliament, but I want to say that this debate has impressed me most and that applies to both sides of the House. Despite my disappointment about the conclusion of last night's vote, I recognise the will of this democratically elected House. I simply hope that the media speculation in today's press and the words I have expressed today come to nothing.

3.30 pm

Lynne Featherstone (Hornsey and Wood Green) (LD): It is hard to stand up against the tide of opinion in this country when it is ranged against us. It is also hard in the wake of the terrorist bombing not to react to that fear. However, I believe that the House is at its best when it keeps a cool head and does not abdicate its responsibilities. It was fear in the USA that got President Bush his second term in office.

I have to say that I took huge exception to the Prime Minister calling anyone who opposed his view "woefully complacent". We are not. Sadly, I have no doubt that terrorists will strike again or that they may be trying to do so as we speak, but I do not believe that the 90-day provision will be the critical factor in stopping them. During Prime Minister's questions, we were told that the Muslim community—the community that will be most vulnerable, I believe, at the sharp end of the new detention powers—did not want to be seen as standing against the Bill.

The Home Secretary challenged us to consult about the legislation in our constituencies, so I did. I consulted the secretary of the Wightman road mosque, which is just across the border in Tottenham, but serves Hornsey and Wood Green and Tottenham. I received a letter from that secretary, who is also secretary of the London Islamic Cultural Society. It reads:

> "Dear Lynne,
>
> Eid greetings to you and all your colleagues . . . I apologise for the delay in getting back to you in relation to the Anti Terror Bill currently being debated. Having discussed with quite a few members the general feeling/concern is:
>
> We do not agree with increasing the detention period from 14 to 90 days. There is concern about the methods used to interrogate suspects"—

the methods used in the past under terrorist laws. It continues:

> "Many have been released without charge and are suffering mental health problems . . . these are innocent individuals. Even serial murderers have rights! We in the UK have been subjected to terrorism before where areas of the UK were bombed including MPs but at no time did the government find it necessary to bring in such radical laws . . . The Muslim community feel very vulnerable."

It continues by making it clear that "the general feeling" was that the Prime Minister was trying

> "to undermine our civil rights and . . . this type of law is condemned by the UK and the US as being 'undemocratic' 'illegal' and 'inhumane' when adopted by other countries—but strangely when used by themselves it is 'protecting the country'. It reeks of double standards."

The letter continues:

> "Lynne—please understand that we in no way agree with misguided individuals compromising our safety. No! This is totally unislamic, but you have to understand that our Muslim community are scared and concerned for the safety of their children and families. These laws prohibit even the law abiding families knowing what is happening to their loved ones"—

or why they have been charged. It continues:

> "Our worry is that the unfairness of the actions will give rise to more and more people feeling trapped, alienated, seeing the bias, feeling discriminated against".

I am not sure who the Prime Minister was talking about when he said that the Muslim community would not react against the proposals. The rest of the postbag on this issue has been a 50:50 split.

I want to tackle another aspect, as I understand that in Andy Hayman's letter—*[Interruption.]*

Andrew Miller (Ellesmere Port and Neston) (Lab): I accept that the hon. Lady has read out her letter from people in her constituency in good faith, but it contains a fundamental inaccuracy in respect of what the proposed legislation contains. Has she written back and corrected that inaccuracy?

Lynne Featherstone: Perhaps the hon. Gentleman would like to elucidate about the particular inaccuracy to which he is referring.

Andrew Miller: The hon. Lady referred to people not having rights in respect of getting information to and from their families. As I understand it, the Bill—*[Interruption.]* I should be grateful if the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith) would be a little patient. As I understand the Bill, it confers absolute rights, which have been reinforced and are stronger than the rights of suspects under existing legislation. Did she not make her constituents aware of that point?—*[Interruption.]*

Lynne Featherstone: Given Members' remarks from sedentary positions, it seems that that is not the case in law. *[Interruption.]*

Madam Deputy Speaker: Order. May we have this debate conducted along proper parliamentary lines?

Lynne Featherstone: In his letter of explanation, Andy Hayman referred to the ricin incident that took place in my constituency. I was completely astonished at his using this as an example, because it was one of the most extraordinarily badly conducted operations that I have come across. I raised this issue publicly at the full meeting of the Metropolitan Police Authority, at the full board of the London Fire and Emergency Planning Authority, and with the chair of Haringey Teaching Primary Care Trust. Had the substance in question been ricin, mass evacuation would have been necessary, but the Met did not inform the chief executive of Haringey council, the chair of the PCT or the fire chief until some 48 hours after making this discovery. I was told by a very highly placed source that the explanation for that delay was news management on the part of No. 10.

Madam Deputy Speaker: Order. May I ask the hon. Lady to relate her remarks to Third Reading of the Bill?

Lynne Featherstone: Thank you, Madam Deputy Speaker; I was about to bring my remarks back into context.

One arrestee, who was released after only two days and left the country, could have been arrested under the Bill's provision on acts preparatory to terrorism, because a white substance was found. I was shocked to learn that the ricin incident was one of the arguments used in Andy Hayman's letter as evidence in favour of the 90-day provision. It is woefully inadequate.

The police do not always get it right. After five years' involvement with the Met police authority, I have become familiar with its way of arguing. It did not get it right when Mr. de Menezes was shot. It did not get it right with the evidence produced in respect of the Birmingham six, or the Guildford four. Even Sir Ian Blair got his information wrong after the shooting of Mr. de Menezes. We have yet to hear from the Independent Police Complaints Commission.

We now have the 28-day provision, but I hope that it is only a starting point as it is not good enough on its own. More safeguards are needed. There must be special checks and balances for the handful of cases that the Home Secretary refers to, so that only they are subject to the 28-day provision. God forbid that there is another terrorist attack, but my fear is that if there is, a greater number of people will be rounded up under this law.

One of the main arguments advanced was that more time is needed because of the complications associated with encryption. According to information that I received, it takes a police officer 12 hours to produce a report on a computer disc for senior supervising officers. If it takes 12 hours to analyse one computer disc to produce such a report, it is simply a question of providing sufficient resources.

Andrew Miller: The hon. Lady is right about encryption, but she has missed the point—as a number of Members have throughout our deliberations—that even an unencrypted 500 gigabytes disc of the type that I have in my own home would take many months for those not familiar with the content to go through. Therein lies the problem.

Lynne Featherstone: Therein lies the question of the training resource.

The experience in the House this week has been a sobering one. All in the House argued and fought for what they believed was right. I take exception to the implication by those on the Labour Benches that if one does not agree with 90 days, one does not take terrorism seriously.

Huw Irranca-Davies (Ogmore) (Lab): Will the hon. Lady give way?

Lynne Featherstone: No, I have reached my conclusion.

We all act according to what we believe is in the best interests of our constituents.

3.40 pm

Mr. David Anderson (Blaydon) (Lab): May I first thank the hon. Member for Orkney and Shetland (Mr. Carmichael)? As a lifelong fan of Sunderland football club, I am over the moon to hear that anybody follows Sunderland because we are desperate for support wherever we can get it.

I welcome the concern and interest with which the Government have listened to the voice of public servants in this debate and the time and energy that they have put into letting us know what the police know. I hope that that bodes well for the future and that we listen to public servants and the organisations that represent them when we are dealing with health and education reforms.

No one is unaware of the importance of this legislation. Despite the long, sad history of terrorism that these islands have been subjected to over the past 35 years, we face a situation that, for many reasons that have been well rehearsed in this Chamber over the past few days, is unprecedented. I will not rehearse those reasons again. We have had masses of information—whether it has been good, bad or indifferent, we have had lots of it from many sources—particularly from those to whom we turn when we want them to look after us and our people. They believe that this unprecedented threat warrants draconian measures that have no parallel in any period of our history. We decided, in our wisdom, not to give them the powers that they sought, but whether we agree with 28 days, 90 days or something in between, we must not let the situation that we face prevent us from looking at this law in the same way as any other. We have to be convinced that although it might be right and proper to use strong measures to counter this very real threat, we have constructed the law so that it cannot be perverted or misused in future.

[Mr. David Anderson]

Earlier this week, I raised with my right hon. Friend the Home Secretary and with chief police officers—the personnel concerned with security in this country—the way in which most right-minded people viewed existing laws as being abused during the miners strike in 1984–85. At that time, police were using Road Traffic Acts and section 5 of the Public Order Act 1936 to halt miners at the Dartford tunnel and tell them that they were not allowed to travel the 200 miles to Nottingham, even though people were trying to enjoy their legal right to picket. We had exclusion orders given as bail conditions, which meant that miners were separated from their families and communities, sometimes for months on end. Perhaps most seriously of all, we saw the use of the Riot Act at Mansfield and Orgreave, out of which, ultimately, no cases were proven. The impact of the application of those laws had the desired effect sought by the Government of the day, who, after all, believed that the people concerned were the enemy within. Miners and their union were prevented from using their right to picket and convince others to support them; the misuse of those laws took them out of the game. We hope that these laws will not be used in that way.

I have been advised, and I accept, that the situation is not the same as in 1984. If the Bill had been tightly drawn, so that it could never be used against anyone other than those we are facing today, I would have felt more comfortable with the proposals right from the start. I also have to face up to the fact that our job is not just to prevent innocent people from being locked up; it is also to prevent innocent people from being blown up. Like everyone in the House, I hope that I do not have to visit a mother or father in the next few years and say, "I'm very sorry that your son or your daughter was locked up when they should not have been." Bad as that would be, surely it would be worse to go and see a mother and father and say, "Sorry your son, your daughter, has been blown up. That should not have happened and I might have been able to stop it."

That is the real challenge that has faced the House over the past month. We must face up to our responsibilities. I believe that hon. Members have acted in good faith and shown good judgment. My hon. Friend the Member for Sunderland, North (Bill Etherington) is a good friend of mine, but he was also my leader and mentor for many years in my previous existence. I respect what he said today and I hope that he reciprocates my feelings.

I believe that we should have given the police the 90 days for which they asked. I accept that what we have given them represents an extraordinary step, and I look forward to the day when we are able to take it back because they do not need it any more. That day should be the real goal for all of us in the House.

John Hemming: The argument used for detention pre-charge is that questioning cannot occur after charge. What is there in law to prevent that?

Mr. Anderson: I have listened to all sides of the argument. I took umbrage about the lack of respect shown to Gareth Peirce, but I have also listened to the Home Secretary and the police chiefs. As the hon. Member for South Staffordshire (Sir Patrick Cormack) said, some of us have had the privilege to listen to Sir Hugh Orde. It is pity that most hon. Members did not have the opportunity to do that, as I think that he is in a unique position to offer advice. We have to live with the version of Bill that we have arrived at, and I hope that the outcome will be positive.

I return to the lessons that we can learn from 1984. We can debate the rights and wrongs of what happened forever, but the actions of the Government at the time, and of the police and the judiciary, led to a massive feeling of disillusion in the mining communities. People came to mistrust the police, and many still do. In addition, 11,000 people were arrested in the dispute. Most were regarded as heroes in the mining communities. If the Bill causes the same thing to happen in Muslim communities, we will have a big problem. The Government therefore must make sure that the legislation is as tight as possible. It must be applied fairly, and it must not be abused.

The legislation must be monitored properly—that is vital. I am not sure what the impact of the sunset clause will be, but the law must be used very sparingly. It must be subject to the closest possible scrutiny and applied very tightly. We cannot return to what happened in 1984, when so much mistrust was caused. If that happens, the problems that we face could become a great deal worse.

3.48 pm

Mr. Peter Robinson (Belfast, East) (DUP): This has been a challenging Bill for all of us in the House. Those of us who have sat through all its stages will know that it required us to dig deep into our consciences and reach a considered judgment on many serious issues.

I hope that the Government do not come to believe that they have been defeated. They have produced a Bill that will offer a considerable advantage in the war against terrorism. The one issue that has divided the House should not be allowed to cloud the overall impact of the Bill, much of which, in its amended form, will be of great value.

I want to touch on three issues. First, my colleagues and I will support the Third Reading of the Bill, even though we remain concerned about the question of glorification. Those proposals are drawn very widely and we are worried about some of the possible uses to which the clause may be put. We are also concerned that the Director of Public Prosecutions is the only safeguard against abuse of the provision. However, the overall benefit of the legislation is sufficient for us to set that concern to one side and perhaps to hope that the other place may be able to take some corrective measures.

We have been mindful throughout the process that this is a terrorist Bill. At every stage that has been at the forefront of my mind, particularly coming from where I do in Northern Ireland. The Province that I represent has suffered considerably over the past four decades. Members who represent Northern Ireland know better than most what the dangers of terrorism are and what the impact of various elements of legislation can be. Therefore, we approached the debate recognising that difficult decisions had to be taken and might not always be understood.

The second issue that I want to touch on is the need for the House to be united in the battle against terrorism. I can well understand that the Home Secretary is a little bruised today. He seems to be flaying around a little. However, I do not believe that the type of yah-boo politics, "I'm tougher against terrorism than you are" will advance us. Conservatives could argue that they suggested that intercept evidence should be taken into account, which would have toughened the legislation. If I wanted to get into yah-boo politics no doubt I would say that it ill became the Government to lecture the House about being tough on terrorism when, on the day of the Committee stage key vote, they introduced legislation to allow on-the-run terrorists in Northern Ireland to go through a farce of a judicial process to be freed. It does not help us to go down that road. It is far better that we all recognise that the House must be seen to be united in the battle against terrorism.

I certainly take it hard to hear the Home Secretary say that those of us who voted for 28 days are soft on terrorism. I entered politics because my friend was killed by terrorists. Few of my colleagues on this Bench have not been shot at or bombed. I have had two bombs sent to me and I have to have permanent police protection because of the danger from terrorism. Nobody in Northern Ireland would consider me to be soft on terrorists.

I come from a party that was opposed to internment. Because we are regarded as at least a centre right party, most people would have expected us to support internment. We opposed it and we were right to do so. We saw the effects that it had in Northern Ireland. I am not saying that the 90 days would have been in effect internment, but there were similar features. The impact on the nationalist community at first, and within sections of the Unionist community later when people were picked up, held for long periods and ultimately released, undoubtedly aided those who wanted to stir up the anger of the community against the state. There is no inconsistency in our position that we were opposed to internment.

From Second Reading, we made it clear to the Home Secretary that we were convinced from the evidence from chief constables and others that he had a case to increase the detention period beyond the existing 14 days, but we were not at that stage convinced that he had made a case to extend it to 90 days. We supported the Government on Second Reading to give the Home Secretary the opportunity to convince us and, frankly, we were open to be convinced. In our own discussions we felt that there certainly was a case to extend the period to 28 days. We were even minded to go as far as 60 days, but no case suggested to us that 90 days was the appropriate length of time. I do not say—and I hope that no one will suggest—that 90 days was right or wrong, or that 28 days is right or wrong. It was a judgment call; it is not an exact science. There are advantages to 90 days and advantages to 28 days, as well as disadvantages to both.

The overall balance that we struck recognised the dangers involved in a very long period of detention, not simply because the evidence produced in a court might be rejected because of the length of time for which an individual had been examined, but because of the injustices that could be caused as a result, especially for those who might be considered vulnerable. I am reminded of the case that is known in Northern Ireland as the UDR Four. Serving soldiers were charged and convicted of murder. They were later brought before an appeal court and three of them were released, because the convictions were unsafe. The case did not involve individuals who would have felt strange in the company of police officers or unaccustomed to the pressures of the examination to which they were subjected. However, after a period of detention, they made confessions because of the strain of the examination by the police. If that was possible under existing terror laws in Northern Ireland, it would certainly be possible during detention for 90 days. The problem is not only that the courts would find it difficult to rely on such evidence, but the injustice that might arise as a result.

Like the hon. Member for Blaydon (Mr. Anderson), I think that many people would say that we should have a heavy heart if someone were detained for 90 days and then released without charge, because they would feel a sense of injustice. We would have even heavier hearts if allowing detention for 90 days would have prevented a terrorist act from taking place. However, that argument could be advanced for 120 days, 360 days or beyond and that is why we had to make a judgment.

Our view was that if the police could not come up with at least a holding charge within the time frame that my party was prepared to allow of between 28 and 60 days, it was unlikely that they would be able to produce a more substantive charge by the end of 90 days. The decision that has been reached is the best in the circumstances. The House has settled its mind on the issue and I trust that we can bind the wounds that divided us and move forward, united, in the battle against terrorism.

3.58 pm

Mary Creagh (Wakefield) (Lab): I must start by returning, in the nicest possible way, the gold cup for loyalty that the hon. Member for Buckingham (John Bercow) awarded to me earlier after some of my interventions, because I do not believe that the Bill is perfect. It certainly was not perfect in the form in which I first saw it in the middle of September and I still have concerns about it.

I share the concerns of the hon. Member for Orkney and Shetland (Mr. Carmichael) about clauses 6 and 8 and those of the hon. Member for Beaconsfield (Mr. Grieve) about clause 6 especially. The aspect that jumped out at me was the definition of training for terrorism. In the United States, people who had trained the 9/11 bombers had suspicions that the training would be used for nefarious purposes and had alerted the police, although the intelligence was not acted on. Under the Bill, however, they would be guilty of knowing or suspecting if they continued to give that training.

As a former academic, I also have concerns about my colleagues in education and higher education who may feel inhibited about teaching microbiology, chemistry or other things to students. Their academic freedom might be compromised by a disaffected student or, as is often the case in higher education, an envious colleague who might bring a malicious case against them.

I am also concerned about what would happen to the people held under the provisions. They will clearly be held not in police facilities but in high-security prisons. I have visited the high-security category A prison in my

[Mary Creagh]

constituency and seen the conditions in which high-security prisoners are kept. I would not wish that on anyone for any length of time.

The debate has focused on the nature of the threat that we feel, but we need to return to the basic facts of the Bill.

Mr. Grieve: I listened carefully to the hon. Lady's point about academics. Does she agree that it must be possible to devise a provision that gives adequate protection for those in teaching who distribute such literature, rather than leaving them with no protection in law?

Mary Creagh: We shall have to wait to see what comes back from the other place. I am disappointed that such a provision was not drafted in this place, but I realise that people may have had other things on their minds.

I share the interest of my hon. Friend the Member for Blaydon (Mr. Anderson) in the transformation of the Conservative party from a party that brought in the Riot Act, and used the law to hamper civil liberties, to a party of defenders of civil rights. I have listened carefully to debates on the measure over recent weeks, especially during the last few days. I am a member of the Joint Committee on Human Rights and I want to return to the pre-eminent right, which must be protected above all rights: article 2 of the European convention on human rights states:

> "Everyone's right to life should be protected by law."

It places an absolute duty on the state to protect life, but yesterday I heard nothing about that from the right hon. Member for Haltemprice and Howden (David Davis); yet from that right, all other rights flow. Article 5 states that everyone has the right to liberty and security of the person, but there are exceptions. To protect the 61 million people who live on these islands, we must ensure that the rights are balanced.

On 7 July, 52 people were deprived of their fundamental right to life. Hundreds more suffered the agony and anxiety of losing limbs when they were caught up in the evil work of the bombers. More people were spared from losing their lives on 21 July. About a week later, the House was locked down. When I asked a police officer what was going on, he said that there was credible intelligence that a suicide bomber was in the Westminster area and on his way to this place. I have to say that I did not notice a rush of people running towards the locked doors. When people were being brought in from the Terrace, they were not happy about what was going on. We must remember such moments, because they define us as a civilised country. Is that how we want to be defined? I do not want to be defined by my response on that day. We are guilty of forgetting too easily what happened to us in July and the horrific consequences if that were ever to happen again.

The right hon. and learned Member for Rushcliffe (Mr. Clarke) is no longer in the Chamber. I am sorry that he cannot hear me say that I agree with him: terrorism is not new. I grew up in Coventry in the 1970s and 1980s. My parents were Irish—my mother from the north, my father from the south. We were part of a Catholic community. Our parish priest was imprisoned for making bombs. It is uncomfortable to be part of a community under suspicion. Fights broke out on the assembly line at British Leyland in Birmingham when people argued about the issues. Irish people were accused of being terrorists simply because of their accent. Unfortunately, in those days, people were accused and locked up because the police judged them simply on the basis of their accents. That is simply not the case now. I am glad to say that policing has moved on in the past 20 years, and we must move forward and deal with new times, new terrorism, new techniques and find new strategies to deal with the new threats that we face.

I voted yesterday for 90 days. I serve on the Joint Committee on Human Rights, and I have listened for an hour to Peter Clarke, who is the assistant commissioner for terrorism at Scotland Yard. I recommend the evidence that he gave to our Committee to the hon. Member for South Staffordshire (Sir Patrick Cormack) because it is illuminating. He says that one constant difficulty relates to the fact that hon. Members have been asking, "What is the one reason for 90 days?" We asked the police that, and the problem is that no one thing points to 90 days. The problem is complicated and difficult. There are many different strands and a tiny number of cases, which are currently sub judice, that could help the police in guiding us to a better conclusion.

Mr. Tobias Ellwood (Bournemouth, East) (Con): Will the hon. Lady give way?

Mary Creagh: I will not give way, because three more hon. Members want to speak and the debate has a time scale.

I sometimes feel that we have forgotten the nature and scale of what we are dealing with. I feel that there is a Pollyanna optimism that everything will turn out well, or a sort of defeatism that says that we have had terrorism before and we will have it in the future. I do not want to go back to Wakefield and tell people that I did not do my best to stop terrorism. I am an optimist, too. I believe in the potential of human beings, but in dealing with terrorists, we should hope for the best but plan for the worst. I passionately hope that, when we hold a debate under the review clause in a year's time, we will not regret the results of yesterday's vote.

4.6 pm

Stewart Hosie (Dundee, East) (SNP): The hon. Member for Belfast, East (Mr. Robinson) was right when he said that we should be united in the fight against terrorism. I agree wholeheartedly with that. I have listened to many of the contributions throughout the process and I am convinced by the sincerity of every person in his or her own way in wanting to challenge this difficult problem. It is telling that the Democratic Unionist, Liberal and Conservative spokesmen have suggested that, if the motion is pushed to a vote, they will either back the Government or abstain. We in the Scottish National party would support the Government on Third Reading in the unlikely event of a vote this evening.

There is much to commend the Bill, particularly in its amended form. The provisions on acts preparatory to terrorism are helpful and those on attendance at a training facility are necessary, notwithstanding the possible lack of a defence in certain highly unusual but possible circumstances. The adherence to the international conventions is also very useful. I welcome the confirmation that we were given in previous debates that trespass at atomic facilities will be dealt with under serious crime legislation and that such charges would not necessarily involve terrorist offences, unless there was terrorist intent. That was a useful assurance to tease out of the Government.

I welcome the Home Secretary's comments yesterday that he would agree to consider post-charge questioning, although from everything that we have heard from the right hon. and learned Member for Rushcliffe (Mr. Clarke) and other Members, that issue seems less difficult than many of us imagined. I welcome the sunset clause and the review, although I hope that the Minister will take on board the view that any amendment in another place should be very much in line with the sunset clause that the House voted for yesterday.

As I said yesterday, I welcome the changes in the provisions on intent and recklessness, notwithstanding the possible wrong definition. I hope that the Government will take that on board. If the hon. Member for Beaconsfield (Mr. Grieve) is right, it would be ludicrous to throw out the amendment to the recklessness test. I welcome the tightening to ensure that encouragement must be addressed to individuals and that it must be shown that they have gained benefit from it. I have also said that previously.

I am very pleased indeed about the confirmation that we appeared to receive that those subject to extended pre-charge detention of between 14 and 28 days will be entitled to legal representation and, presumably, at least some indication of the likely charge that they may face. That seems to be a huge safeguard in the extended pre-charge detention period, and I very much welcome that.

Of course, we had the heat, froth and fallout in the newspapers about the pre-charge detention period. I hope that the Minister for Policing, Security and Community Safety will respond positively to this point. Many people wanted a period of 14 days on a point of principle, but were prepared to move to 28 days. Hon. Members on these Benches chose the provision for 28 days on a point of principle because it doubled the length of time allowed, which we thought was adequate. I hope that she will realise that there was a rationale for choosing 28 days. We believed that that time period did not breach the right against arbitrary detention. We also thought that evidence obtained prior to the end of the 28-day period would be admissible in a court of law, but that evidence garnered thereafter might not be. Given the Home Secretary's absence, I hope that the Minister will be more generous than he was earlier by accepting that those of us who chose 28 days on a point of principle did so for good reasons, not for some of the nefarious reasons that he perhaps tetchily mentioned earlier.

When the Bill returns to the House after amendment elsewhere, may I suggest that serious consideration is given to allowing provisions on phone tap evidence to be included, notwithstanding some of the difficulties that that might cause the Government? It is not legislation itself, nor even the unity of purpose of the Commons, that will defeat terrorism, but additional resources for the intelligence community, as we have consistently said. Although it is slightly off the remit of the Bill, I hope that the Minister will turn her attention to that in her reply.

4.11 pm

Mr. David Kidney (Stafford) (Lab): The House has arrived at a settled position, so it is now our responsibility to make the Bill work. I assume that the other place will revise the Bill, rather than transform it.

I want to consider the advice that we should give to the police on the rare occasions when a person has been detained for 27 days and not yet charged. I believe the police and the security forces when they say that they are working actively to prevent and deter terrorist attacks on our soil. I understand why they say that they intervene sooner rather than later. We have heard a lot about how the police can get things wrong, but if they get this wrong, the results could be catastrophic, which is why they require time for investigation. We know that delays to an investigation could be caused by the decrypting of computer evidence, inquiries overseas and the tracing of records on the multiple use of pay-as-you-go mobile phones. The police need reasonable suspicion to arrest people, but admissible evidence to charge them. By the end of 28 days, the police will have to decide whether to charge or release. The House must advise them that, if they have not finished their inquiries and do not have admissible evidence, they must release.

Some people hope that the police will charge people with other offences instead. Liberal Democrat Members say that the police could charge a suspect with a lesser terrorist offence. However, the police advise us that they will not have reached the point at which they can decide to charge because they will not have the evidence to charge a person with a terrorist offence at all.

Some people have suggested that, if a person is charged with terrorism and must thus be put before a court, the court would of course refuse bail. However, the Hayman briefing note points out that a terrorist was granted bail and left the country, but the police subsequently believed that he was a prime conspirator, so that assertion does not help us. Conservative Members have said that a person could be charged for other reasons, such as not giving the decryption key to the police. However, that would mean that the person would have the right to attempt to get bail, which would interfere with questioning after charge.

If we have to change the law to allow people to be questioned after charge and to stop them being granted bail, but if no one says for how much longer after 28 days such questioning may go on, we will end up in the same position as we would have reached under the Government's proposal. However, we would have done more damage to our system and given more ammunition to those who are against us and say through their propaganda that the police make trumped-up charges, keep people in and question them until they get their evidence.

4.14 pm

John Bercow (Buckingham) (Con): The Government say that the main provisions of the Bill are necessary. As William Pitt said as long ago as 1783:

> "Necessity is the plea for every infringement of human freedom: it is the argument of tyrants; it is the creed of slaves."

[John Bercow]

The debate has, on the whole, taken place in a good-tempered and sometimes even convivial fashion, so let me be clear: I do not suggest for one moment that the Prime Minister is a tyrant. I think he is a patriot and, as my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) said, a person of remarkable qualities and courage. I think that sometimes he is right. I happen to think on this occasion that he is wrong. It is a question of an honest difference of opinion—a concept that I hope the Government and their Back Benchers would be prepared to recognise.

Specifically, the kernel of my objection to the Bill in its current form—as it was my objection on Second Reading—is that it contains too broad a range of powers, which are too vaguely defined and threaten too much damage, in return for too little benefit. I want to focus on a couple of the arguments that the Government have advanced in support of it. Neither of them strikes me as compelling.

One argument is to say that the public want it. That, frankly, will not do. As my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) argued in a powerful contribution, we cannot reduce ourselves to a situation in which we accept that legislation should be formulated, defended and passed on the basis of survey research or an opinion poll. I argue—I think legitimately so—that we should heed the words of Edmund Burke who, in his letter to the electors of Bristol in 1774, said that he was their Member of Parliament and representative, and in that capacity he owed them not merely his industry, but his judgment, and he betrayed, instead of serving them, if he sacrificed his judgment to their opinion.

We must be prepared to look at the merits of the case. If we are not robust enough emotionally and intellectually to withstand the rather downmarket, low-grade and substandard attacks on us that will emanate from the veritable organ of public opinion, *The Sun* newspaper, we should not be in this place. I want to argue the case on its merits.

The second argument that the Government advance, to which we have to pay significant attention, but which I do not regard as conclusive, is that the police tell us that the power is necessary. I was concerned by the argument of the hon. Member for Ochil and South Perthshire (Gordon Banks), who said that he was guided by that argument because we have to listen to the experts. We have a responsibility to listen to, but not be overwhelmingly persuaded by, the experts' view. That is especially so if we are not told of the evidential basis for that view. The argument, "The police say it's necessary, and that's good enough for me", may be good enough for some hon. Members, but it is not good enough for me.

I want to know the evidential case for an extension of the period of detention without charge from 14 days to 28 days. I am still not convinced that there is such a case. I certainly should want to be persuaded that there was a compelling evidential case for 90 days. It is my view that there is a better way forward. Intercept evidence should be admissible in court proceedings. I fear that the Home Office is against that because, were the policy adopted, it would require warrants to be issued on the basis of a decision by a judge and not simply on the say-so of a junior Home Office Minister. Nevertheless, it is the right course of action and the Government should adopt it.

Moreover, there is a better approach. If the security services cannot manage—it is a difficult process because they would have to download computer files, de-encrypt and study the detail—let us have a massive increase in the investment in the personnel, resources and training that are required to enable the police and intelligence services to do their job. I am sad that that argument was not properly explored before the Government contemplated and advocated the abandonment of an historic liberty of the British people. If, in blindfold pursuit of enhanced security, we sacrifice precious liberty we shall end up with neither enhanced security nor precious liberty. That would be a tragedy. I respect the Government's integrity. I believe that they are motivated by the highest considerations of national protection and public service, but I honestly believe that they are wrong.

4.20 pm

Patrick Mercer (Newark) (Con): It is a pleasure to follow my hon. Friend the Member for Buckingham (John Bercow). I was particularly interested in the comments that he made about the attempt to reintroduce intercept evidence. It is worth pointing out that within the past few days the Australian Government have avoided a serious attack—we assume by Islamist fundamentalists. There was excellent intelligence work, excellent intelligence gathering and excellent police work. Yet that Government are now wrangling over whether they should extend their period of detention up to that huge limit of 14 days.

We have had some very interesting and helpful speeches from hon. Members on both sides of the Floor. One of the best speeches came from the hon. Member for Sunderland, North (Bill Etherington), who touched with great principle on a number of subjects, not least internment. The hon. Member for Blaydon (Mr. Anderson) spoke equally well but from a different point of view. The hon. Members for Dundee, East (Stewart Hosie) and for Hornsey and Wood Green (Lynne Featherstone) talked of matters of high principle. Those speeches sit in stark contrast with that of the hon. Member for Ealing, Southall (Mr. Khabra), who made a rather bitter speech that impugned many people's intentions and many people's honour within the House.

One of the most moving speeches was from the hon. Member for Belfast, East (Mr. Robinson). He began by talking about the need to get through and beyond and to grow up from yah-boo politics. He, too, mentioned the juxtaposition of internment as opposed to 28 days and 90 days. He spoke also, movingly, about the need for the House to combine across the parties in the fight against terrorism. The comments of my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) were particularly helpful and illuminating. I agree with him that it does not seem that the Bill falls within the category of emergency legislation. I will deal in more detail with the comments of my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) in a moment.

I thought that the hon. Member for Linlithgow and East Falkland—*[Interruption.]* I beg the hon. Gentleman's pardon. I was referring to the hon. Member for Linlithgow and East Falkirk (Michael Connarty). The Falklands are a long way from home. I am sure that his constituents will not be grateful for that slip. The hon. Gentleman made an interesting series of points but failed to look outside the fact that the Bill should go much further than it attempts to do at present.

My right hon. and learned Friend the Member for Rushcliffe made that [illegible] exactly correctly when he talked about the terrorists' aim to produce an overreaction inside this country. The hon. Member for Orkney and Shetland (Mr. Carmichael) touched cleverly on that. He made the point that longer detention gives a greater possibility of evidence being obtained under duress. That is certainly something of which I have personal experience. I shall return to that.

The speeches that started the debate need to be examined in a little more detail. The Home Secretary started with the theme of internment. Whether one uses the term or whether, like the hon. Member for Belfast, East, one merely touches on it as having parallels with the problems in Northern Ireland, the one thing that convinced me of the need to go no further than 28 days was my experience of internment in Northern Ireland. I suspect the Minister for Immigration, Citizenship and Nationality would disagree, and he is welcome to do so, but there are parallels. There are similarities and dissimilarities. In a number of arrests that I carried out, people said to me, "I have never lifted a hand against the Crown forces. Yes, I am a nationalist. Yes, I am even a republican. But the thing that persuaded me and persuaded others was my unlawful detention for a long and unnecessary period." I cannot help but feel that, as a number of right hon. and hon. Members said today, if we introduce a period greater than 28 days—I am unhappy even with that—we are in grave danger of producing discontented people who will go back to the communities from which they came and spread the word of resentment against the Government.

Interestingly, my hon. Friend the Member for New Forest, East (Dr. Lewis), in an intervention, spoke about the charge of sedition and why that has not been used. My hon. Friend the Member for Beaconsfield (Mr. Grieve), who has done such a brilliant job of leading on the Bill through all its stages, dealt in some depth with the nonsense of glorification and indirect incitement. He posed the question why no preachers of hate have been charged under current legislation. He went on to speak about the definition of terrorism and about the Government's vacillation, which has done them no favours over the past 10 days or so.

If the House is to continue to consider only legislation, we would do well to concentrate on the comments of my right hon. and learned Friend the Member for Rushcliffe who spoke of the Bill as mere gesture. We must get right the period of detention that we impose on our citizens before they are charged, but if the Bill really were emergency legislation, it should have been dealt with immediately after the attacks in July. We made that offer to the Government at the time. I fail to understand why we spend so much time concentrating on legislation which, after all, will not deter a terrorist from carrying out the new form of terrorism, about which we have heard so much today. If the Bill were not merely a gesture, we would have considered the concrete measures needed to protect our people and physically stop such attacks happening again.

I regret that the Government have changed their position several times. I thought last week that the Home Secretary would reach some accommodation with us that allowed the whole House to go forward together. Sadly, I believe that the Prime Minister changed the Home Secretary's mind. That has weakened the Government's position, both in their own eyes and in the eyes of the public. I also very much regret the way the Association of Chief Police Officers has been used to make political points and, to borrow the words of the hon. Member for Orkney and Shetland, to lobby and not to brief. Those are powerful words.

We will support the Bill. Nevertheless, I am grateful to Opposition and Government Members for making it a very much more sensible and reasonable Bill, which I hope will stand us in good stead in the future.

4.28 pm

The Minister for Policing, Security and Community Safety (Hazel Blears): This has been a good debate and I am grateful to all hon. Members who have taken part. Although our audience is a little depleted compared with yesterday, some important issues have been raised. The Bill has had a fairly eventful passage through the House. The hon. Member for Newark (Patrick Mercer) asked why we did not introduce it in the immediate aftermath of the events of 7 July. We gave undertakings that we would deal with the Bill in normal time as far as we could, so that it received proper scrutiny in the House and was not dealt with by way of emergency legislation. I thought that had broad support.

The Bill is the better for having had that scrutiny. I cannot say that I am entirely happy with all the changes that have been made to it, but in some respects genuine amendments have been made which help to strengthen it. Everybody is, therefore, engaged in a fairly sensible debate in the main and we will see what happens when the Bill returns from the other place.

All I say to Members of the other place is that the major issues have been debated at length here and Members of this Chamber have voted on many of them. I want Members of the other place to take note of the fact that we are considering issues of national security—the safety of our nation—and it is therefore right and proper that the elected Chamber take a view. I ask them to take the issues on which we have voted extremely seriously.

I asked the hon. Member for Beaconsfield (Mr. Grieve) whether he could find it in his heart to acknowledge that clause 1 was better now than in its original form. He said that it was worded slightly better. I regard that as a major concession from the Opposition Front Bench and I am delighted about that.

Stephen Pound (Ealing, North) (Lab): He has gone soft.

Hazel Blears: Perhaps he has, eventually, after a great deal of discussion.

[Hazel Blears]

I understand that the hon. Gentleman finds the concept of glorification distasteful; I find people who indulge in glorification more than distasteful—they are a genuine and serious threat to the security of the nation. We will have to disagree on that basis.

I am grateful to the hon. Member for Orkney and Shetland (Mr. Carmichael) for his support for various aspects of the Bill. He made several points, including one about the threshold test. The hon. Member for Cambridge (David Howarth) has raised that matter on several occasions. It is slightly lower than the evidential test in terms of what the prosecutor looks to bring. He suggested that charging on the basis of the threshold test rather than the evidential test would be an easy alternative to a lengthier pre-detention period. I am not sure whether he knows that, if one charges on the basis of the threshold test, one must get the evidence to fulfil the evidential test within one or two days of choosing to charge on the threshold test. It is not the panacea or solution that he suggests.

David Howarth *rose—*

Hazel Blears: I know that the hon. Gentleman wants to intervene but I have only a few minutes and I want to deal with as many points as I can. I simply wanted to ensure that he was aware of the details.

Many hon. Members have asked whether post-charge questioning could be a useful additional tool in minimising the period of detention or even obviate the need for extending periods of detention. It would not fulfil the latter aim. If anything, post-charge questioning would be an additional tool, but it would not mean that all our problems with lengthier investigations had gone away. When it is in the interests of justice for detainees to have put to them—and have an opportunity to comment on—information about the offence that has come to light since they were charged or informed that they might be prosecuted, one can question post charge, but the defendant must agree to be interviewed. No hon. Members mentioned that fairly large caveat to post-charge questioning.

Mr. Grieve *rose—*

Hazel Blears: I am reluctant to give way. The hon. Gentleman spoke for half an hour at the beginning of the debate and it is therefore only fair to allow me to respond to the issues that have been raised.

I want to comment on the paper from Andy Hayman. The hon. Member for Buckingham (John Bercow) said, in a very fair contribution, that he was simply not convinced of the case. We must agree to differ on that. However, he said that the evidential case contained insufficient information to convince him. In the cases that Andy Hayman outlined, it is difficult to specify 90 days rather than 89, 91, 84 or 92. I ask hon. Members not to fixate on that.

The police said that, in the circumstances that we are considering, their best professional advice was that an extended period of detention to 90 days in a small minority of cases, and subject to extensive judicial scrutiny, would give them the powers that they believed were necessary to conduct their investigations, bring the proper charges and have a better chance of bringing a successful prosecution.

In one of the cases—a genuine case, which is sub judice so we cannot go into many details—that Andy Hayman outlined, he said that police were unable to put many key pieces of evidence to the suspects after the 14 days had expired. They could not put them to the suspects in an interview because they were not discovered until after the detention period had elapsed. If one cannot put the evidence to the person who is the subject of the charge, one cannot get an explanation of the circumstances of the evidence and, when one gets to trial, the evidence is much weaker. I presume that the hon. Gentleman has read Andy Hayman's paper in great detail, because he is the kind of Member who would. That paper contains a series of examples that have, in some cases, perhaps been brushed aside too lightly.

My hon. Friend the Member for Blaydon (Mr. Anderson) made an excellent contribution, and I am very grateful for his support. I know from our correspondence that he has genuinely struggled with these issues, and with the question of how to strike the right balance. I am pleased to have been able to write to him and other hon. Members to set out the position with regard to industrial disputes, and to give them the reassurance that these powers are to be used only in the case of terrorism, and not in the case of legitimate protest. I am grateful to my hon. Friend for the way in which he raised those issues. He struggled with them, he came to a decision, and I am delighted that he supported us.

My hon. Friend the Member for Linlithgow and East Falkirk (Michael Connarty)—his constituency is slightly closer to home than the Falklands—raised important issues. I was pleased that he supported us. I want to reassure him that, in regard to the recklessness test, there will have to be a realistic prospect of conviction, and it will have to be in the public interest. It would not be in the public interest to prosecute people who were perfectly innocent and who could have failed to appreciate the effect of their statements. My hon. Friend made the important point that perhaps we have become a bit too fixated on the length of time for detention, rather than concentrating on the process. He said that he would have been happy with 90 days, if not longer, provided that he was reassured about the scrutiny process. I was interested in the way in which he put that argument. He asked for an assurance that 28 days would not be the norm, and that it would be a maximum. I am happy to give him that assurance. That provision will be subject to regular review.

My hon. Friend the Member for Wakefield (Mary Creagh) made an excellent speech, in which she clearly showed that she will not be the recipient of the gold challenge cup for Blairite loyalism, and that she is an active, intelligent—*[Interruption.]* No, I have not won it either. I have the ultra-loyalist cup for being a member of a Labour Government. My hon. Friend is an active, engaged Member who has taken these issues extremely seriously. She raised important issues about safeguards for university lecturers and librarians. The Bill does contain safeguards, but I have no doubt that she will continue to follow up that issue. Her passionate advocacy of the rights of her constituents was greatly appreciated.

I welcome the support of my hon. Friend the Member for Ochil and South Perthshire (Gordon Banks), and the way in which he expressed his sincere concern for the security of his constituents. My hon. Friend the Member for Ealing, Southall (Mr. Khabra) also supported the Bill, and emphasised the new complexity and the evils of terrorism that we face. My hon. Friend the Member for Stafford (Mr. Kidney) gave a clear and cogent explanation of the difficulties of obtaining evidence, which brought something extra to the debate. I was also grateful for his expertise in challenging Liberal Democrat Members on the question of detention.

The hon. Member for Belfast, East (Mr. Robinson) made a very moving speech in which he set out some of the difficulties that we have grappled with, and recognised the integrity of all the parties. The hon. Member for Dundee, East (Stewart Hosie) welcomed the changes that have been made to the Bill. I am happy to reassure him about the massive extra investment that we have put into the security services to strengthen our intelligence capacity and capability. He mentioned intercept evidence, and we will continue to keep that matter under review, as I know that it is of concern right across the House.

The right hon. and learned Member for Rushcliffe (Mr. Clarke) again raised some of the issues that he raised yesterday. I can reassure him that this is not about gesture politics. The measure on offences preparatory to terrorism is really important. On direct and indirect incitement, we do not have indirect incitement on the statute book at the moment. Also, there are differences between the terrorism that faces us now and the terrorism that we have faced in the past. Certainly the emergence of suicide bombers is something that we have not seen in the past, and it presents a real challenge for us to deal with.

The hon. Member for South Staffordshire (Sir Patrick Cormack) asked for further information and briefing. As I have said, I think that the papers provided by Andy Hayman were extremely useful—

It being four hours after the commencement of proceedings on Third Reading, MR. DEPUTY SPEAKER *put the Question already proposed from the Chair, pursuant to Order [26 October].*

Question agreed to.

Bill accordingly read the Third time, and passed.

Mr. Deputy Speaker (Sir Alan Haselhurst): I propose to put together motions 2 and 3.

EUROPEAN COMMUNITY DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees).

UN MILLENNIUM DEVELOPMENT GOALS

That this House takes note of European Union Documents No. 8137/05, Commission Communication on Policy Coherence for Development: Accelerating progress towards attaining the Millennium Development Goals (MDGs), No 8138/05, Commission Communication on Speeding up progress towards the Millennium Development Goals—the European Union's contribution, and No. 8139/05, Commission Communication on Accelerating progress towards attaining the Millennium Development Goals—Financing for Development and Aid Effectiveness; and supports the Government's view welcoming the EU's recognition that its non-aid policies have an important impact on developing countries' prospects for growth and development, including attaining the MDGs; welcoming EU Member States' commitments to double annual EU aid to all developing countries by 2010, with at least 50 per cent. of the agreed increase going to Africa, and to achieving the 0.7 per cent. ODA/GNI target by 2015; and welcoming agreements on increased aid effectiveness under the Paris Declaration, untying of aid, trade-related assistance, multilateral debt relief and innovative financing in line with the outcomes of the UN Millennium Review Summit to take stock of progress towards the MDGs.

EUROPEAN INFORMATION SOCIETY FOR GROWTH AND EMPLOYMENT

That this House takes note of European Union Document No. 9758/05, Commission Communication: i2010—A European Information Society for Growth and Employment; and supports the Government view welcoming the objectives of the Commission's i2010 Strategy and endorses the Government's work, during its Presidency of the EU, to identify and agree on the respective responsibilities of all players and the most important actions they need to undertake to ensure that i2010 makes a real contribution to the Lisbon objective to make Europe 'the most competitive and dynamic knowledge-based economy in the world by 2010'.—*[Mr. Alan Campbell.]*

Question agreed to.

DELEGATED LEGISLATION

Ordered,

That the Plant Breeder's Rights (Discontinuation of Prior Use Exemption) Order 2005 (S.I., 2005, No. 2726) dated 3rd October 2005 and the Supply of Relevant Veterinary Medicinal Products Order 2005 (S.I., 2005, No. 2751), dated 4th October 2005, be referred to Standing Committees on Delegated Legislation.—*[Mr. Alan Campbell.]*

Local Government Funding (Kent)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Alan Campbell.]*

4.39 pm

Greg Clark (Tunbridge Wells) (Con): I am grateful to have the opportunity to raise the subject of local government finance in Kent. I am grateful to the Minister of State for being here at the end of what has been a busy week for all of us, and to my hon. Friends for joining me for this important discussion. I do not intend to use this opportunity to excoriate the Government to make us all feel better. Instead, I want to take the opportunity to make some serious points, and to invite the Minister to reflect further on some of the pressures that my and my hon. Friends' constituents face when the budget settlement, on which Ministers are consulting, is finalised.

People get the wrong idea about Kent. Because it is close to London, in the south-east of England and has beautiful countryside and historic towns and cities, such as the one that I am proud to represent, they assume that we are universally affluent, with no social or economic problems or real worries. That is far from the case, however. Even Tunbridge Wells has some areas where deprivation is as extreme as in other places that are more renowned for their levels of social deprivation. A charity in my constituency that does fantastic work in one of the most deprived areas of the county has even had to take the name Tunbridge Wells off its letterhead, because its experience was that when looking for donors and applying for grants, people turned a blind eye and assumed that there was no possible need to help the poor and vulnerable in Tunbridge Wells. That is not the case.

Kent is more surprising than many in the outside world realise. In terms of deprivation, for example, 12 per cent. of Kent constituents are wholly dependent on benefits—a massive figure. Kent has 5.6 per cent. of all the looked-after children in the country, which is twice the national average. It is important that we give the best possible service to those young people.

Far from being an area in which proximity to Europe and London has resulted in jobs galore with high productivity and salaries, we lag behind in knowledge work. For example, only 13 per cent. of people in Kent are employed in the knowledge industries—only just over half the level in south-east England as a whole, which is 24 per cent. Areas of deprivation are therefore scattered across the county.

The case that I and, I am sure, my hon. Friends want to make to the Minister is not one of special party political pleading, but for a review of the situation in Kent. As the Minister considers the funding settlement, I want to commend such a review to him for five reasons.

First, deprivation and trends in deprivation in Kent should be considered. Sadly, deprivation in Kent is deteriorating compared with other parts of the country. Between 1991 and 2001, on all the key indices of deprivation, it has shown a marked decline. In Kent, the number of pupils in the areas of greatest deprivation is increasing, which is the opposite of the pattern across the country whereby growth in pupil numbers tends to be in the more prosperous areas. No doubt there are various reasons for that, but it is a fact. Because there is a uniformity of decline in socio-economic indicators, it is particularly important that Government funding keeps up with the facts.

We know the indices of deprivation. They are very clear in the 2001 census, and yet the Government persist in allocating funds not on the basis of that census, which is already nearly five years old, but on the basis of the 1991 census, which is almost a generation out of date. People in my constituency, especially young people, should be given their fair share—no more than that. If the Government persist in using the 1991 census, a whole generation will have passed their lives as children without the care and support that they might expect if the Government were up to date.

Sir John Stanley (Tonbridge and Malling) (Con): Does my hon. Friend agree that given the level of deprivation to which he has referred, it is unjustifiable that whereas when the Government came to office Kent council tax payers were contributing a quarter of local government expenditure, eight years later they are being asked to shoulder more than a third? Is that not grossly unfair to them?

Greg Clark: I agree with my right hon. Friend, who makes his point with characteristic force. The position is particularly unjust in view of the fact that the statistics relating to Kent match those relating to other areas that have been treated more generously. My constituents, and those of my right hon. Friend, feel let down by the Government.

The second factor is our ageing population. As we know, the population throughout the country is ageing, but in Kent that is happening with particular force. In the next 15 years, there will be 56 per cent. more people over 85 living in Kent. We know the reasons for that. People have always moved out of London to the home counties, especially to seaside resorts, to retire. A problem that affects the country as a whole affects Kent particularly severely. Yet again, however, the funding formula does not afford my constituents and Kent county council the fairness that has applied to other parts of the country. The average payment for an elderly person in the London boroughs is over £1,600 a week; the figure in Kent is £630. That is a massive difference, which cannot be explained by the cost of accommodation and services. Paradoxically, we in Kent are given much less money with which to look after our elderly people although wage pressures and property costs are as high as in other parts of the south-east.

Mr. Julian Brazier (Canterbury) (Con): My hon. Friend is making a powerful case, but the position is even worse than that. Many elderly people from London are in Kentish homes. Absurdly, there may be two elderly people side by side, one of whom is receiving more than twice as much Government funding as the other although they are in nursing or residential homes at the same cost.

Greg Clark: My hon. Friend is right. My constituents are often bewildered to find that they cannot obtain places in Kent care homes and must move miles away to Hastings or the Medway towns, because the Kent homes are full of people being funded much more generously by London boroughs.

There is a further paradox. Many people who move to Kent after retirement start off with a reasonable level of resources enabling them to look after themselves, but run through those resources as they get older, especially as care home costs increase. Because they have become resident in Kent, the Kent council tax payers end up footing the bill. A number of anomalies combine to produce a very unfair position.

The third factor that makes Kent a special case is the particular burden that we bear for the care of asylum seekers. It is appropriate that Kent, as the gateway to Europe and, in many respects, the rest of the world, should extend the warmest possible courtesies and welcome to those who come to our shores as refugees, and Kent county council has a record second to none for so doing, but that comes at a price. It is important that council tax payers who happen to be in Kent, which happens to be the gateway, are properly recompensed for that.

I am afraid that the system of obtaining what is only reasonable reimbursement of asylum costs from the Government has proved tortuous. It has taken hours of the time of Kent county council officers and cabinet members and resulted in less than satisfactory settlements that have ended up being compromises. For example, claims for 2003–04 have only recently been settled, and there is an outstanding bill of £4.5 million for 2004–05. That introduces, for a social services department that is one of the best in Britain, a damaging degree of instability. It is difficult to plan for excellent provision if it is unclear for what part, if any, the Government will pick up the bill. It is important that Kent county council should benefit from some certainty and stability in the funding of asylum costs.

The fourth area in which Kent has been relatively poorly treated is education. We have some of the best schools in the country and many of my constituents have moved to Kent because of the quality of its education. It is important for us to support our teachers and head teachers in their work. The Government's most recent regulations include a requirement for 10 per cent. of teachers' contact hours to be set aside for what is called PPA—planning, preparation and assessment. To be fair to the Government, some financial provision has been made across the country to allow for that. Kent, however, has fallen short of what is required yet again. We have received an average of 3 per cent. less funding for work force reform than the country at large. For an average-sized secondary school, that means a shortfall in funding of £100,000 a year. I know from talking to head teachers in my constituency that that is a huge sum, representing the cost of nearly three teachers. We all know how important it is to ensure that our children continue to be well educated.

Having spent time during the recess sitting in the back of classrooms and observing the work of teachers in my constituency, I saw first hand just what a strain it is for head teachers to have to arrange for these periods of preparation without the necessary resources to bring in cover or extra teachers. It has put heads and teachers in an invidious position, which should not be the case when the rest of the country has been treated more generously.

Finally, there is infrastructure. Many of my hon. Friends have experienced, and continue to experience, the pressures that growth can cause to the infrastructure in their constituencies. As it happens, Kent incorporates two of the Government's prime growth areas for residential development—the Thames Gateway and the area around Ashford. That places considerable burdens on the infrastructure. While it is true to say that some financial provision will eventually follow, Kent county councillors maintain that the Government have been niggling in the amount allocated and there is also the important issue of timing.

Eventually, the increased population will, of course, bring with it greater resources in the form of Government grants and council tax. If we are to proceed rationally, the infrastructure should be laid down in advance of people arriving in our county. Roads must be built before people need to use them and schools need to be opened before others are full. That means often running at below capacity as we build up towards higher capacity. The Government's funding allocation mechanisms compensate for population when it is there, but do not anticipate population movements. We are sure to find over the months and years ahead that schools and roads will be in the wrong place. That will occasion expenditure that will have to come from the county council's own resources, as it is not compensated for in the Government's funding formula.

So there are five specific, one might say technical reasons—none of them, I contend, are pungent party political reasons—why the settlement in Kent should be looked at carefully to ensure that it reflects these cost pressures. Sadly, that appears not to be happening. My hon. Friends will recall that when the last local government funding settlement was entered into, Kent was a big loser. Ultimately, Kent council tax payers lost £55 million. I am aware that a system of ceilings and floors will mitigate the effect of that settlement over time, but ultimately, it will cost every council tax payer in Kent in the region of £100 a year.

Because of the failure to update the socio-economic census data, which are now 15 years out of date, another £9 million has been added to Kent council tax payers' costs. It is estimated that the Government's latest proposals could result in a further relative loss of up to £33 million for Kent council tax payers. So, altogether, Kent is losing out by £100 million a year, compared with other parts of the country. For reasons that I have outlined, we have particular pressures relating to some of our most vulnerable people. This is not a situation that the Government should be proud of, and I hope that they will reflect further during this consultation period on whether it can be addressed.

It is not that Kent county council is profligate, wasteful or ineffective; quite the opposite. It is one of the United Kingdom's flagship councils. It has consistently achieved a comprehensive performance assessment rating of "excellent", and it has been especially commended for its financial prudence. It has gone beyond the Gershon targets in terms of savings made. In every respect, this is an excellent council. Over the years, its leadership has been responsible and has been prepared to engage in rational discussions with the Government. Indeed, Sir Sandy Bruce-Lockhart is one of the most respected local government figures in Britain today. *[Interruption.]* The Minister nods his assent. Sir Sandy's successor, Mr. Paul Carter, has a distinguished record in education. He knows at first hand the pressures that our schools face, and I am sure that he will continue that responsible record.

[Greg Clark]

Given that Kent county council is excellent, economical, effective, efficient and well led, it ought to be listened to when it makes—as our colleagues on it are doing—a reasonable and reasoned case to the Government. I am delighted to have had this opportunity to raise these issues with the Minister, and I hope that he will give them full consideration.

4.58 pm

Mr. Roger Gale (North Thanet) (Con): I congratulate my hon. Friend the Member for Tunbridge Wells (Greg Clark) on securing a debate on a subject of incredible importance to Kent Members of Parliament. It has got to be wrong that one of the most beautiful counties in the country—a county that is the garden of England, and which has phenomenal natural resources and proximity to the capital city—should also host some of the highest levels of social deprivation not just in the south-east, but in the country. East Kent, Thanet and parts of Dover—I am sorry that the hon. Member for Dover (Gwyn Prosser) is unable to be here this afternoon, but I am sure that he would agree with me—host levels of deprivation that people in the metropolis would probably find hard to grasp. Much of that deprivation has been imported. As my hon. Friend the Member for Tunbridge Wells said, it is not the result of bad local government—quite the reverse. As he also said, Kent is a flagship council—it has been performing superbly since Sir Sandy Bruce-Lockhart took over what was indubitably a basket-case and turned it round. The economy of the county has, in the past dozen or so years, come on in leaps and bounds.

Nevertheless, what we face, and have faced continually in the 22 years for which I have been a Member of Parliament, is an influx of social problems. Throughout the 1980s, east Kent, and particularly Margate in my constituency, suffered from what became known as the dole-on-sea syndrome, as the unemployed from around the country and Ireland came to Thanet to live in seaside hotels and guesthouses, on the dole. As that problem was solved, what has been described as a wave of asylum seekers hit Kent. Dover and Thanet in particular have borne the brunt of that and of the social, cultural, educational and medical problems that arrived with people from some of the most deprived places in Europe and, indeed, the world. That has placed an enormous strain on the county.

In tandem with that, there has been an influx of retiring people, many from the east end of London—people who spent their honeymoons in Margate 30, 40 or even 50 years ago and wanted to retire to the dream of a seaside home. They are now living in genteel and, sometimes, less-than-genteel and rather sad poverty. In many cases, one partner in the relationship has died and the other is left on very strained resources. Those people, I have to say to the Minister, are the ones who end up running out of money and being supported, not by the east London boroughs, not by Tower Hamlets, not by Islington, but by Kent county council.

Kent is paying for the placements in retirement homes, but we have seen a diminution in the available care. Homes have closed in their dozens because there is not the funding in the east of the county to make them commercially viable—they are, after all, businesses. In the west and north of the county, homes have thrived, but not by making provision for the elderly of Kent. Those homes are, as my hon. Friend rightly says, accommodating clientele being paid for by the London boroughs at £1,600 a week in funding from central Government. The Minister has to be able to explain to us, the representatives of these constituents, why a granny in Kent is worth a third of a granny coming from Islington. That is what we are talking about. Central Government gives money to Islington, for example, and the council buys space in Kent because it cannot be bothered to make provision for its own elderly, and still pockets a healthy balance.

Jonathan Shaw (Chatham and Aylesford) (Lab): Does the hon. Gentleman recall Kent county council closing old people's homes about six years ago?

Mr. Gale: I am not talking about Kent county council's old people's homes, which, by modern seaside standards, are simply not viable. If the hon. Gentleman wants to go down that route, I can tell him that Campfield, in my constituency, is about to be closed by the county council because it cannot meet the standards required under regulations. That has been the case way down the line. If the hon. Gentleman is seriously suggesting that somehow the county council should be able to keep open homes that do not meet today's modern standards or offer the desired facilities, I have to say that I do not agree with him. If he is saying that Kent ought to be refurbishing, rebuilding, modernising and reopening these homes, I might just agree with him, if Kent had the money to do it.

Jonathan Shaw: The hon. Gentleman argues in favour of the Care Standards Act 2000, which I supported—but which the Opposition did not—for the reasons that he now presents. The home closures of six or seven years ago took place because Kent no longer wanted to be a provider, but merely a commissioner and purchaser. The closures had nothing to do with quality.

Mr. Gale: That is incorrect, as there were severe implications about the quality of the homes involved. Those Opposition Members who know something about the matter did oppose elements of the 2000 Act—I have to be careful, as I chaired the Bill in Standing Committee—but on the basis that taking away an en suite lavatory from an elderly person merely to provide an extra square metre of floor space was a nonsense. To be frank, the elderly person involved was not likely to get out of bed and play football, so a lavatory was of more use than the space. There are many other examples that I could give the House.

The Registered Homes Act 1984 led to improved standards in both local authority and private residential homes by the end of the decade. The provision then was good, but lack of money has made it impossible to maintain that standard. The result now is that a granny in Kent is worth a third of one in Islington— why?

Another difficulty is the problem of dumped cared-for children. In the social services they are known, rather revoltingly, as "Friday afternoon children". When, for emergency reasons, a borough in west London has to place a child on a Friday afternoon, he or she is sent to Thanet. No provision is made for education or medical care and there is no consultation with the county council. There is no advance preparation at all. Does the Minister think that that is satisfactory?

Kent county council's Thanet report spells out what happens, in stark terms. The young people involved are taken out of their environment in London and removed from their friends, family, extended family and school. They are taken from the familiar area in which they were brought up and dumped in a place where they have no sense of ownership at all. Is it then surprising that they resort to daubing graffiti and to engaging in antisocial behaviour, vandalism and truancy? Of course it is not.

Best practice in social services says that those young people should be placed as close to home as possible, yet they arrive in Kent with no provision having been made for their education or medical care, and they receive no attention worth speaking of from social services. No resources follow them to provide the policing and other back-up that they need. They are simply dumped.I have spoken to the Under-Secretary of State for Education and Skills, the hon. Member for Liverpool, Garston (Maria Eagle), who has responsibility for these matters, and asked for a moratorium. To date, nothing has happened, even though the Thanet report has been on her desk for months. The cost incurred in looking after these dumped children is another one that the Government are not meeting.

I come now to the question of asylum costs. Opposition Members in Kent have fought long and hard for the money that the Government acknowledge that the county should have to meet the costs incurred by asylum seekers. As my hon. Friend the Member for Tunbridge Wells said, we have just about cleared the slate up to 2004, although that has involved rather more give than take on our part. The Home Office agreed the figures—grudgingly—and has finally shelled out for the costs incurred up to 2004.

Jonathan Shaw: Will the hon. Gentleman give way?

Mr. Gale: In a moment.

A further £4.3 million is outstanding, for the period between April 2004 to April 2005. Can we have the money, please?

Jonathan Shaw: The hon. Gentleman refers to the grudging way that the Government have reimbursed Kent county council for its expenditure in respect of asylum-seeker children. I want to emphasise that the county has spent that money on children, as adults are dispersed around the UK. When the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) was Home Secretary, no money at all was reimbursed to the local authority. Does the hon. Gentleman recall that?

Mr. Gale: What I cannot recall is when the hon. Gentleman came to the House, but I have a clear recall of other matters.I recall clearly saying to a Home Office Minister in the summer of 1997, on good advice from Kent police, that a wave of asylum seekers from the Czech and Slovak Republics was about to hit Kent. My right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) and I drove from Kent to the Home Office, demanded to see the Minister and warned him, on the strength of the information given to us by Kent police, that that was about to happen. The Home Office did nothing about it. When my right hon. and learned Friend was Home Secretary asylum figures were falling. The problem started in 1997 and worsened. I will take no lectures whatsoever from the hon. Gentleman on that score.

Jonathan Shaw: I would not want to appear to be lecturing the hon. Gentleman. For his information I came to the House in 1997. Before that I worked for 10 years for Kent social services, so I have first-hand knowledge. I knew that the local authority was not reimbursed by one single penny from the then Government. His idea is that when we arrived in office in 1997, that was somehow a watershed for asylum seekers. Does he recall the conflict in Kosovo and the conflicts that have arisen around the world? It is not just Kent and this country that have seen an increase in the numbers of asylum seekers, but many countries across the world.

Mr. Gale: I am prepared to give way again if the hon. Gentleman would like to place on the record—in his words, not mine—the number of asylum seekers resident in Kent in the spring of 1997 and in the spring of 2000. The costs bear no relation to each other. The costs to Kent of asylum seekers prior to 1997 were minimal.

Mr. Julian Brazier (Canterbury) (Con): My hon. Friend is making a powerful case. The hon. Member for Chatham and Aylesford (Jonathan Shaw) has made the point for us—the big wave came as a result of Kosovo, which was two years later, in 1999.

Mr. Gale: I hope and believe that perhaps the hon. Gentleman's constituents and his colleagues' constituents may listen to or read the debate, and may then know from the record how they are letting down their constituents in Kent, our county. With respect, the hon. Gentleman did nothing whatsoever to help to secure the funding. Kent was owed £14 million by central Government and had to fight for every penny of it, but still did not get every penny of it.

Jonathan Shaw: On what does the hon. Gentleman base his belief that I did nothing to assist Kent county council?

Mr. Gale: Simply on the strength of the information and representation made to us by the leader of Kent county council. If the hon. Gentleman can produce the letters that he has written to Ministers asking for payment, I should be delighted to see them and even more delighted to acknowledge that perhaps he played a tiny part in securing the money. The fact is that the hon. Gentleman's Government have for years failed to pay. If he made representations, they were not effective. We waited a long time for the money. Perhaps he can now explain why we are still waiting for the £4.3 million for the period from April 2004 to April 2005. Why has that money not been paid? That is probably a question that the Minister should answer. To be fair to the hon. Gentleman, he is at least trying to play some sort of bat and I only wish that one or two more of his colleagues would give him a hand.

[Mr. Gale]

I shall not speak for much longer because other colleagues wish to participate. My hon. Friend the Member for Tunbridge Wells referred to the development that is being imposed on Kent. I say "imposed" advisedly, because the Office of the Deputy Prime Minister, having been prepared to see asylum seekers, cared-for children and grannies dumped in Kent, now wants to dump housing in Kent. The garden of England will soon be the backyard of England—

Paul Clark (Gillingham) (Lab): Nonsense.

Mr. Gale: Perhaps the hon. Gentleman would like to visit Herne Bay in my constituency and see how green fields are being built over without any infrastructure to support that building. Look at how many houses have been given planning consent; look at the lack of primary and secondary school places; look at how children who cannot get into the single secondary school in the town are bussed, at Kent county council's expense, halfway round the county to get their education; look at the lack of road infrastructure; look at the fact that the Government have failed to give priority to the vital east Kent approach road that might just help Thanet, the area with the highest level of deprivation in the south-east; look at the shortage of doctors; look at the growing shortage of water; look at the lack of sewerage infrastructure for all those houses, and tell me where the money will come from. My hon. Friend the Member for Canterbury (Mr. Brazier) was right in his intervention earlier. If we are to build houses—and I accept that people have to have homes—we have to make provision for primary and secondary education, and transport and medical care, before and not after the event.

My hon. Friend the Member for Tunbridge Wells said that when the Conservatives left office, Kent was bearing the costs of 25 per cent. of expenditure, but that that figure had now risen to 35 per cent. One of the reasons for that rise—*[Interruption.]* I would love to have the Minister's attention, although I know that he is being well briefed by his Kent colleagues. The fact is that there is no justification for the Government not basing Kent's grant on at least the most recent census figures. It is nothing short of a scandal that Kent is being short-changed because of a grant based on census figures that are very nearly 15 years out of date.

My hon. Friend said that he would be moderate and modest and seek to persuade the Minister. He was, and I hope that he has. I feel much less moderate about this because I have watched people suffering—some of the poorest and most deprived, the very people that this Government claim they want to help but do nothing for—as a result of being cheated by this Government moving money from the south-east to the north and their own heartlands. That has gone on long enough. It is time for the Government to recognise that our beautiful county and its flagship county council deserve better than the shoddy treatment that they are getting at present.

5.18 pm

Mr. Michael Fallon (Sevenoaks) (Con): I am grateful for the opportunity to contribute briefly to this debate. I congratulate my hon. Friend the Member for Tunbridge Wells (Greg Clark) on the measured way in which he set the scene, although, inevitably, some of us will feel more strongly about such issues than others. He described the problem as the perception that Kent is particularly affluent, which is the issue at the heart of this debate.

We do not have to take my hon. Friend's word on that problem because, in February, when I complained about the funding for Sevenoaks on the local government finance report, the Minister's predecessor told me that it was an affluent area and that was why we had been badly treated. If the present Minister cannot recall the basis of my complaint, I shall tell him, because it was very simple. In terms of the increase in per capita funding since 1998 for all the district councils, county councils and police authorities in England, Sevenoaks was 424th out of 424 for percentage change. We were the worst treated. In fact, we had no increase at all and were among four or five councils that had actually been cut in per capita terms.

The House does not have to believe my hon. Friend. The Minister himself said that our funding had been cut because Sevenoaks was an affluent area. It is true, of course, that some constituencies are more affluent than others, but it is equally true that there are serious pockets of deprivation in every constituency, including mine. Parts of north Sevenoaks, and especially in the town of Swanley, can match any of the deprived areas about which my hon. Friend the Member for North Thanet (Mr. Gale) spoke so eloquently. The problem with the funding allocation is that it does not properly reflect the serious pockets of deprivation that exist alongside some of the more affluent areas. It does not respect the fact that all our district councils and the county council have to provide the same basic services as councils in areas that are better treated by the Government—perhaps in the north. We all need the same basic services, so it is wrong that councils are treated unequally.

My hon. Friends made some powerful points about the care homes scandal, asylum costs and so on. I have three short points. The first is that the Government must deal with the widespread perception, or allegation, that they are covertly switching funding from south to north. The Minister may try to deny it—he may even admit it—but it would be for the good health of the debate generally that, if there is such a policy, it is made explicit and Ministers have the guts to say that they are moving money from southern districts to northern metropolitan districts or the larger conurbations. If Ministers are doing that, they should say so.

It is remarkable that if you look at the league table, Mr. Deputy Speaker—the list of 424 district councils, county councils and police authorities to which I referred—you may not find that your local authority is anywhere near the top of the table, where there is a strong north-east, north-west and midlands flavour. Few southern councils appear there. If the Government, through their decisions about annual local government allocations, are moving money from south to north that is their decision. They are the Government so they are free to do that, but they should at least be explicit about it and accept what they are doing, so that they can be judged accordingly by my constituents and, doubtless, by the constituents of the hon. Members for Chatham and Aylesford (Jonathan Shaw) and for Gillingham (Paul Clark).

My second point is about London weighting. It will come as no surprise to the Minister that I return to that point, as I have been making it constantly since 1997. London weighting is a shambles. Time and again, I have pointed out that police officers can resign from the Kent force to join the Metropolitan police and immediately earn an extra £3,000 a year, due to the effect of London weighting, but remain in the same housing in west Kent. Nurses in our hospitals in west and north Kent can transfer across the line to work in a London hospital and gain London weighting.

The arrangements are different for each public service, but in each case that I raised, because the arguments were so overwhelming, Ministers responded—I must be fair to them about that—but only in an ad hoc way. The Kent health authority was given additional money to deal with the problem. The then Secretary of State, the right hon. Member for Darlington (Mr. Milburn) accepted that there was a problem and gave a one-off allocation to deal with it.

Two years later, the same thing happened in relation to the police settlement. Kent police authority was given additional funding to tackle the problem, which was more acute in the west Kent than the north Kent area: in Tunbridge Wells, Sevenoaks and Tonbridge, we lost about 30 officers in a single year. Ministers had to respond, but they did so in a completely ad hoc way, from service to service.

If we are talking about joined-up government, someone must consider London and south-east weighting regionally. It is absurd that some weightings in London extend outwards to Hampshire or parts of Essex, but not to Kent. It is absurd that some people are eligible in some public services, but not in others. The whole thing must be considered more coherently and those of us on the fringe of London should not have to beg each time for additional resources in respect of individual funding streams. The whole of Kent should be classified properly, with London, as a high-cost area because that is exactly what it is.

My third and final point, which my hon. Friend the Member for Tunbridge Wells touched on, is that I am quite sure, having served my constituents for the past eight years, that we are not getting our fair crack of the whip in terms of spending on infrastructure. The Minister has a north-western constituency.

Jonathan Shaw: The hon. Gentleman says that Kent is not getting its fair share. I remind him that he wrote a letter to the *Sevenoaks Chronicle* in 1999, when he had been the Member of Parliament for the area for two years. He said:

> "Now Kent has asked me to complain to the Minister about their allocation under the latest round of schools funding. How can I honestly go persuade the Minister all over again, when we haven't even started spending the £1 million he allocated in March 1998?"

Does he remember that letter?

Mr. Fallon: I am not sure which £1 million the hon. Gentleman refers to, but to continue on the theme—*[Interruption.]*

Mr. Deputy Speaker (Sir Michael Lord): Order. I think that the hon. Member for Chatham and Aylesford (Jonathan Shaw) wants to seek to catch my eye, and perhaps he ought to make those points if and when he does.

Mr. Fallon: I should be happy if the hon. Gentleman can refresh my memory about which £1 million he was referring to. I think that I can now recall the £1 million. I think that it was the capital grant in respect of Riverhead school. I do not know whether he can confirm that. I think that the long delay in getting a decision on the siting of Riverhead infant school cost £1 million. Yes, I complain about bureaucratic delays, and I am sure that he complains about them, too.

I return to the point that I was making about infrastructure before I was interrupted. It is striking that in regions such as the north-west, part of which the Minister represents, it is almost impossible to go from one town to another without travelling on some sort of motorway—the M60 or whatever. We in west Kent still seem to have much of the infrastructure that was placed there in the 1920s or the 1930s—for example, the single-carriageway A21, along which my constituents must travel if they want to go to Pembury hospital or further south. The railway system is still essentially unmodernised from many years back.

I still feel that we do not get our fair share of the necessary capital infrastructure that our region needs. It is an important region. My hon. Friend the Member for North Thanet spoke of the beauty of Kent and the attractiveness of our county, but it is also a key part of the economic region. It is one of the wealth-creating areas of our country. I do not think that we yet get the attention from Ministers that we and our constituents deserve.

I congratulate my hon. Friend the Member for Tunbridge Wells on securing this debate on local government funding. We do not get our fair allocation of funding, and improvements to the system can be made. There is a general perception that Kent is losing out compared with the rest of the country, and I am sure that the Minister will do his best to correct that when he replies.

5.29 pm

Jonathan Shaw (Chatham and Aylesford) (Lab): I am grateful for the opportunity to participate in the debate and congratulate the hon. Member for Tunbridge Wells (Greg Clark) on securing it. He made an excellent thought-provoking contribution and I am sure that it will read well in the royal spa town, which I know well.

I was born in the county of Kent and have lived there all my life. I have worked in most of the different parts of the county, so I hope that I can add something to the debate. I want to say something about the other side of the complaints that we have heard from Conservative Members. Several of the Conservative Members in the Chamber will remember a debate that was held in February 1997 when they attacked the county council and went on about its various visits and trips abroad. That was a disgraceful assault on a local authority that could not defend itself. There were no Labour Kent Members at the time. I have read the transcript of that debate and wonder if the hon. Member for Canterbury (Mr. Brazier) remembers complaining about money being cut from his children's school.

Mr. Brazier: In that particular year, Kent county council spent £5 million on computer equipment and furniture for the education department's offices. The computer equipment did not result in any job savings and administrative manpower continued to increase. Although £5 million was spent on furnishings and equipment for offices, there were classrooms without enough chairs in them.

Jonathan Shaw: That was the first time that Kent's local authority had spent more than its standard spending assessment. In the years during which I went to schools in Kent, it spent consistently much less than its SSA.

I am delighted to talk about schools in Kent. They were underfunded for years, and it was not until the administration of 1993 to 1997 that they started getting resources. Let me address the area of my constituency and that of the right hon. Member for Tonbridge and Malling (Sir John Stanley), who is in the Chamber. He knows that in our area, the Malling school, Aylesford school and Holmesdale technology college are being rebuilt at a cost of about £50 million. The total amount of private finance initiative money in Kent is about £80 million. Aylesford school, which the right hon. Gentleman knows well, is a series of huts. There was no prospect of getting that school refurbished to a modern standard with the levels of capital spend present under the Conservative Government.

Sir John Stanley: The hon. Gentleman must do his homework. Aylesford school received a substantial capital grant from the Conservative Government because it was one of the first schools to achieve grant-maintained status. It received major investment from the Conservative Government.

Jonathan Shaw: I am well aware of the building. Grant-maintained status gave a little bit to a few schools, but there was little hope of the school getting the real refurbishment that it needed. When we got into office, the Tory Government had been spending £800 million a year on school buildings. That is quite a lot of money when one thinks about it, but not when one considers that that figure is £5.6 billion this year. Such funding means not that there is just one small capital project in Aylesford school, but that the whole school can be rebuilt. The contrast is stark. Money is being spent on schools throughout the county. There are now more teachers and classroom assistants in Kent and they are better paid than before.

The hon. Member for Sevenoaks (Mr. Fallon) talked about the police service and leakage to the Metropolitan police. Such things occur from time to time, but the Government responded positively to that situation. They got little thanks for that, just as there was little thanks for the £1 million for the hon. Gentleman's school at Riverhead. The Government gave that money and that has happened time and again throughout the whole county.

Mr. Gale: Come on.

Jonathan Shaw: The hon. Gentleman might say that, but the three secondary schools in my borough that are being rebuilt now are not a figment of my imagination. There was never any money available for such rebuilding under the Conservative Government, so I certainly will come on and tell him how much money is being spent in Kent.

Mr. Gale: I did not want to intervene because I spoke at great length. Nevertheless, the "Come on" related to the police. The hon. Gentleman knows that Kent police are in dire financial straits. He knows that Thanet and Canterbury have lost policemen to the Medway towns to make up for those who are going into the Met. He knows that there are no special constables in parts of the county because they have been taken into the regular force to make up the numbers that we have lost to London.

Jonathan Shaw: Kent police have more constables than ever before. The Medway police force is at full strength. It has not been before. The decision to allocate police officers is not for politicians but an operational matter for the chief constable. If the hon. Gentleman thinks that it should not be, let him say so. We have more than 100 police community support officers. The chief constable supports that. The hon. Gentleman knows that the chief constable will bid for a further 500 over the next two years. We have investment in our health service. Kent was one of the first counties to meet the three-month target for cataract operations. That is what is happening in our hospitals, schools and police service. Each service is increasing and each is in a better shape than it was when we got into power in 1997.

As for our roads, I recently read in the paper that there is a "Huge boost in Kent for transport". It states:

> "Kent received a cash boost of . . . £17 million."

I think that is from the *Thanet Extra*, a paper from the area of the hon. Member for North Thanet (Mr. Gale), dated 16 September 2005. It goes on to say:

> "Kent has emerged as the biggest winner in a Government cash handout to local authorities to help them develop schemes to improve traffic blackspots, invest in public transport schemes and make roads safer.
>
> Kent county council is to get £16.9 million to spend between 2006 and 2011 after originally being told it could only expect about £6.6 million."

Kent has done very well.

Greg Clark: I was not in the House in 1997, but the hon. Gentleman was. Does he recall that the A21, between Tonbridge and Lamberhurst, was scheduled for imminent conversion to a dual carriageway? That project was cancelled within months of this Government coming into power.

Jonathan Shaw: There was a long list of road proposals at the time, but the money had never been allocated to them. One of them was the M20 widening, which caused so much blight in my constituency and that of the right hon. Member for Tonbridge and Malling. The Chancellor in 1996 admitted that there were no resources for those projects, and they did not go forward. A Government can have a list as long as their arm, but they must have the funding for those roads. Otherwise, they are deceiving constituents. We have done well on infrastructure.

Again, in my area, the right hon. Member for Tonbridge and Malling campaigned for many years to get a special surface put on the M20. It would have cost millions, and the Conservative Government refused every time. Their policy was that it was not possible to have quieter road surfaces unless it was a new road or it was being widened, but our council, with his support, managed to get them to change that policy. We got the quieter surface, which helped our constituents. That is another road improvement that has assisted our constituents.

Mr. Brazier: I merely wonder whether the hon. Gentleman is listening to what he says. In the period that I was in the House before he was—those years of Conservative Government immediately beforehand—the extra sections on the M20 were built. During that time, huge investment was committed to the Thanet way, which my hon. Friend the Member for North Thanet (Mr. Gale) and I enjoy. It was completed shortly after Labour came into office, but the bulk of the building was done under the Conservatives, when the money was committed to it. Since Labour came into office, I cannot think of even a bypass that has been built in Kent—and the hon. Gentleman talks about resurfacing.

Jonathan Shaw: I am sorry to keep picking on the right hon. Member for Tonbridge and Malling. The Leybourne bypass is being constructed as we speak. Many road and infrastructure projects have occurred in that period. I told the hon. Member for Canterbury (Mr. Brazier) the amount of money that Kent county council has received. That was only to tackle road congestion and public transport. There is also the £70 million that the council received. It said in its press statement that it got more than anyone else in the country. On roads, public transport, schools, police and hospitals, what we heard from Conservative Members was that Kent has not been getting its fair share whereas that simply is not the case.

I look round my constituency and see the investment that has taken place, such as new £2 million health centres in Snodland and in Larkfield. That money is being invested in our communities and making a huge difference to the quality of life of the people whom we represent.

Sir John Stanley: The hon. Gentleman's comments on hospitals will be read with disbelief by my constituents and those of my hon. Friends the Members for Tunbridge Wells (Greg Clark) and for Sevenoaks (Mr. Fallon). Perhaps the hon. Gentleman would explain to the House why the important new district hospital for Pembury, covering the whole west Kent area, which was at an advanced stage at the end of the term of the previous Conservative Government, is still no further on in terms of starting construction, eight years later.

Jonathan Shaw: I know the Kent and Sussex hospital very well. I used to take adults with learning disabilities when they sadly had accidents to the hospital when I worked in that area. The right hon. Gentleman is completely wrong when he talks about an advanced stage. The site had not been purchased and the money had not been allocated. What does he mean by "advanced stage"? There was no provider and plans had not been worked up. It was not at an advanced stage. It was a pipe dream. It took a Labour Government to allocate resources. We have the largest hospital building programme in the history of the NHS. There has been investment in the Maidstone hospital, the Medway maritime hospital and other hospitals throughout the county.

Waiting lists have been mentioned. People had to wait for 18 months when Labour was elected to office. This year, it is will be down to six months. The waiting will continue to come down. *[Interruption.]* Opposition Members do not like this, but my constituents have seen the investment put in to my constituency and the huge difference that it has made to their lives. Despite the disgraceful attack upon a local authority that could not defend itself in February 1997, the infrastructure, resources and public services of the county are in a much better state now. I know because I worked in Kent for 10 years and I have lived in it for all my life. Public services are in much better shape now. I and my hon. Friends throughout the county are proud of that.

5.44 pm

Mr. Julian Brazier (Canterbury) (Con): I have been listening with interest to the hon. Member for Chatham and Aylesford (Jonathan Shaw). I intended to be brief but the hon. Gentleman has provoked me to speak at slightly greater length than I intended.

The distinction should be made very clear between current and capital spending. I shall comment on what the hon. Gentleman said about capital spending. About 95 per cent. of the examples that he gave involved capital expenditure whereas the basic submission of my hon. Friend the Member for North Thanet (Mr. Gale), apart from the remarks that he made at the end of his contribution, related almost entirely to the problems in current spending. Yes, there are some problems of infrastructure and I shall start by saying something about that, but the main issue is the ever-tightening garrotte on the level of current spending—rate support grant—available to Kent county council for people in old people's homes, children in care and so on.

On the capital side, the hon. Gentleman really must find out about Kent's road programme. The last Government invested a fortune in Kent's roads—the building of the extra sections of the M20 for the link-up with the channel tunnel, the dualling of the Thanet Way, in which my hon. Friend the Member for North Thanet played such a vital role over all those years, and which was finished about 18 months after the present Government took office, and the dualling of the A2 extension of the M2. There was one programme after another, all carried out by the Conservative Government. Under the present Government, there has been virtually no capital expenditure, apart from the odd tiny bypass in the road programme, and money available for road repairs has declined.

There are other areas that I could challenge. I shall mention one on the capital side. The hon. Gentleman made great play of investment in the NHS. Certainly, a great deal of money has been invested in new hospitals in other parts of the country, but it is in east Kent that there were two and three-day queues in casualty, after the Government took office. There was a two-page

[Mr. Julian Brazier]

spread in *The Sun* about people who spent three days on beds in the Kent and Canterbury hospital accident and emergency unit. That happened on the present Government's watch, not under the previous Government.

The burden of the debate and almost the whole of the submission from my hon. Friend the Member for Tunbridge Wells (Greg Clark) was on current spending and the tourniquet that the Government are applying to the support grant for current spending in the county of Kent. I remember arguing once with a group of people in the Tea Room—I have some friends in the Labour party, and I count the hon. Member for Chatham and Aylesford as one of them—about whether it is worse to be poor in an area neighbouring better-off areas or to be poor in a poor area. The answer must be that it is much worse to be poor in south-east England than in a relatively deprived area, for several obvious reasons. One is that it is much more expensive to provide support for poor people in an area with neighbouring better-off areas, because it is a struggle to attract well-qualified people into the public services there. Another reason is that food and other basic amenities are more expensive near a better-off area.

In east Kent we have a particular problem. As my hon. Friend the Member for North Thanet said, in parts of east Kent and one or two other parts of Kent we have some of the worst deprivation statistics anywhere in southern England. In some wards in Thanet, the statistics are among the worst in the country. However, the fact that we are relatively close to the capital means that we have serious additional problems. Against that background, the dire figures take some explaining.

I will not go through the equation on the funding of the elderly, which my hon. Friend the Member for Tunbridge Wells so effectively covered. I shall take the parallel equation for children in care. My hon. Friend the Member for North Thanet is right about the dumping of children in care in Kent, without the associated money always coming with them in knock-on areas such as education and health. Putting that to one side, how can it be right that a child in care in Kent gets from the Government £263 a week, compared with £425 in Blackpool, an area in the north of England where costs are lower, and £1,373 in a London borough such as Islington?

Hon. Members will know that over the years I have taken a particular interest in children in care, particularly through my role in the all-party group on adoption and fostering. I am horrified at what is happening to our local social services as a result of the squeeze on funding. I shall give an example. It is no good talking about shiny new buildings and the rest of it; we are talking about current money to cover current costs. One of the effects is that almost no provision is left for the most awkward fostering cases. In the old days, special placements would have been provided, because it was acknowledged that those cases were simply too difficult for most foster parents to cope with. The money is no longer available for that. I spoke recently to foster parents who told me that several of their colleagues had given up fostering because children had been placed with them with whom they were simply incapable of dealing.

I am obviously pursuing the matter with Kent county council social services, but the system is creaking. How can it be right that an area where costs are high gets one sixth of the funding per child of some London boroughs? Those figures are not fiction. They are in a letter that is signed by Sandy Bruce-Lockhart. It is the last letter that Sir Sandy wrote before he retired as leader of a council that everybody, from the district auditor to the people who recommended him to Her Majesty the Queen for his recent knighthood, recognises as excellent. The figures are his, not mine.

I hope that some of our constituents will read the debate. When the Minister for Local Government replies, he can score some points about shiny new buildings and infrastructure. In making points about infrastructure, he can forget that Kent has been chosen for two of the four population growth points, and all the additional requirements that that creates. I do not believe that we have the infrastructure that we need or that we get our fair share of it. However, this evening's debate is mostly not about that.

The debate is about the sheer unfairness of a formula which, on the first readjustment, led to an increase per capita of funding of every single member of the then Cabinet, and, for the second consecutive time—the third time in a row if one includes the decision not to update the deprivation indices from 1991–2001—resulted in Kent being among the three or four worst funded councils. That cannot be right.

The Minister must tell us why a granny or a child in care in Kent are so much less important than their counterparts in London and other parts of the country. I look forward to his reply.

5.52 pm

The Minister for Local Government (Mr. Phil Woolas): I congratulate the hon. Member for Tunbridge Wells (Greg Clark) on securing the debate. I suspect that, like me, he believed that it would be a half-hour, end-of-day debate but it has turned into a full-blown, well informed discussion about Kent, its problems and successes, and its future. I therefore offer genuine congratulations to the hon. Gentleman. I hope that the political and news programmes in his part of the world are taking note, because it has been a good debate that will make good television and radio.

I am sure that the hon. Gentleman understands that I cannot respond to specific points about possible changes in the formula before the local government finance settlement that is due shortly. I assure him that I have listened to his arguments and taken a serious interest in the arguments that the district, county and unitary councils in his part of the world have presented. Indeed, Kent county council is part of our working party on the social services formula reviews. Some of his points have been covered by that and I hope that he will accept that assurance.

Let me begin with general policy and answer hon. Members' specific points afterwards. The title of the debate is "Local Government Funding (Kent)". Let me again put it on record that, whatever one says, the Government have increased local government funding in real terms by 33 per cent. I say that to remind hon. Members that we are debating the alleged or real problems of Kent in the context of a fast rising tide of funding.

Points have been raised about the position of Tunbridge Wells and other parts of Kent. Kent is the garden of England, and it is a beautiful place. I have worked there and I know it and love it. However, when we talk about the way in which Kent has been treated, I would ask hon. Members to bear in mind that we are discussing this issue in the context of an increase in funding—

Mr. Fallon: It has been cut.

Mr. Woolas: The hon. Gentleman says that the funding has been cut. I shall give him the figures in a moment.

I also want to point out that the last delegation that came to see me from a county was not from a Conservative county in the south-east of England but from Labour-led Lancashire, which also feels that it is being treated the worst. I am a fair person and I approach these matters in a non-partisan way. However, Lancashire has also received increases in its budget. Of course, hon. Members on both sides of the House have raised issues on behalf of their constituents, but can we please acknowledge that there has been an increase in funding, and that these problems are relative ones? If I were tempted to be partisan, I would point out that, in the four years up to 1997, there was a real-terms reduction in the grant to local government of 7 per cent. So, fair's fair. Last year was the eighth successive year in which the Government provided local government overall with an increase in total Government grant above inflation. And it was the third year in which we were able to guarantee increases for all local authorities at least in line with inflation.

Specific points have been raised about personal social services, and Conservative Members have been critical of the funding that is provided for local authorities' social services responsibilities. I do not deny the pressures on social services, but I want to put this in context. Spending on social services over the past 15 years—again, I am making a non-partisan point—has doubled, at a time when gross domestic product per head has increased by 50 per cent. So we are meeting a new demand, and this is a more civilised country as a result.

Specifically on this Government's watch, we have provided some £11.5 billion this year for adult social services, which includes some £1.9 billion paid to councils as specific revenue grants. That includes the additional £100 million of non-recurrent funding to support existing older people's services, which was added to the access and systems capacity grant. Total funding for children's social services was £4.3 billion, an increase of 8 per cent. Some people would say that that is not enough, but it is a generous increase none the less.

Mr. Brazier: Does the Minister not accept that there is a staggering disparity between the position in Kent and the position in London and other local authorities in regard to the per capita funding for children in care? Does he accept Sir Sandy's figures or not?

Mr. Woolas: Of course, hon. Members from all parts of the country make comparisons with other parts of the country that will show their area in a less favourable light. I could show the hon. Gentleman Conservative-led councils in London that would argue that their area cost adjustment is unfair, compared with that of Kent, given the costs that they face. I could also point out Labour-led local authorities that would make the same point that he has made. Of course there is a difference in the per capita funding. I do not have the exact figures at the moment, although I might come to them later, as they are somewhere in my very extensive briefing. I accept that there are differences in the figures, and the hon. Gentleman will have to be patient in regard to the forthcoming settlement. I would plead with him, however, to the effect that it is not a sound argument to say that he should have more because other people have more, if those other people are saying, with accuracy, that they have increased costs. I shall come to the point about dispersal from London in a moment.

There have been increases in all the areas mentioned. Resources in children's social services have increased by more than 30 per cent. in real terms since we took office.

It being Six o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Heppell.]*

Mr. Woolas: Of course, the 30 per cent. real-terms increase has not been distributed equally across all social services authorities, but all social services authorities have had increases. Let us acknowledge that. That is an average of 2.8 per cent. a year above inflation, and further increases are planned over the 2004 spending review period. In addition, investment in child care and early years will increase by more than three quarters of a billion pounds between 2004–05 and 2007–08.

Hon. Gentlemen have referred to the pressures facing police authorities. I must remind them, however, that we have provided substantial extra resources for policing: as my hon. Friend the Member for Chatham and Aylesford (Jonathan Shaw) pointed out, there have never been as many police officers in Kent. I acknowledge the real-world difficulties that the hon. Member for North Thanet pointed out, but Government support for police funding has increased by 39 per cent. since 2000.

The figures are unprecedented. On average, police formula grant has increased by nearly 4.8 per cent., including specific grants of £766 million in 2005–06. The specific grant increase in funding direct to police forces is more than 5 per cent. Specific grants enable us to target funds where they are particularly needed. The crime fighting fund, for example, has enabled us to secure record police officer numbers. No police force has received less than a 3.75 per cent. general grant increase this year. That is substantially above police pay increases and inflation, and above-floor increases range up to 6.8 per cent. Again, the points being made by hon. Gentlemen are relative, not absolute.

Greg Clark: The Minister has dismissed the idea that relative under-performances should be corrected. But what about the absolute failure to update the census figures and to take the most recent deprivation figures? Does that qualify as an argument of which the Minister is prepared to take account?

Mr. Woolas: Again, the hon. Gentleman will have to be patient in respect of the future. The argument about

[Mr. Woolas]

population figures, however, has been put to me in the past three months by shire councils of all political parties, county councils of all political parties, and metropolitan authorities of all political parties, and they cannot all be right, can they? The hon. Gentleman made a cogent case—I say that genuinely—on behalf of his constituents. I do not want to score points—actually, I do want to score points—but we are talking about a context of increasing resources and of problems being relative not absolute.

We have had some very interesting contributions. If I could have a bit of fun, because this is the end of a heavy parliamentary week, I was grateful to my hon. Friend the Member for Chatham and Aylesford for pointing out the parliamentary debate on 5 February 1997, when we had a Conservative Government and a Labour-Liberal county council. Conservative Members, some of whom are in the Chamber this evening, were blaming all the problems of people in Kent on the nasty, malicious, Labour-Liberal county council, and attributing all the good in Kent to Conservative Government policies. Now we have a situation in which Conservative Members are praising the Conservative-led Kent county council—I acknowledge that it has an excellent rating from the Audit Commission—and blaming all the problems on the Labour Government, as if in May 1997 all the issues in Kent were stood on their head. I could have some fun; indeed, I will.

Mr. Jonathan Aitken, then Member of Parliament for South Thanet, said:

> "I congratulate my hon. Friend on his splendid recitation of the high economic crimes and misdemeanours"

of Kent county council. Dame Peggy Fenner said:

> "It is an indescribable insult to Medway",

describing the actions of the Labour-Liberal county council. The then Member of Parliament for Dover, Mr. David Shaw, spoke of

> "the wasteful use of staff in Kent".

There was then a reference to

> "a wicked example of precisely what is taking place."—[*Official Report*, 5 February 1997; Vol. 919, c. 946–48.]

Mr. Brazier: I am grateful to the Minister, because I was present at that debate and I would not take back a single word of what I said. I have already given one example of the staggering waste in the education department at a time when schools needed the money in the classrooms, but let me give two wider examples. First, we had 15 chief education officers then, and a chief education officer was paid more than the Prime Minister. Within weeks of the Conservatives' taking over, the number had fallen to six. Secondly, the council managed to spend all the reserves, apart from the legal minimum, in running up huge debts, but in the end it was squealing that it was not receiving enough rate support grant, despite a formula that was much more generous in comparison with those in other parts of the country than it is today.

Mr. Woolas: The irony is obviously lost on the hon. Gentleman. I wish he would acknowledge the reality, which is that gross domestic product per capita has risen in his county, unemployment in his county has fallen and public investment in his county has risen under a Labour Government. I am not here to defend Kent county council's actions during the period concerned, although I would imagine that—as my hon. Friend the Member for Chatham and Aylesford suggested—its spending, particularly on education, rose above the level of the standard spending assessment, and I would imagine that not one Member who is present now argued to the electorate at the time that the SSA should be reduced. But perhaps I should move on from irony, as some fell on stony ground.

The hon. Member for North Thanet asked why people were displaced from London. That problem affects all major cities, particularly in Kent and parts of east Sussex. The reason is probably the high costs to London local authorities were they to keep the care homes in London. I know from my own constituency that, unfortunately, people with severe problems—especially mental and disability problems—have been placed in homes many miles away. I wish that that were not the case, and the Government's policy is to reverse the position, because it is better for local people to live locally.

The hon. Gentleman cited Islington council. I am pretty sure that it is controlled by the Liberal Democrats. Perhaps we can unite at this point, because, as usual, no Liberal Democrats are present. I am sure that if Islington council were spending local and national taxpayers' money on accommodation at the rate at which they would have to spend in central London, the hon. Gentleman would be lambasting it here and elsewhere.

Mr. Gale: The point is that Islington's grant per elderly person, and indeed per cared-for child, is three times the grant that Kent receives. That is supposed to reflect the very costs in London that the Minister has mentioned. Like a number of London boroughs controlled, probably, by all parties, Islington is placing people in Kent, buying facilities that Kent cannot afford in its own county, and pocketing the change. The money was put there for the council to provide for itself. Let it do that.

Mr. Woolas: The hon. Gentleman must face up to the paradox that his own speech exposed. First, one could not reasonably pursue a policy whereby spending on social services for the elderly in inner London boroughs should be the same as that in shire areas, though we could argue about the differential. Secondly, it is not reasonable to say that any authority should provide residential care only within its own boundaries. I do not think that I would like to live in a country where that was the case. Local authorities across the political parties should be congratulated on making efficiency savings. If they are getting a cheaper—in the financial sense—service by placing people in the hon. Gentleman's constituency, it is easy to understand why they should be doing so. If Islington can make financial savings, I would have thought that both my party and the hon. Gentleman's should congratulate the council on that.

The hon. Member for Tunbridge Wells spoke about pressures on home building and complained about the alleged lack of infrastructure as a result of growth. Once again, he cannot have his cake and eat it. He cannot complain about pressures on houses while at the same time saying that we need to put up a fortress around the inner London boroughs to protect Kent from the real world. That is not a consistent policy.

Mr. Fallon: The Minister is awarding boroughs such as Islington higher costs for looking after its elderly, reflecting the higher costs in the area, but if it chooses to spend a greater amount in sending old people out of those areas, surely that should sooner or later be reflected in the allocation that he makes. The council cannot have it both ways. If it is getting extra money because the area has higher costs and then benefits by sending its elderly out of the borough, is it not unfair on other authorities that are receiving a lower grant?

Mr. Woolas: The impression has been given in the debate that that is the only criterion for the allocation of money. I think that I am right in saying that sparsity is another criterion in the allocation, which I would not have thought applied to inner London. The hon. Member for Sevenoaks (Mr. Fallon) makes a serious point, which I will take very seriously. The consequence of doing what he recommends would be to punish success. It would be to tell councils that are producing efficiencies and spending council tax payers' money more responsibly that that money should be withdrawn from them.

Of course, there has to be a balance and I accept that some rural and county areas have genuine extra costs, but I do not accept the picture that has been painted of the south-east in relation to other areas. We need a balance between recognising genuine extra costs—we also have to take historic spend into account in order not to rupture or dysfunction services—and encouraging efficiencies in order to keep the bills of council tax payers down. I am sure that Conservative Members would agree with that. There is a danger of not rewarding authorities that are attempting to keep their bills down.

I acknowledge that there is a real issue, but let me address the point about infrastructure. Conservative Members have made different specific cases. I think that the hon. Member for North Thanet said that the Deputy Prime Minister was dumping houses on Herne bay, but I think I am right in saying that Herne bay is not in the growth area of the Office of the Deputy Prime Minister. I do not know the circumstances of local building, but once again, the hon. Gentleman cannot have it both ways. He cannot say that he wants to provide reasonably priced homes and a future for the people of the area and at the same time blame all the problems on the Labour Government.

To be fair, the economy of south-east and east Kent—and, indeed, north Kent—was damaged by the closure of the mines in the 1980s, though I am not trying to make a partisan point about that. There is also the knock-on effect of the opening of the channel tunnel. Some Members have said that there has been no infrastructure investment in Kent, but I think that I am right in saying that the largest infrastructure investment in western Europe is located between London and the channel: it is called the channel tunnel link. Ashford International station was chosen as part of a regeneration—

Mr. Brazier: By a Conservative Government.

Mr. Woolas: The hon. Gentleman, who shouts from a sedentary position, is in danger of becoming the Chicken Licken of the Tory party. The channel tunnel link was a Conservative Government initiative, and the policy was that it should be paid for entirely and exclusively with private money. The scheme collapsed, and my right hon. Friend the Deputy Prime Minister negotiated a package to save it. Is the hon. Gentleman denying the Labour Government's crucial intervention to ensure the modernisation of the channel tunnel and the creation of a fast link? He virtually implied earlier that we are not allowed motorways up north. Goodness me! The idea that there are more motorways up north than down south is ridiculous.

Mr. Gale: Is it?

Mr. Woolas: The policy of this Government is that all areas should share in prosperity. I was asked for an assurance that there is no policy of northern bias by stealth, but that observation is based on the assumption—one could almost say prejudice—that up north we are all poor. The second richest county in the UK is Cheshire, and there are bits of the north and the north-west that are beautiful, just as there are bits of the south and south-east that are poor. In the run-up to the local government settlement, the special interest group of municipal authorities accused us of not giving money to the north and of giving it all to the southern softies. I apologise to SIGOMA; I was paraphrasing. Equally, southern authorities are accusing us of the reverse. However, the formulas are based not on geographical distribution, but on a genuine attempt to achieve fairness that is being made in the context of a rising tide. So I can give the assurance that has been sought on this issue, and if Members look at the figures, they will see that my point is borne out by the position of, say, Lancashire, in relation to other county councils. The Government's policy is based on the view that the differences within regions are as great, if not greater, than they are between regions. The poorest areas in the country are overwhelmingly in London, and some of the richest are in Cheshire and Yorkshire. A very fair point was made about pockets of poverty, and the hon. Member for Canterbury (Mr. Brazier) relayed his interesting conversation in the Tea Room about where it is better to be poor. I do not want to be drawn into that, because the truth is that there is a balance in this regard. It is more difficult to get a job in a poorer area, but I acknowledge that there are perhaps extra costs associated with living in a pocket of poverty in a richer area.

I can assure the House that the horribly titled super-output areas—a statistical description of how we measure deprivation—enable us to identify deprivation at a sub-ward level, and to provide a better analysis of the allocation of money. It is fair to point out that it would be wrong to assume that there are no pockets of deprivation in the better-off areas. The hon. Member for Sevenoaks said that my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford) described Sevenoaks as an affluent area, and that that is why it is badly funded. Sevenoaks is a relatively well-off area, but there are no doubt pockets of poverty and deprivation within that. Our policy is to ensure that our funding formula addresses that. On the other side of the

[Mr. Woolas]

coin, I would not like to take the hon. Gentleman to, say, Knowsley and argue that point too strongly. The breadth and depth of deprivation in some towns and cities is significant, and the Government are successfully addressing that as well.

The hon. Gentleman said that my right hon. Friend the Member for Greenwich and Woolwich had said that Sevenoaks was being badly funded because it was affluent. I suspect that my right hon. Friend said that Sevenoaks had received an above-inflation funding increase, like everywhere else, but acknowledged that it was relatively less well-funded than other areas. I hope that I have made my point.

The hon. Gentleman made an important point about London weighting and said that pay policy and housing policy differed across sectors. One could say that that is simply a result of the bargaining mechanisms that we have. There is also a policy to try to ensure that more affordable housing is available for key workers. I recognise, however, that London weighting is a problem for areas on the outer ring of London. I would include in the equation the difficulties and differences resulting from the area cost adjustment. Incidentally, those systems were not set up by this Government, but the hon. Gentleman's point is worth careful consideration, and I thank him for it.

I do not want to go into too much detail on infrastructure. I do not accept the general premise that the Government have not invested in the infrastructure in Kent. On motorways, the other side of the coin would be the accusation from these Benches that Kent got its motorways first. We used to love coming down south and getting on their fast motorways. We waited from 1964 for the completion of the M60 around Greater Manchester. I was delighted to be there when it was opened and delighted that it was my Government who opened it. We did not build that motorway because it was up north; we built it because we wanted to improve the prosperity of the country and make everybody better off.

I have made the point about Ashford and the rail link. I hope that the House will acknowledge that investment in infrastructure has been substantial. Points have been made about the need for more water, sewerage, schools and so on, but planning policy, as updated by this Government—in PPS6, I think—acknowledges the point about infrastructure.

The hon. Member for Tunbridge Wells made a point about the 1991 population statistics. It would be wrong of me to pre-empt the settlement. What I would say is that that is true for everyone, and not all the examples of new developments in south-east England—I have mentioned Herne bay—are the result of the ODPM's growth policy, but we do need to provide houses for people.

Mr. Gale: Perhaps the hon. Gentleman could clarify something on the record because it might help a lot. He has to accept that because of the general presumption that we need lots more houses in the south-east, local authorities are terrified of turning down planning applications on ground of lack of infrastructure. There is a fear that all a developer has to do is go to appeal, and because of the ODPM's attitude, the appeal is bound to be granted, at the local ratepayer's expense. Whether the development is designated by the Deputy Prime Minister is almost immaterial; the effect is the same.

Mr. Woolas: I listened to the point that the hon. Gentleman makes as a constituency MP, and take it at face value. I hope that what he describes is not the case: it is certainly not the Government's policy to encourage such a development or such attitudes.

These matters are more appropriate for my hon. Friend the Minister for Housing and Planning, but we have talked about them on many occasions, in preparation for this debate and for others. I can assure the House that the Government do not intend to build anywhere and everywhere, including on the green belt. That is not our policy, and no such suggestion is borne out by the facts. However, the hon. Member for North Thanet used the word "fear", and that is something that we should look at.

Fear has no place in the process, but we must not forget that housing demand is led by changes in lifestyle, greater longevity and other factors. On the whole, it is not governed by population increase. There is therefore a knock-on effect for schools and care homes, and for the problem of old people from Islington being "dumped"—as the hon. Member for North Thanet termed it—in his constituency. We want good-quality care to be provided for all our old people.

Finally, I want to put on record some of the statistics that I promised earlier. In the past five years, Kent has received an annual average increase in formula grant of 5.4 per cent. In total, it has received an extra £200 million in grant over that period, on a like-for-like basis. That substantial annual increase is above the rate of inflation each year. Over the same period, Kent has increased council tax by an average of 7.4 per cent.

Moreover, Kent's provision of personal social services for adults this year amounts to some £278 million, up by 6.1 per cent. from last year. The county's allocation per head of population is £278. Cumulative growth in cash terms in the local authority since this Government took office has been 53.9 per cent.

The figures involved are clearly substantial. This year alone, Kent has received a 7 per cent. increase in total resources for children's social services. As a three-star social service authority, no part of Kent's social services resources is ring fenced, so the county can target those resources at the greatest need. I have listened to the arguments advanced by Opposition Members in this debate, but the background is that resources have been rising across the board.

I could give similar statistics for all the district authorities in the Kent area, but I shall concentrate on Tunbridge Wells, as the hon. Member for Tunbridge Wells chose the topic for this Adjournment debate. In the past six years, there have been increases of 4.1, 4.3, 3.6, 3.7, 2.6 and 3.7 per cent, respectively. Those increases do not amount to a fortune, but they are above inflation.

The hon. Member for Tunbridge Wells made some important points on his constituents' behalf that merit due consideration in discussions about the formula review. Representations have been made by Kent county council and the district councils in the area.

They are being given due consideration and, as I said earlier, Kent county council is part of one of the working parties looking at how the formula works.

However, like the rest of the public sector, local authorities must constantly look for things that they can do differently to keep costs down. Opposition Members want to debate ways in which the central tax payer should pay more and more. They have come to accept that this Government's economic policy is so successful that there is more money, although I am sure that any proposal for tax increases by central Government would cause them to call more Adjournment debates on Thursday evenings, when once again they would pursue the Chicken Licken strategy.

Once more, I thank the hon. Member for Tunbridge Wells, and congratulate him on securing this debate.

Question put and agreed to.

Adjourned accordingly at half-past Six o'clock.

House of Commons

Friday 11 November 2005

The House met at half-past Nine o'clock

PRAYERS

The Second Deputy Chairman of Ways and Means took the Chair as Deputy Speaker, pursuant to the Standing Order.

[SIR MICHAEL LORD *in the Chair*]

Orders of the Day

Climate Change and Sustainable Energy Bill

Order for Second Reading read.

9.34 am

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): I beg to move, That the Bill be read a Second time.

I shall begin by declaring an interest. The Sustainable Energy Partnership has provided me with support in the preparation and development of the Bill. I also thank the 40 or more organisations, too numerous to name, that have given their backing to the Bill.

Hon. Members across the House will know that climate change is probably the biggest issue we face in the world today. I do not propose to repeat the arguments and facts that are well known to Members across the Chamber. Although most Members and, increasingly, the general public recognise the extent of the problem we face in tackling climate change and many want to do something about it, I have often found that there is increasing defeatism about climate change precisely because it is such a big issue. People sometimes feel resigned to the idea that things will get worse and believe that as individuals they can do little about it. It is important to show them that they can do something and that, although it is essential to get action from Governments and at an international level, individuals can do something to help tackle climate change.

My Bill seeks to link the action taken by the national Government and at an international level with the actions that can be taken by individual citizens—measures that, taken together, can make a significant contribution to reducing emissions and tackling climate change. The Bill is basically about seeking to engage and recruit the public—individuals, families and communities—in that effort.

Robert Key (Salisbury) (Con): I am grateful to the hon. Gentleman for giving way so soon. Does he agree that local authorities have a vital role to play? Some of them, including, I am sorry to say, my own district council, think that if there is a climate change problem, it has to do with sunspots and nothing to do with the intervention of man. Therefore, they are reluctant to support the Bill, a consequence of which will be increased expenditure by local councils. What would he say to my district council? How could he prove to it that there is a link, which it is not sure about, between mankind's intervention, rather than sunspots, and the climate change problem?

Mark Lazarowicz: I suspect that the hon. Gentleman can persuade his district council about the reality more easily than I can, but my Bill will certainly place responsibilities on local authorities, so that they cannot escape from recognising that link and cannot fail to do something about it.

Mr. Philip Hollobone (Kettering) (Con): Is not part of the problem with the climate change debate that those of us who want action to be taken on environmental issues are depressed by the Government's record, because the fact is that carbon dioxide emissions were falling before they came to power and have been rising since?

Mark Lazarowicz: The hon. Gentleman makes a party political point, which he is entitled to do. I think that this Government's record in seeking to tackle climate change has been excellent, but I want us to work on an all-party basis on practical issues that can take the issue forward. I suggest that he concentrate on that aspect of the Bill today, rather than on other agendas.

Ian Lucas (Wrexham) (Lab): Does my hon. Friend agree that the almost unique aspect of micro-generation is that it can give individuals responsibility to produce energy in their own homes? For example, they can have photovoltaic cells producing energy on the roof of their house. Virtually all traditional forms of energy production rely on large power stations many miles away from people's homes.

Mark Lazarowicz: Indeed. Had I waited a little longer to give way to my hon. Friend, I might have come to that particular section of my speech, which will now be somewhat shorter as a result. However, he makes a valuable point. Micro-generation, which is at the heart of the Bill, is simply the generation of energy—heat or electricity—by individual householders or small groups of householders. That can of course include photovoltaic installations, micro-combined heat and power systems, micro-wind, heat pumps, solar thermal systems, fuel cells and micro-hydro systems. A range of systems can be installed in individual homes making it possible for individual householders or groups of householders to generate their own energy.

Several hon. Members *rose*—

Mark Lazarowicz: I shall give way in a second if my hon. Friends will allow me to make a little progress.

The key point to bear in mind is that micro-generation has immense potential. It is not an activity that needs to be restricted to the select few or that applies only to certain parts of the country. The estimates from the most reputable scientific sources suggest that between 6 million and 10 million homes across the UK could be involved in micro-generation of some form. Clearly, for some communities and households, some technologies will be better than

[Mark Lazarowicz]

others; but if we look at the whole package, micro-generation can make a major contribution to the country's energy needs.

Joan Walley (Stoke-on-Trent, North) (Lab): Does my hon. Friend agree that the housing market renewal programme taking place throughout the country gives the Government a wonderful opportunity to ensure that what he is talking about is at the heart of new building, and the building of sustainable communities?

Mark Lazarowicz: I agree absolutely. One of the advantages of micro-generation is that as well as contributing to the country's energy needs, it can help to tackle fuel poverty. If houses can produce their own energy and make maximum use of energy efficiency and energy conservation devices, people on low incomes will gain more from that. Particularly in rural areas, where houses are not linked to the grid, micro-generation has a real part to play—although that also applies to the larger urban areas, of course.

Mr. Eric Forth (Bromley and Chislehurst) (Con): It would be helpful for the House if the hon. Gentleman could put this in context. Has he made any estimate of the contribution that micro-generation, even at the top end of his estimate—the 10 million homes—would make to total energy generation in this country? That figure would help us to put the idea in perspective.

Mark Lazarowicz: The right hon. Gentleman will be aware that there are a whole range of estimates, but it has been suggested that the proportion could be as high as 10 per cent. I am not sure whether I would go as far as that, but micro-generation can certainly make a substantial contribution to the country's energy needs.

Mrs. Janet Dean (Burton) (Lab): My hon. Friend mentioned rural areas. Does he see a role for parish and town councils in bringing communities together to try to develop micro-generation schemes?

Mark Lazarowicz: Indeed I do. Part of my Bill deals with the promotion of what is described as "community energy". I shall come to that part later, and I hope that it will meet some of my hon. Friend's concerns.

Micro-generation and micro-power types of technology have clear economic and environmental advantages, but the market is small, which makes it less viable than it should be for households that wish to take advantage of that technology to do so, and for companies to invest in the technology necessary to manufacture micro-power units. The problem is that the installation costs of micro-generation can be quite high, and the payback period is relatively long. That makes micro-generation a niche product, available only to the better-off—although even now, prices are coming down.

Opinion across the industry and in the non-governmental organisations is that we need to get into a virtuous circle, in which prices come down so that the market increases in size, which would lead to further reductions in the price of the product so that we can really take advantage of the potential of micro-generation.

Mr. David Kidney (Stafford) (Lab): My hon. Friend mentioned companies and manufacturing. Does he agree that the Bill gives us the opportunity to come to the aid of a beleaguered manufacturing industry? Renewable energy technologies are labour-intensive, and international concern about climate change would provide huge opportunities for export markets, too.

Mark Lazarowicz: Absolutely. One of the things that I have found out in working on the Bill, as I have developed my own research and organisations have contacted me, is how extensive employment in the renewables sector is already. I suspect that if they inquire, most Members will find that tens or even hundreds of people in their constituency are already involved in the industry in some way. The reality is now large, and the potential is even larger.

Andrew Selous (South-West Bedfordshire) (Con): Does the hon. Gentleman agree that this country will have the moral authority to tackle India and China and encourage them to reduce their carbon emissions only if we can turn round the situation here? Does he agree that clause 2 of his Bill is a good way of bringing that about?

Mark Lazarowicz: I certainly support clause 2 of my Bill! Yes, we must ensure that we meet our international targets if we are to call on others to do the same. The hon. Gentleman also highlights another opportunity—the fact that there is a market out there which could be immense, and which we could take advantage of if we had a strong domestic micro-generation market on which we could build export potential.

We need a kick-start for the micro-generation industry in the United Kingdom. That is an important feature of my Bill, as well as of another Bill to be debated later; I must not speak about it at this stage, but it too will have a bearing on this issue. The essential element in my Bill is that by setting targets to encourage the installation of micro-generation we would give a clear signal to the market and the industry that the Government are serious about micro-generation. The industry would then put in the investment to allow prices to come down, and create the virtuous circle of price reduction and greater take-up. The Government have already made a good start, with a micro-generation consultation, and the Bill will allow us to build on that in the most effective way.

Mr. David Heath (Somerton and Frome) (LD): I am grateful to the hon. Gentleman for giving way again; he has been very generous, and I agree with what he is saying. In my part of the world, one of the schemes that I have strongly supported is hydroelectric micro-generation. However, some of the people who have brought water mills into use and contribute a very small amount of energy to the grid, as well as supplying their own needs, are now concerned that they might be assessed for non-domestic rates on that small production. Does the hon. Gentleman agree that the Minister could put their minds at rest by clearly stating that such schemes will not be assessed for business rates, so that there will not be a further disincentive to installing them?

Mark Lazarowicz: I have heard of that concern, and it would be extremely unfortunate if there were a disincentive to micro-generation as a result of that feature of the local rating system.

That leads me to the next point about micro-generation in the Bill. One of the measures is designed to make it easier for householders and groups of householders who produce electricity by micro-generation to sell to National Grid. This is not just a question of individuals' own energy needs; in some cases, surplus energy will be produced. That can be sold on, which makes the cost of installation more viable. Clearly, it is important that there should not be disincentives such as the hon. Gentleman described. Some electricity is already being sold back to the grid, but I understand that there are difficulties in certain areas, and the Bill will address those.

David Lepper (Brighton, Pavilion) (Lab/Co-op): I represent a constituency where there is a great deal of interest in renewable energy, but many of my constituents who are most interested in it live in conservation areas. My hon. Friend has talked about the importance of households and groups of households taking forward what is proposed. Does he agree that it is important that the Minister for Energy, who is on the Front Bench at the moment, should liaise with the Minister for Housing and Planning, who has been in the Chamber this morning already, to examine the regulations that may be putting obstacles in the way of the developments that he suggests?

Mark Lazarowicz: My hon. Friend makes a valid point, and I am sure that it has been heard by the Ministers responsible.

Mr. Nick Hurd (Ruislip-Northwood) (Con): I congratulate the hon. Gentleman on his Bill. Does he acknowledge that there is a structural problem with the payback on investment in micro-generation, in that we have a habit of moving home regularly? Will he share with the House any views that he might have on the level of Government support required to bring the costs of the technology down to offset that factor?

Mark Lazarowicz: I shall have to decline the hon. Gentleman's invitation, because to do so would take more time than I would want to spend on that subject today. It probably relates to a Bill to be dealt with later.

The key point of my Bill is to bring about reductions in the price of the technology by promoting the mass market. Many measures need to be brought into play to allow micro-generation to take off. My Bill concentrates on the target, the link to the grid and the ability of those who make use of micro-generation to get green energy certificates, which are especially important in making the installation of the technology viable for households for which it would not otherwise be viable.

Mr. Peter Ainsworth (East Surrey) (Con): I congratulate the hon. Gentleman on bringing this important Bill before the House. Does he agree that, if micro-renewables are to make the contribution that we all want, it is important to have stability in respect of a Government framework behind them and consistency of policy and funding? What does the hon. Gentleman make of the recent changes announced by the Department of Trade and Industry towards the funding of micro-renewables and the time scale over which it is likely to be provided?

Mark Lazarowicz: I agree with the hon. Gentleman that consistency is important, but if he does not mind, I shall have to decline his invitation to comment on areas of policy that, though relevant to my Bill, would take us down a much longer road. I agree, however, that consistency is important and having targets allows us to show the industry and consumers that we have a clear strategy over a period of time.

Mr. Andrew Dismore (Hendon) (Lab): Does my hon. Friend agree that, when it comes to practical action on the ground, cities are very much centre stage? Does he welcome the Mayor of London's initiative to launch a dedicated London climate change agency, which will work in partnership with the private sector to tackle greenhouse gas emissions in London? That is particularly important for the Olympics in 2012, as we want to ensure that the project is sustainable both environmentally and socially.

Mark Lazarowicz: Indeed, the Mayor's initiative is remarkable and provides lessons for other cities and communities throughout the UK. It is important, however, to ensure that opportunities are available for all types of communities—from rural areas to urban areas and the largest cities. My Bill is thus designed to encourage the development of community schemes whereby local communities can set up their own renewable energy systems that give them a stake in local energy projects. Such projects are more likely to be accepted than if they are viewed as being imposed on communities from outside. Communities can sometimes be unhappy about certain aspects of those developments.

Andrew Stunell (Hazel Grove) (LD): I strongly support the Bill, but I hope that the hon. Gentleman recognises that this is not a London or city-centric issue. To my knowledge, some 21 local authorities—including my own of Stockport, which is also represented by my hon. Friend the Member for Cheadle (Mark Hunter)—have expressed strong support for the Bill. There is considerable support for the Bill among the local government community as well as here in Parliament.

Mark Lazarowicz: I am grateful to the hon. Gentleman for that intervention and for his support. I am pleased that local authorities throughout the UK have contacted me to express their support for my Bill.

Mr. Kidney: My hon. Friend was dealing with community energy. As my hon. Friend the Member for Burton (Mrs. Dean) said, the Bill provides a good opportunity for rural areas that are not on the gas mains to avoid being compelled to buy oil for their heating. They will now have access to renewable energy for their community energy systems.

Mark Lazarowicz: That provides a good example. One of the problems in the UK is that although we have some examples of community ownership, they are, by and large, fairly limited and on a small scale.

Several hon. Members *rose*—

Mark Lazarowicz: Perhaps I should give way to the whole Liberal Democrat party.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): I thank the hon. Gentleman for giving way and congratulate him on introducing the Bill. It represents an important step in ensuring that we try to meet our Kyoto commitments. He was just talking about the benefits for rural areas and earlier he mentioned the economic and employment benefits of promoting the renewable sector. I particularly welcome the Bill's commitment to renewable heat. If we can promote renewable heat in rural areas, it will also provide an outlet for farming communities that are having to make a transition in their economic activities. It is also important for the forestry industry, which faces the economic problem of what to do with the "thinnings". That problem is undermining the good management of the forestry, so I greatly welcome the hon. Gentleman's attempts to promote renewable heat.

Mark Lazarowicz: I am grateful to the hon. Gentleman for that intervention. One of the clauses indeed enables the Secretary of State to introduce a renewable heat obligation. The hon. Gentleman is right about the immense potential of renewable heat in rural as well as urban areas. It can play an important role in combined heat and power, for example. Given the very welcome renewable fuel obligation announced by the Government yesterday, it is appropriate for a renewable heat obligation to be the third pillar of the package. It could make a huge difference.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): I particularly commend the hon. Gentleman for his words on community ownership and community benefit. He will be aware of the Viking Energy project in Shetland, which is a significant community development of significant scale. However, it risks being thwarted by the transmission charging regime operated by Ofgem. The cap in energy legislation is not proving to be adequate in practice. The Bill could be a vehicle for an amendment to the Energy Act 2004. Has the hon. Gentleman heard from the Government whether they would be prepared to support such an amendment?

Mark Lazarowicz: It is for the Minister to speak for the Government, but I am pleased to say that the Department has approached me about using the Bill as a vehicle for dealing with part of that problem. I hope that it will prove possible to do so. The issue is important not just to the hon. Gentleman's community, but to the whole of the UK. Evidence shows that the Scottish islands could contribute as much as 1 per cent. of the country's entire energy needs if the renewable sector fully reached its potential.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): I congratulate my hon. Friend on bringing his Bill before Parliament. On the renewable energy clauses, has he made any assessment of the contribution that biomass could make to increasing the market for bioethanol products in this country? Our position on that is very low compared with the United States, for example. Clearly, another element of the Bill can contribute to the diversification of work available in rural areas.

Mark Lazarowicz: My hon. Friend is right. That is why the proposal to make progress on renewable heat is particularly important.

Richard Ottaway (Croydon, South) (Con): I am in my place to support the hon. Gentleman's Bill today. He is discussing the renewable heat obligation, which is by far the most controversial and most complex aspect of the Bill. Progress cannot possibly be made without Government support. Has the hon. Gentleman heard from the Department of Trade and Industry about its attitude to that particular measure?

Mark Lazarowicz: I have had an indication, but let us see what the Minister says about that. The debate about how best to progress renewable heat obligations is still ongoing.

John Hemming (Birmingham, Yardley) (LD): One difficulty is the fact that the Inland Revenue frequently seeks additional sources of revenue. From time to time I have heard about the possibility of the Revenue obtaining national non-domestic rates from domestic micro-generation. I note that one clause deals with fiscal incentives, but one hopes that the Bill will also deal with preventing fiscal disincentives, perhaps looking for a threshold level at which generation rates become free.

Mark Lazarowicz: The hon. Gentleman makes a very important point. If I can make some progress, I may be able to say a few words about that part of the Bill later.

I want to deal with community ownership. The United Kingdom has an opportunity to take advantage of developments that are already evident in other parts of Europe. In Denmark, for example, 50 per cent. of the country's wind power capacity is owned by individuals or co-operatives. Similarly large schemes exist in Austria and Germany—and even in the US. We should try to promote community energy here in the UK.

As I said in reply to earlier interventions, the Bill is designed to promote renewable heat, but it also recognises that micro-generation must be part of a wider agenda and overall Government policy. That is why the Bill has 12 important clauses that place a duty on the Government. The first relates to maximising the use of fiscal incentives. We have already seen a number of valuable measures in that respect, but a whole array of measures could further encourage energy efficiency and micro-generation. They include council tax rebates for householders who install energy-saving devices, stamp duty rebates for house purchasers, measures to encourage the purchase of energy conservation materials for houses, and so forth. Many measures could be taken and it is important to examine them collectively across government. That is what the Bill is designed to do.

John Barrett (Edinburgh, West) (LD): The hon. Gentleman is being generous in giving way and I am delighted to be able to support his Bill today. Does he agree that it is important to give equal emphasis at local and national level to measures to introduce energy efficiency savings? Discussing different methods of generating power is not good enough on its own; we must also place great stress on implementing measures to save energy.

Mark Lazarowicz: Absolutely—the two go together. We could make immense savings through energy efficiency alone, and if we combine it with micro-generation, we could make a real impact on the country's energy needs and consumption, and on tackling our climate change targets.

Emily Thornberry (Islington, South and Finsbury) (Lab): I thank my hon. Friend for allowing me to intervene in this debate, and may I add my voice to those who welcome the introduction of this Bill? We hope that it has an easy passage. Does my hon. Friend agree that, although climate change is one of the biggest challenges faced by our generation, too many people feel that there is little that they can do as individuals? Micro-generation is exactly the sort of thing that people can do, and it is encouraging to hear that in Denmark, 50 per cent. of wind generation is created by people's own individual wind plants.

Mark Lazarowicz: I agree absolutely. In developing this Bill, I discovered that there is a real interest across the country in these issues. People want us to facilitate such developments.

Mr. Hollobone: I thank the hon. Gentleman for giving way. One of the big attractions of micro-generation is that, because electricity generation takes place far closer to where the electricity is actually used, it automatically improves efficiency of energy delivery. Micro-generation would reduce the transmission and distribution losses that this country currently suffers from as a result of most of our electricity being generated away from big population centres.

Mark Lazarowicz: I agree entirely.

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): I thank my hon. Friend for giving way and I congratulate him on introducing this important Bill. The majority of my constituents live in council or social housing, and although they would very much welcome the benefit to their pocket of reduced energy costs, they are not in control of such matters. What discussions has he had with the Minister for Housing and Planning on how to support social landlords and councils in providing such facilities in council housing?

Mark Lazarowicz: The detail on this subject is probably more a matter for my hon. Friend the Member for Southampton, Test (Dr. Whitehead), who seeks to introduce a Bill on related matters later today. However, in promoting not only national but local authority energy conservation targets, my Bill would encourage discussion with local communities about how best to meet those targets and to promote micro-generation. Such developments can benefit communities of all types throughout the country.

Mr. Oliver Letwin (West Dorset) (Con) *rose—*

Mark Lazarowicz: I want to move on, but before I do so I give way to the right hon. Member for West Dorset (Mr. Letwin).

Mr. Letwin: I am grateful to the hon. Gentleman. Does he agree that one of the most encouraging things about this morning's debate so far is the sign that not only the shadow Minister for Energy, my hon. Friend the Member for North Essex (Mr. Jenkin), and I, on behalf of the Opposition, but the Liberal Democrats and, it appears, the Government, support the general thrust of his Bill? Does he also agree that this should be the harbinger of things to come—a tripartite effort to advance the climate change agenda, of which his Bill could be the signal beginning?

Mark Lazarowicz: The more of a genuine consensus that we can achieve on the way forward—not only in Parliament, but among the public and communities as a whole—the better. I look forward to the Bill's proceeding through the House.

David Lepper: In the spirit of the comments made by the right hon. Member for West Dorset (Mr. Letwin), will my hon. Friend also pay tribute to the role of the Co-operative party, the co-operative movement and Labour/Co-operative MPs in supporting his Bill and the principles behind it?

Mark Lazarowicz: As a Labour/Co-operative MP, I am certainly happy to pay tribute to us all individually, and to the Co-operative movement's support for the promotion of community energy, which is a key aspect of this Bill.

As I said at the beginning, this is an issue that requires not only individual and community action, but national and international action. An important part of this Bill is the clause requiring an annual report on the how the UK is performing in meeting its greenhouse gas emission targets; on areas where we have, and have not, been successful; and on what we are doing to ensure that we meet our climate change targets. We need to ensure that this issue is at the centre of Government policy, which is why we must also see micro-generation in the context of the contribution that it can make to the country's overall energy needs.

Sarah McCarthy-Fry (Portsmouth, North) (Lab): I, too, welcome this Bill, especially its emphasis on reporting on targets. Does my hon. Friend agree that it would be beneficial if, as part of corporate responsibility reporting, organisations reported how much of their energy is generated through micro-generation?

Mark Lazarowicz: That is an interesting suggestion. Some companies already do so, and such an idea is worthy of consideration by other companies as well.

Mr. Bernard Jenkin (North Essex) (Con): I, too, congratulate the hon. Gentleman on getting his Bill before the House; he is demonstrating that it is great fun to introduce a Bill in the House of Commons. Should not Government Departments also be subject to the injunctions just described? Should they not have an obligation to generate a certain amount of energy from renewable sources? Is such an idea included in his Bill?

Mark Lazarowicz: This is only a humble Back-Bench private Member's Bill, and there are limits to how much I can achieve with it; but yes, it has certainly been fun introducing a Bill. I am not sure that Front Benchers always regard the introduction of Bills as fun, but I have certainly enjoyed introducing mine.

[Mark Lazarowicz]

I have been genuinely surprised at the level of support that the Bill has received throughout the country. There is a real wish on the public's part for the Government to facilitate the development of such activities. People want to contribute to tackling climate change, which is why it is important that the Bill proceeds and emerges at the end of the process—assuming that a Second Reading is granted—in sufficiently comprehensive a form to ensure that it makes a real difference.

I have had some productive discussions with the Department of Trade and Industry and the Minister for Energy. I shall hear in due course what aspects of the Bill the Government are happy with; there are doubtless other aspects about which they have reservations. I certainly look forward to working with them to try to get a Bill that reflects my aspirations, and the aspirations of those who sponsored it. I hope that during its subsequent stages—if it gets that far—we will recognise that the public genuinely want us to allow them to make this contribution to tackling climate change. It is important that we do not let them down—either today or during the Bill's future stages.

Ms Dawn Butler (Brent, South) (Lab): I, too, congratulate my hon. Friend on the Bill. Does he agree that there is growing interest, especially among young people, in issues such as micro-generation, and that we must ensure that such technology is produced on a larger scale and more cheaply, so that low-income families can afford to use it and to contribute to the reduction of carbon emissions?

Mark Lazarowicz: Indeed. The interesting suggestion has been made that every school in the country's having a micro-generation device would not only contribute to their energy needs, but would in itself be a good educational tool.

Mr. David Chaytor (Bury, North) (Lab): I congratulate my hon. Friend on introducing this Bill. I want to point out that my local authority was the first in the United Kingdom to publish its own climate change strategy. My colleagues in, and the officers and members of, Bury metropolitan district council will be delighted to see the Bill before the House today. Clause 1 uses the phrase "viable . . . energy supply". The Government normally use the phrase "security of energy supply". Does my hon. Friend agree that the advantage of micro-generation is that it enhances our security in terms not only of self-sufficiency, but of safety? In the world post-9/11, can he envisage any circumstances in which a terrorist organisation would be interested in mounting an attack on a wind turbine?

Mark Lazarowicz: My hon. Friend makes an interesting point.

Mr. Andrew Love (Edmonton) (Lab/Co-op): I thank my hon. Friend for giving way and I, too, welcome his Bill. There appears to be an emerging consensus across the House. It will be interesting to see whether the right hon. Member for Bromley and Chislehurst (Mr. Forth) enters into that consensus.

Mr. Forth: No.

Mr. Love: I thought that might be the answer.

I am interested in my hon. Friend's speech—whenever he gets the chance to make it. He has talked about targets and encouragement: we definitely need the Government to move on research into renewable resources, but there is no mention of that in the Bill. Is that research an important consideration?

Mark Lazarowicz: It is, indeed. Obviously, the Bill as it stands will encourage research, but my hon. Friend will appreciate that it is a private Member's Bill and there was only so much that I could cover. I resisted the temptation to set out my personal energy policy on every aspect of Government activity, trying to restrict the Bill to some achievable goals.

Norman Lamb (North Norfolk) (LD): In response to an earlier intervention, the hon. Gentleman made an important point about the role that schools can play. Is he as depressed as I am at the Government announcement on 2 November that the single source of grant from the Department of Trade and Industry for school and other community projects has come to an end? The replacement for photovoltaic and clear skies programmes will commit less money per year than they did. Are the Government not moving in the wrong direction?

Mark Lazarowicz: The hon. Gentleman will, I am sure, understand that I want to concentrate on the positive things that can be achieved from the Bill, but he has made his point.

Mrs. Theresa Villiers (Chipping Barnet) (Con): I thank the hon. Gentleman for being generous in giving way to me, having given way to so many hon. Members. Does he agree that setting clear targets for increased take-up of micro-generation will create the conditions in which a market can develop in that technology? Hopefully, that will bring prices down and make the technology more available to anyone who wants to be involved in cutting carbon emissions and tackling climate change.

Mark Lazarowicz: Absolutely. That takes me back to where I was a little while ago before I received a few more interventions than I had expected.

We have an opportunity to encourage the market and the industry to respond to undoubted public interest. If the Bill obtains a Second Reading today, we must make sure as it goes on that it reflects public concern and interest. This is an immense opportunity for the United Kingdom. Let us take it, and let us go forward on the basis outlined in the Bill.

10.12 am

Norman Baker (Lewes) (LD): I congratulate the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) most sincerely on an extremely valuable Bill, which I hope will receive its Second Reading. I also congratulate all the Members, across the parties, who have added their names in support of it, including my hon. Friend the Member for Hazel Grove (Andrew Stunell).

The background is the threat from climate change, and, like the hon. Member for Edinburgh, North and Leith, I do not want to go into that in great detail. Suffice it to say that predictions from scientists become more rather than less apocalyptic as time goes on. It is clear that we need drastic action domestically and internationally, and tackling energy issues is a key part of that.

The Government's climate change review, coming up shortly, gives them an opportunity to recognise what has gone right and what has gone wrong, to take stock and to come forward with measures that may differ from what they have advocated before in order to meet the Kyoto target this country has set itself and the domestic target of a 20 per cent. cut in carbon dioxide emissions. They will not do that successfully if they rely on pulling the same levers as they have used in recent years. Without wishing to appear partisan on a non-partisan Bill, I may say that it is a matter of fact that carbon emissions are rising in this country, and we therefore need a step change in how we approach them.

The Bill successfully and innovatively challenges the basis on which energy is delivered in this country. Hitherto, energy has been about big sources of power in certain strategic locations, with huge swathes of power lines taking power from those sources to where it is needed elsewhere in the country. That has been the case with coal-fired power stations, oil-fired stations and nuclear stations, and the same principle is, arguably, being applied to wind farms. The Bill rightly turns that on its head, saying that there is a better way to meet our energy needs in the 21st century.

One way to do that is undoubtedly energy efficiency; that is, in an over-used cliché, the low-hanging fruit yet to be picked by the Government. A huge amount could be done to tackle carbon emissions if we had a sensible energy efficiency strategy. Another way to deal with it would be to promote micro-generation. It makes no sense to have an electricity grid, with all the investment that requires and with power lines stretched across the country, simply to meet winter peak demand. That energy grid is simply not being used at capacity, except on a few occasions over the year. Yet we carry on building the grid, building power lines and disfiguring the country with pylons.

Norman Lamb: Is my hon. Friend aware of the work commissioned by Greenpeace on the importance of local generation and of moving away from the old-fashioned national grid, which was designed for a different age and which is not fit for purpose in today's world?

Norman Baker: My hon. Friend is absolutely right: the Greenpeace document on centralising energy has much to commend it, and I hope that when the climate change review is published—whenever that will be; it seems to be slipping, and perhaps the Minister might tell us today—it will reflect some of the sensible proposals set out in the Greenpeace document.

As well as dealing with the old-fashioned grid to which my hon. Friend referred, the Bill localises energy in an entirely desirable way. It applies the proximity principle. It empowers people and local communities.

Mr. Hurd: Will the hon. Gentleman join me in welcoming the work of Woking borough council—a Conservative council, as it happens—in proving that in practice? By decentralising energy, it has reduced carbon emissions by more than 70 per cent. Will he join me in acknowledging that success?

Norman Baker: Indeed, I will, and I think the figure is 77 per cent. Woking has done extraordinarily well, and I hope that that lesson can be picked up by other local authorities and the Government. By the way, that also shows the value of not tying the hands of local government, allowing it the flexibility and space to develop such ideas, which can then be rolled out elsewhere in the country when they prove to be a success.

Jenny Willott (Cardiff, Central) (LD): It is important, too, to involve the National Assembly for Wales and the Scottish Parliament in these measures. A lot of issues around energy efficiency lie within their remits. Has my hon. Friend any views on the involvement of the devolved Parliament and Assembly?

Norman Baker: I agree that we need to involve both the Scottish Parliament and the Welsh Assembly, as well as local councils, community groups and individuals. The Bill is about devolving responsibility to individuals, which it is absolutely right to do.

The old system of power delivery simply is not fit for purpose. It is not working to deliver the environmental, economic and social objectives that we all want promoted. Of all the energy generated from fossil fuels, 61.5 per cent. is lost through inefficient generation and heat wastage, which leaves 38.5 per cent. to go into the national grid. Some 3.5 per cent. is lost in transmission and distribution, leaving 35 per cent. that actually gets somewhere, of which 13 per cent.—roughly a third—is wasted through inefficient end use. All that means that barely a fifth of the energy generated is actually used. Given the challenge of climate change, that wastage is intolerable.

Mr. Hollobone: We are in danger of confusing transmission of electricity, which goes over a long distance at high voltage, with the local distribution of electricity at a lower voltage on a far more local level. This country's national grid has the most robust transmission system in the world, and while I favour micro-generation, I do not think that we should gainsay the effectiveness of the national grid.

Norman Baker: I can happily pass on to the hon. Gentleman a parliamentary answer detailing transmission losses from the national grid, so there is an issue there. The point about localised energy, as opposed to distance energy, needs to be recognised.

Woking borough council, as mentioned, has slashed 77 per cent. of its CO_2 emissions by setting up decentralised energy networks and instigating energy efficiency measures. That shows the potential that can be achieved across the country. The right hon. Member for Bromley and Chislehurst (Mr. Forth) asked about the potential of the Bill. If half the homes in Britain installed 1 Kw micro-CHP or micro-wind turbines, it would provide as much winter generating capacity as all our nuclear power stations put together, so the potential is enormous.

Danny Alexander (Inverness, Nairn, Badenoch and Strathspey) (LD): Does my hon. Friend agree that a further potential benefit of the Bill is that it would help to tackle fuel poverty, which is a particularly important issue at the moment, given rising fuel prices—especially of heating oil—in areas that do not have mains gas supply, such as the Highlands and Islands? That is another reason to support micro-generation through this Bill.

Norman Baker: It is always spooky when someone intervenes to make the next point in my speech, and I am grateful to my hon. Friend for that point. As well as tackling fuel poverty, the Bill would be useful in rural areas. For example, domestic heat pumps are already in use in Cornwall and other areas where there is no mains gas. That has an empowering effect and also tackles the carbon emissions that would result from oil use or inappropriate gas use.

Lembit Öpik (Montgomeryshire) (LD): Does my hon. Friend agree that while wind power has its place, one of the great frustrations for people in rural areas is that they are beginning to feel like the new macro-energy producers? It is as much a scourge on local communities to be surrounded by large wind turbines as it was to live next to a large power station.

Norman Baker: I must say that I would rather live near a wind farm than a power station. It is right to try to localise energy supply wherever possible, and I have supported individual wind turbines in my constituency and elsewhere, which can meet local needs. If such initiatives are pursued, people will feel ownership of the structures, rather than feeling that they are simply there to serve somebody else.

Greg Clark (Tunbridge Wells) (Con): The hon. Gentleman's constituency, like mine, has several farming communities that have experienced a relative decline, especially in hop gardens and fruit crops. A big expansion in the use of biomass fuel could help to regenerate some of those local communities before it is too late.

Norman Baker: I agree. There is a wonderful opportunity for a win-win situation, with the production of less carbon-producing energy that also supports our farming industry. That potential has not yet been maximised. We need to do more, and I welcome the biomass taskforce report from Sir Ben Gill, although I was surprised that it did not recommend a renewable heat obligation. That is included in the Bill, and I shall be interested to hear the Minister's view on it. I am in no doubt that a renewable heat obligation would be valuable, and that is why I tabled an early-day motion on the matter in 2004. Indeed, the Government signed up to the renewable transport fuels obligation only this week, and they have signed up to a renewables obligation generally. So the Government recognise that the mechanism works, and I look forward to the Minister saying why he does or does not agree with its use for renewable heat.

Mr. Mike Weir (Angus) (SNP): The hon. Gentleman mentions Sir Ben Gill's taskforce. Is he aware of other reports, including one by the Scottish Executive, that supported the renewable fuel obligation? The Scottish Executive report also pointed out that such an obligation could create 2,000 jobs in rural areas of Scotland.

Norman Baker: The hon. Gentleman makes a valuable point and I hope that the Minister will bear it in mind when he responds.

The Bill would also require an annual report on greenhouse gas emissions, which is a sensible idea. Indeed, hon. Members may have noted that the right hon. Member for West Dorset (Mr. Letwin) and I have suggested something similar. We should have targets, an annual debate with a Government response, and external audits of what the Government are doing.

Mr. Forth: Some stress has been laid this morning on targets and reports, but how impressed has the hon. Gentleman been with the Government's track record on the plethora of targets that they have set in the past eight years and the avalanche of reports and reviews produced? What results have flowed from those, and why is the hon. Gentleman so optimistic that the reports that the Bill would generate would have any more positive results?

Norman Baker: There is a tendency to set targets for a long time hence and then find that they have not been met. The Bill would have annual targets, externally audited, with a requirement to report to Parliament. That is a much more vigorous and sensible approach than the use of targets so far, which has been rather loose.

I am delighted to support the Bill and that it has cross-party support. It is strongly supported by the Liberal Democrats, as shown by the strong turn-out of my colleagues, and I hope that it will have a safe passage through its remaining stages.

10.25 am

Mr. Andrew Smith (Oxford, East) (Lab): Action to tackle climate change is a vital global challenge and I congratulate my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) on introducing the Bill. I am very pleased to be listed as one of its supporters and I hope—the signs are encouraging—that it will have enough support from other hon. Members and the Government to receive a Second Reading this afternoon, along with the Management of Energy in Buildings Bill, on which I congratulate my hon. Friend the Member for Southampton, Test (Dr. Whitehead).

As we have heard, the Bill would encourage and facilitate domestic micro-generation, the promotion of community energy, and the development of a renewable heat obligation. All that makes very good environmental sense and very good economic sense, but I want to say a word on why it also makes such good political sense. That is not only because it responds to a growing concern among many of our constituents that if climate change is really such a threat, we should do more about it. It is also because people are enthusiastic to do more about it in their everyday lives.

Mr. Forth: I do not know whether the right hon. Gentleman has had an opportunity to open his post this morning. I have of course opened mine, as I do every morning, and studied it carefully. By coincidence in today's post, I received the results of a survey conducted by MORI on behalf of EDF which asked what the most important issues were for the people of this country. Global warming and climate change came a poor seventh in the list. I point that out because I do not want the House to run away with the idea that everybody has global warming and climate change at the top of their personal agendas: they do not.

Mr. Smith: One can draw whatever conclusions one wants from surveys that arrive in the post. All I can say is that in my regular street surgeries in Oxford, one of the main issues raised recently was not the Terrorism Bill, nor even the NHS or education, but climate change, the importance of plastics recycling and the environment in general. In my surveys of young voters in particular—I am sure that other hon. Members have had similar experiences—climate change, and the need for more local action, are consistently some of the top issues raised.

It is crucial that such matters be not left to G8 summits and world conferences, but that people see what they can do in their own homes and neighbourhoods. Micro-generation enables people to think globally and act locally. I am pleased that the Bill includes a duty on the Secretary of State to promote community energy. In Oxfordshire, at Watchfield, we have an exciting project to build Westhill wind farm—the first in south-east England. One of the reasons it will be the first is the difficulty that community renewable energy schemes face. Projects with a capacity below 5 MW and a significant community buy-in are unattractive to conventional developers, who prefer the wholesale energy market. Advice and risk finance are difficult to obtain. The Bill will help by allowing the Secretary of State to allocate funds to promote investment in community energy schemes and provide them with advice. A lot could be achieved with modest amounts of money including, for example, for grants that could be repaid by successful schemes.

A conference will be hosted in Oxford next April—the world's solar cities conference—where local authorities and local initiatives across the world will share ideas and expertise. I hope colleagues will encourage constituents to take part, and I shall circulate details. It would be great if delegates from the UK were able to tell others what a boost progress on the Bill is giving micro-generation.

If we are to give the Bill a Second Reading, we need to keep our remarks brief so I shall mention only a couple of barriers that I am glad that the measure addresses. Obtaining green energy certificates for micro-generation can still be difficult and expensive. In some cases renewable obligations certificates cost more than a micro-generator is worth. Ofgem should tackle the regulatory burden of the certificates by making them accessible for the householder, so that micro-generators can benefit from Government support for renewables. I welcome the provisions that would minimise the cost and administrative burdens of domestic micro-generation.

Like community energy schemes, micro-generation suffers from the structure of the traditional energy market. Unlike large generators, householders are not in a position to undertake complex commercial negotiations with energy suppliers. I especially welcome clause 7, which takes a crucial step forward in requiring energy suppliers to offer to buy micro-generated energy from householders at the market rate. Household energy generation would be put on the same terms as household energy supply—a straightforward and commonsense approach which empowers consumers who are producers.

Taken together, those steps and other aspects of the measure would ensure that micro-generation makes a significant contribution to hitting the 10 per cent. target for energy from renewable sources by 2010. As other Members have pointed out, the Bill offers real opportunities to address fuel poverty, as well as benefits to poor countries through technology transfer.

In conclusion, climate change, energy conservation and sustainable energy are vitally important, as more and more of our constituents recognise. This is a crucial time for taking the decisions and action necessary to determine how to meet our commitments on climate change and put the future of UK energy production on a sustainable basis. The Bill tackles regulatory and financial barriers that hold back community energy and the potential of micro-generation. It will promote sustainable energy, improve community involvement and encourage people to save energy. Passing the measure will help to ensure that climate change and sustainable energy are at the very top of the political agenda. Its provisions are good for the environment, good for the economy and will enable people to combat global danger with local action. I commend the Bill to the House.

10.32 am

Mr. Philip Hollobone (Kettering) (Con): I add my support for the Bill. I have received more letters on climate change than on any other subject. Since the election, I have received more than 50 representations, including one from the Southfield school for girls. I commend the students and their head of geography, Mrs. Christine Lunt, who lobbied me on climate change on their own initiative, not in response to any campaign. As the right hon. Member for Oxford, East (Mr. Smith) said, it is clear that the younger members of our communities hold strong views on climate change.

Mr. Forth: My hon. Friend has just boasted that he received 50 representations since the election. Will he remind me of how many voters there are in his constituency?

Mr. Hollobone: There are 81,000 voters, so I concede that 50 is a small percentage, but it is still the largest number of representations that I have received on any issue. In my view, that reflects serious concern in the Kettering constituency.

Mr. Jenkin: The survey conducted by MORI for EDF to which my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) referred earlier also demonstrated that, when people were asked about

[Mr. Jenkin]

electricity generation, about 79 per cent. of the sample regarded the reduction of carbon dioxide emissions as the most important thing. Although the Government's failures on crime and health rank higher in the public's mind, energy matters and the reduction of carbon dioxide are also important.

Mr. Hollobone: I thank my hon. Friend for that helpful intervention.

I am disappointed that we should be forced to discuss these issues in private Members' time. If the Government were really serious about tackling climate change, they would have already adopted the proposals in the Bill and presented their own legislation to the House in Government time. It is disappointing not only that we are retreating on our carbon emissions targets, but that the Government have yet to demonstrate that they are taking the issue seriously. The Bill's proposal that the Government come to the House once a year to present a report on how they are tackling carbon emissions would be a welcome addition to the transparency of the process.

I am particularly excited by the idea of extending renewable obligation certificates to individual householders to export their electricity to the local distribution network. That could become the new green pound. It would not force people to take up micro-generation but would act as a powerful financial incentive for those who wanted to implement such schemes. Once the idea caught on, it could become extremely popular. The Bill has tremendous potential to help our local farming communities, many of whom in the Kettering constituency have written to me on the subject. Farmers could grow crops to turn into electricity that would supply local communities.

Although I am disappointed that we are not discussing the subject in Government time, as we should, I welcome the proposals introduced by the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz).

10.36 am

Mr. Mike Weir (Angus) (SNP): I want to make a few points, but first I congratulate the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) on such a good Bill. In his remarks, he concentrated on micro-generation, but I want to say something about the renewable heat obligation, as it is a vital part of the Bill.

I am aware that Sir Ben Gill's taskforce recently came out against renewable heat obligation, but I also note that the Royal Commission on Environmental Pollution recommended such an obligation. Furthermore, as I mentioned in an intervention, a report from the Scottish Executive showed that biomass could not only contribute to reducing climate change, but create about 2,000 jobs in rural areas of Scotland. Our farming and forestry industries face tough times so that would give them an important boost.

Yesterday, when the Government introduced the renewable transport fuel obligation, the National Farmers Union in Scotland issued a press release that can only be described as glowing—the first time it has ever done so for a Government policy. That just goes to show what those obligations can do for industry in rural areas, in England as well as in Scotland. The renewable heat obligation would not only tackle climate change by reducing carbon dioxide emissions, but would stimulate the biomass industry and help with energy security. We worry about having to get supplies of gas from places such as Kazakhstan and Russia, and we worry that coming winters may be extremely cold; the measure would do more to assure energy security with supplies from small-scale developments in our own nation.

The Bill mentions fuel poverty, although not in great detail. A worrying thing in Scotland is that a rising number of people are suffering fuel poverty as the cost of energy increases. All the energy companies recently announced high hikes in both gas and electricity prices, which puts thousands more Scots, and other people in the UK, in fuel poverty. Renewable fuel obligations would help to diversify energy supply and thus tackle fuel poverty. However, when considering all such schemes, we must bear in mind the fact that costs are important. To reduce fuel poverty, we must reduce the cost of electricity to consumers.

We should not get carried away by micro-generation. Renewable energy also means that we have to feed into the national grid. The Minister will not be surprised to hear me mention transmission charges; my colleagues and I have tackled him on that subject on many occasions, going back to the Standing Committee on the Energy Act 2004. It is something that we are very concerned about, because the transmission charge regime proposed by Ofgem will be a huge detriment to the development of renewable energy in the north of Scotland—an area that is particularly suited to the development of renewable energy. The 10-year cap is too short to allow a payback on many of these developments, and of course they only get the full 10-years if they are up and running when the cap comes into being.

This is a serious issue. I know that the matter is out to consultation. I do not expect that the Minister will have anything to say about that today, but it is an important arm in dealing with renewable energy. The Bill will go a long way to help the provision of renewable energy, but there must be action on transmission charges to ensure that we get the benefit from the massive potential from wind, wave and tidal power that there is in Scotland, and which may well be crippled by the transmission charge regime that is currently proposed.

10.40 am

Mr. Brooks Newmark (Braintree) (Con): I, too, commend the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) for his foresight in introducing the Bill. I very much welcome the contribution that he has made by encouraging a progressive and sensible response to climate change. The time is long overdue for us to confront this ever-present and growing concern, so I should like to talk about the broader principles that the Bill addresses.

We must all recognise that we face an overriding problem when dealing with climate change. My hon. Friend the Member for South-West Bedfordshire

(Andrew Selous) identified the difficulty during the Opposition day debate on tackling climate change. He said then that

> "we are unlikely to make progress on climate change until the public take it more seriously, and . . . we have all failed in doing that job".—[*Official Report*, 12 October 2005, vol. 437, c. 365.]

That very much backs up the point that my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) made. This is not a high priority on many people's lists. When lists are published they include crime, health care and law and order, all of which are far more pressing issues on people's minds. However, as my hon. Friend the Member for Kettering (Mr. Hollobone) and thee right hon. Member for Oxford, East (Mr. Smith) said, this is indeed a pressing matter, particularly for young people. They are the people who send me letters and make representations to me on the subject.

Mr. Forth: I am sure that my hon. Friend, taking the interest that he does in the subject, is absolutely familiar with the excellent report recently produced by the House of Lords Select Committee on Economic Affairs, which, if I get a chance to catch your eye, Mr. Deputy Speaker, I may want to expand on. Is my hon. Friend aware of their lordships' excellent conclusions, and if so what weight does he give to them?

Mr. Newmark: I very much appreciate my right hon. Friend's guidance on this matter. I confess that I have not had the time that he has had to study it in the depth that he probably has, but that does not necessarily negate the argument that I am making.

If we continue to talk of climate change in terms of international accords and global trends, we shall continue to fail in winning over the public. Kyoto is important and effective carbon trading is important, but if ever an issue needed to be tackled at a grass-roots level it is climate change. That is why I believe that the Bill raises a very important principle.

It seems that we have two options for encouraging a change in public opinion. The first is to continue with sporadic warnings about the dire consequences of doing nothing. They will unfortunately occasionally be backed up by tragedies, like Boscastle, or farces like the annual water shortages caused by the wrong kind of rain. The alternative is to provide meaningful and accessible incentives—I use that word as opposed to regulations or directives—for ordinary people to contribute to the country's energy efficiency.

In 2002, domestic users accounted for about 24 per cent. of the UK's greenhouse gases and 27 per cent. of carbon dioxide emissions. Three quarters of that figure results from heating and hot water alone. Indeed, domestic users are the largest single group of energy users in the UK, which is another reason why I find the Bill extremely attractive.

About 140,000 new houses are built each year, and that could increase to 260,000 a year in the light of the proposals arising from the Barker review. Building regulations were upgraded in 2002 to increase the performance of new dwellings by 25 per cent., and I welcome the increase of another 25 per cent. this year. However, regulations are not quite the same as incentives and they are not nearly as effective. Regulations do not generally encourage anyone to exceed the acceptable minimum standards. I therefore believe that the right thing to do is to offer fiscal incentives for energy efficiency.

I shall address the proposals in clauses 3 and 5 with reference to the example set by my own constituency of Braintree. Braintree council recently introduced a pioneering scheme to offer council tax rebates to home owners who install cavity wall insulation. Residents who join the scheme get a £100 council tax rebate for spending £170 on having their walls insulated. It is possible to save £100 on heating bills in the first year alone. That in itself must be attractive, and probably far less costly than perhaps even the micro-generation proposals that were mentioned earlier.

Mr. Mark Harper (Forest of Dean) (Con): My hon. Friend knows my concern—we discussed it earlier. The Braintree scheme is admirable, but there are parts of the country where, owing to the nature of historic building construction, many householders do not have the option of installing cavity wall or similar types of insulation. If a local authority, on its own initiative, offers a council tax rebate to those householders who install insulation, those householders get a double benefit—they save some fuel costs and they get their council tax rebate. However, without support from the centre, that council tax rebate is effectively funded by other members of the community who are not fortunate enough to be able to make the energy saving. Will my hon. Friend address that point?

Mr. Newmark: My hon. Friend makes an excellent point. I believe that the scheme extends to loft insulation, as well. Councils throughout the land are increasingly having what we would all refer to as green agendas, and that scheme is very much part and parcel of an excellent green agenda for Braintree council.

Michael Fabricant (Lichfield) (Con): My hon. Friend makes an interesting point, and the intervention on him was particularly interesting. He mentioned loft insulation. Does he accept that thatched cottages offer tremendous insulation? He will have noticed, for example, that when there is snowfall, the snow evaporates quite quickly from conventional tiled houses, whereas it remains on thatch. Could it not be argued that there ought to be some financial incentive for people with thatched houses, too?

Mr. Newmark: I am sure that my hon. Friend is an expert on thatched coverage to the upper regions of one's house, so to speak. He is absolutely right—thatch is indeed an excellent form of insulation, as is white snow.

The Braintree scheme illustrates how quickly energy savings can repay capital investments. Tax incentives ensure an even quicker return, although I sound a note of caution about fiscal incentives. I believe that Braintree district council's scheme has been so successful because it is simple and easy as well as cost-effective. It is helped, of course, by the fact that the council tax is very much on everyone's mind at the moment—especially pensioners and the less well off—and any opportunity for a discount would immediately

[Mr. Newmark]

be attractive. The Association for the Conservation of Energy has said of fiscal incentives for energy efficiency that

> "there is no doubt that consumers like to think they are getting something for nothing, especially if it is some kind of valid avoidance."

Mr. Hurd: I am grateful to my hon. Friend for highlighting the Braintree example because it is hugely important. The chief executive of the Energy Saving Trust told the Environmental Audit Committee that more than 600 households have applied for the rebate in just the few months since its implementation. Does not that information confirm my hon. Friend's thesis that exactly that type of short, sharp and simple fiscal incentive will break through the consumer apathy that has been the brake on attempts by successive Governments to make a breakthrough in the energy efficiency agenda?

Mr. Newmark: Indeed, my hon. Friend makes an excellent point. In fact, I had an opportunity to speak to the councillor who is leading the charge on this—Councillor Walters—who said that he has been inundated by e-mails from other councils that want to introduce such a scheme into their local communities because of its simplicity and cost-effectiveness.

Mr. Forth: My hon. Friend has already quoted what one if not two single-interest, publicly funded quangos have said on this subject. Does he have the same scepticism about their advice as the House showed to the chief police officers' advice that was so much criticised by Opposition Members just the other day? I hope that he is not suggesting that we should all accept uncritically what a single-interest, publicly funded quango says about something.

Mr. Newmark: Once again, my right hon. Friend makes an excellent point. I am always very sceptical about what comes from quangos. However, I also believe that it is important that we listen and then, having listened to whatever outside parties are involved, we reach our own conclusions and judgments. So having listened and read probably in a far more limited way than my right hon. Friend—I am sure that, as a much more learned Member, he has done much more work on this—I have reached my own conclusions, which I am presenting to the House today.

We must be conscious that not all fiscal incentives are so easy to understand. Clause 3 will require the Chancellor of the Exchequer to publish a strategy for fiscal and economic measures that will assist micro-generation and energy efficiency. The concern must be that the Chancellor's fascination with Gordian taxation schemes will run amok once again. An incentive is of no use if it cannot be readily appreciated as such by those people whom it exists to try to benefit. The danger is surely that the Bill will be railroaded into becoming yet another excuse for increased regulatory burdens in return for obscure tax credits.

Mr. Harper: My hon. Friend makes a good point about Gordian tax complexity. One or two Members have already mentioned the pitfall that those who set up micro-generation capacity might face if they find themselves with a liability to national non-domestic rates—business rates, to the layman—but there is also a risk, given the Chancellor of the Exchequer's well-known propensity for revenue raising, that household consumers who sell micro-generation capacity back to electricity companies might find themselves, either now or in future, taxed by the Chancellor on those revenues.

Mr. Newmark: I thank my right hon. Friend—*[Interruption]*—my hon. Friend. He is not right hon. yet. I meant right as in correct. I thank him for his contribution once again.

The paper, "Economic instruments to improve household energy efficiency", jointly published by DEFRA and the Treasury in 2003, lists no fewer than 12 separate economic instruments to encourage energy efficiency, including council tax and stamp duty rebates, which have already been subject to an early-day motion. I will not emit any further CO_2 on the proposals listed in that report, except to say that we must be wary that the list does not grow unchecked. I have no hesitation in speaking in support of the principle of the Bill, but we have a duty to ensure that its provisions will be implemented as well as they have been drafted.

10.54 am

Mr. Mark Harper (Forest of Dean) (Con): I note that the Bill's principle purpose is to consider the effects of climate change and the United Kingdom's contribution to it, so I want to dwell for a moment on the opening comments of the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) and the point raised in an intervention about the Government's strategy. The hon. Gentleman has been quoted as saying that there is a worrying trend that the UK will struggle to meet the 20 per cent. reduction in greenhouse gas emissions by 2010, and that he wants the measure to help the Government to get on track. He recognises the disappointment that many people feel about the Government's approach.

My hon. Friend the Member for Salisbury (Robert Key), who is no longer in his place, referred to some scepticism in his local authority area about whether climate change was happening and whether it was being driven by man-made effects. The science is clear that climate change is happening and that it is being affected by man's intervention, but there is a point that gets less coverage. I am grateful to my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) for drawing to my attention the very excellent report of the House of Lords Select Committee on Economic Affairs entitled, "The Economics of Climate Change", which I have had the opportunity to study in detail. The Select Committee draws attention to the fact that although climate change no doubt exists, the conversations about it and policy making are very much focused on the environment and science and have, to date, paid much less attention to the costs of climate changes and of the many measures that can be taken to deal with it.

Mr. Forth: I do not know whether my hon. Friend will come to this at some stage in his speech, to which I shall listen with fascination, but will he talk about scenarios and temperature ranges? Various things came out very clearly in their lordships' excellent report. For example, in paragraph 72, they say:

> "We received a significant amount of evidence on the realism of . . . emissions scenarios, and doubts were raised, particularly about the high emissions scenarios."

That all sounds very technical and obscure. Of course, for understandable reasons, the Bill's promoter did not want to detain the House for too long on the underlying principles of climate change, but will my hon. Friend consider any of that during his remarks?

Mr. Harper: I am grateful to my right hon. Friend for that intervention. I am afraid that my background is based rather more on the finance and economics of the argument. I am not an expert on engineering and technical matters—I know that some hon. Members are—so I probably will not dwell on those scenarios. I want to focus on the economic costs and the alternative ways to deal with climate change. Many hon. Members have referred to a view of the debate that is shared on both sides of the House. Everyone accepts that climate change is happening and causing a problem, but there is not universal consensus about the best way to deal with it and the way to do so most economically.

Before my right hon. Friend intervened, I was making a point about the different options that are open to the Government. I look forward to the Minister's remarks in response to the debate about the Government's policy and the way that they have analysed their different options and the most cost-effective ways to address climate change. Certainly, their lordships' conclusion in their report:

> "We are concerned that UK energy and climate policy appears to be based on dubious assumptions about the roles of renewable energy and energy efficiency and"—

most importantly—

> "that the costs to the UK of achieving its objectives have been poorly documented. We look to the Government, with much stronger Treasury involvement"—

I hope that the Minister will focus on this at least briefly in his remarks—

> "to review and substantiate the cost estimates and to convey them in a transparent form to the public."

The public could then be properly cognisant of the costs and trade-offs that they must consider when looking at energy policy.

Government energy policy has been touched on at some length. When questioning the hon. Member for Edinburgh, North and Leith, my right hon. Friend the Member for Bromley and Chislehurst touched on the potential for micro-generation in dealing with our total energy capacity. The hon. Gentleman said that people have estimated that micro-generation could achieve up to 10 per cent. of generation capacity, although he would not necessarily go as high as that. My concern is that trends are developing, particularly with nuclear energy and its decommissioning—

Mr. Deputy Speaker: Order. The House will now stand and observe two minutes silence in remembrance of those who gave their lives for their country.

11 am

The House observed a two-minute silence.

Mr. Harper: Just before we were very valuably interrupted, I was touching on Government energy policy. The hon. Member for Edinburgh, North and Leith said that he would not go as far as to suggest that 10 per cent. of our energy capacity should come from micro-generation, but a number of us are concerned by what will happen to our other generating capacity. No doubt, the Minister for Energy will comment on that. Something like 23 per cent. of our energy needs are supplied by nuclear power and many in the House will know that that figure will fall tremendously over the next 20 years.

Those outside the House, particularly the younger members of the community to whom my hon. Friend the Member for Kettering (Mr. Hollobone) drew attention and who have taken part in community micro-generation and driven up renewable energy generation in this country, will be disappointed if fossil fuel generation comes in to fill the gap because decisions are not taken about the renewal of our nuclear capacity. That would negate all the work that the hon. Member for Edinburgh, North and Leith suggests that we do. I hope that the Minister will comment on where the Government's review of energy policy has reached and when he might bring forward to the House thoughts on where the Government stand, particularly on their plans for nuclear generation and whether they see that as having a role. The cross-party Committee that drew up their lordships report said:

> "We think that current nuclear power capacity, before further decommissioning occurs, should be retained."

The only technical point that I shall make relates to something that my right hon. Friend the Member for Bromley and Chislehurst said. Many Members have drawn attention to the range of technology solutions that are referred to in the Lords Committee's report. Table 8 on page 46 contains a whole list of emission-reducing technologies that Professor Dennis Anderson of Imperial college, London, has put together. It refers to a whole range of things, including the biofuels that have been mentioned by hon. Members and the photovoltaic solutions that are possible in micro-generation. The report says:

> "Given the wide array of potential technologies . . . we are surprised that the Government's Energy White Paper should place such emphasis on just one technology, wind energy."

It would be helpful if the Minister could explain the breadth of energy solutions that the Government are considering. What contribution does he think that micro-generation could make to our total energy requirement and how does the cost of that compare with other solutions?

Mr. Forth: Is my hon. Friend convinced that the costings of all the alternative methods of producing energy, such as the building and maintenance of windmills and the production of photovoltaic cells and their disposal after their working life, have been fully considered? Does he believe that the analysis of their lordships or of others takes full account of the whole-life

[Mr. Forth]

cost of various types of energy production and, not least, the costs of their environmental disposal at the end of life?

Mr. Harper: My right hon. Friend makes a very good point. I do not think that that has been done. One of the concerns that their lordships raise comes down to the public's scepticism about politicians. If we do not run through all the solutions, include all the costs and have a full and frank discussion with the public about the costs of climate change and of dealing with it, their lordships argue:

> "Ultimately, a public that is not adequately informed may react adversely to the discovery that more and more cost burdens will fall on them, and on their children, in the name of warming control."

Their lordships refer briefly to the fuel protests in 1999 and 2000 as an illustration of what happens and how sensitive the public are to even relatively modest increases in the cost of energy. I hope that the Minister will give us an idea of how the Government see the costs of energy panning out over the next few years and how the proposals in the Bill might impact on that.

Having dwelt for a few moments on climate change and the thoughts of their lordships, I now want to turn to the Bill and make a couple of comments about it. The hon. Member for Lewes (Norman Baker) referred to targets in his speech and my right hon. Friend the Member for Bromley and Chislehurst asked him whether a strategy of having targets and reports had been very effective. I am a little more sceptical than the hon. Member for Edinburgh, North and Leith about the likely success of such a strategy.

The most important provision in the Bill appears in clause 2 on an "Annual report on greenhouse gas emissions". Clause 2(1) lays

> "a duty on the Prime Minister in the course of each year to lay before Parliament a report on—
>
> (a) steps the government has taken to reduce emissions of greenhouse gases . . . and
>
> (b) the level of emissions of greenhouse gases in the United Kingdom".

That just asks the Prime Minister to lay before the House a report, even though, as my right hon. Friend the Member for Bromley and Chislehurst has suggested, the Government are past masters at producing reports, documents, working parties and all sorts of other groups. When difficult decisions need to be taken in local government, we know that they set up a report under an eminent person. When the report is produced and a tricky decision is needed—I am sure that decisions on climate change will be the same—yet another report under the same eminent person is commissioned and the issue is kicked into the long grass. Just asking the Prime Minister to produce a report without imposing any further duties on him is an excuse to lay before the House lots of documents and hot air, with not much progress being made towards the targets.

Mr. Forth: My hon. Friend will not be surprised to hear that that part of the Bill had caught my eye. I wonder what would happen if the report said that no progress had been made. If we were lucky, we might be given a debate in the House, although we certainly would not have a vote because the Government do not like debates with votes any more. Has my hon. Friend speculated about what might happen if these rather tediously frequent reports ended up saying that very little had happened at all?

Mr. Harper: The Prime Minister makes an important point—*[Laughter.]* I am sure that that Freudian slip has filled some hon. Members with great joy and others with great horror—*[Interruption.]* I see that it would be joy on the other side of the House.

Given the comments of my hon. Friend the Member for Kettering about the fact that the Government are failing to stay on track to hit their targets, the Prime Minister might face the choice of either bringing a full and frank report before the House that made it clear that the Government had made little progress on reaching their targets—and, in fact, had hit fewer targets on the reduction of greenhouse gases than the Government led by Sir John Major—or producing a long and verbose report that skirted around the issues and made the steps that the Government had taken unclear.

As my right hon. Friend the Member for Bromley and Chislehurst said, the Bill provides for a debate on the report. I welcome that, because it is always good to give the House the opportunity to debate such important issues. As he said, however, a vote after the debate would be unlikely because the Government would not want to put their policy on climate change to a challenge. Little concrete progress towards meeting targets would be made merely by bringing a report before the House.

Mr. Forth: Has my hon. Friend thought about what would happen if the motions in the two Houses of Parliament to which the Bill refers were put to a vote and the votes went in different ways? For example, the House of Commons might vote in favour of the report, but following the excellent House of Lords report to which he and I referred, their lordships might vote against the Government's report. Where would that leave us?

Mr. Harper: We would be in a confused and unclear position.

Perhaps the hon. Member for Edinburgh, North and Leith will explain what would happen if the Prime Minister laid a report before the House that made it clear that the Government had made little progress? The Bill does not seem to give the Government any specific duty to make progress—they must merely lay reports before the House. We would prefer the Government to take action, instead of merely generating more paperwork and red tape.

The Bill would give the Chancellor of the Exchequer the duty of preparing and publishing

> "a report on such fiscal measures he considers appropriate".

That relates to a point that I made in an intervention on my hon. Friend the Member for Braintree (Mr. Newmark). It would be helpful to set out in detail the guidance that we would want to give the Chancellor. Given the Chancellor's record so far, if he gets anywhere near this, people who produce their own power in a micro-generation plant and sell it back to an electricity company will almost certainly be pursued by the Inland Revenue for tax. Hon. Members have pointed out that people who already partake in micro-generation are pursued for national non-domestic rates. Given that the Bill invites the Chancellor of the Exchequer to consider fiscal measures, I cannot believe that he would come up with any such measures that would reduce tax. He would not pass up the chance to increase the amount of tax that people pay. If the hon. Member for Edinburgh, North and Leith gets his right hon. Friend the Chancellor involved, he might set back the course of micro-generation and energy efficiency, rather than enhance it.

My right hon. Friend the Member for Bromley and Chislehurst questioned the hon. Member for Lewes about targets. I understand why the Government might be attracted to the concept of setting a national target and having every local authority in the land set a local target. However, nationally and locally driven targets have not been remarkably successful in any other area. The centre can be too prescriptive about its targets, and if such targets were to drive people in one way or another, despite the rapid pace of technological change, valuable changes in generational technology could be missed because people would be sent off in a different direction. Given the lack of success of Government targets in other areas, I am a little sceptical about the targets in the Bill.

Have the Minister and his Department given any thought to the target regime that they might introduce? The Bill establishes a broad power because clause 4(5) says:

> "It shall be the duty of the Secretary of State to take such steps as he considers necessary to secure that the target established in accordance with subsection (1) is met."

The House thus needs to know from the Minister what the Secretary of State's thinking might be.

Mr. Forth: Does my hon. Friend share my worry that if we took that provision literally and the Secretary of State felt so obliged, it could represent an open-ended commitment to public expenditure? If progress was not forthcoming in any other way, might not a Secretary of State, in adhering to the aims and provisions of the Bill, feel obliged to spend large sums of public money to reach the targets that had been set?

Mr. Harper: I invite the Minister to comment on the good point that my right hon. Friend makes. Although I listened to the hon. Member for Edinburgh, North and Leith with great care, I do not think that he spoke at any length about the possible cost of some of his proposals. We must be cognisant of that, especially in the light of their lordships' guidance on properly taking account of costs and being upfront and frank with the public about the options and difficult choices that must be made.

Several hon. Members, including my hon. Friend the Member for Braintree and the hon. Member for Bury, North (Mr. Chaytor), who is no longer in the Chamber, mentioned the policies of their local authorities. The Bill would put a duty on such authorities to set a local target regime. The Bill's long title refers to the "alleviation of fuel poverty", but I wonder whether an unintended consequence of the Bill might be to worsen fuel poverty. I think I am right in saying that the hon. Member for Edinburgh, North and Leith confirmed that the Bill would put several duties on local authorities that would result in some cost. I am sure that my right hon. Friend the Member for Bromley and Chislehurst will agree that we receive many letters from our constituents about the burden of council tax, which falls especially heavily on pensioners, who obviously make up one of the groups of people most affected by fuel poverty.

Mr. Newmark: I briefly remind my hon. Friend that the beauty of Braintree district council's proposal is that it is inexpensive and simple and has an immediate pay-back. One pays £170 for the insulation and the energy savings are approximately £100 per annum, so there is pay-back in less than two and a half years. The amount that is paid is not so expensive. We need a general broad set of targets, perhaps set by Government, and a light regulatory touch coupled with strong fiscal incentives. That is the combination that I propose to my hon. Friend.

Mr. Harper: My hon. Friend makes a good point but he slightly misunderstands my point. I was not talking about his scheme but considering the burden on local authorities. Braintree council's scheme gives a council tax rebate. The problem is that, if a local authority gives, without support from the centre, a rebate to one citizen, it is a burden on all the other citizens in the local authority area. If we burden local authorities and do not support them through central Government grant, thus driving up council tax, that will be detrimental to those in the poorest communities. They may find that they have even less spare funds available to purchase necessary fuel. Perhaps the Minister for Energy would like to comment on that later.

I want to consider the sale of electricity. I freely admit that I am not an expert or an engineer. Perhaps hon. Members with such backgrounds can advise me. The hon. Member for Lewes referred to losses in energy transmission. If we made a success of the approach that we are discussing, and millions of people throughout the country had their own micro-generation capacity and produced electricity that they wished to sell back to electricity companies, the Bill obliges the energy companies to purchase the energy at market rate. Hon. Members of all parties have welcomed that. I have a concern, which the hon. Member for Angus (Mr. Weir) also mentioned, about transmission charges.

If we lay on electricity suppliers a requirement to purchase electricity, what physical infrastructure would be required to enable the transmission of those relatively small quantities of electricity into the local distribution network? How efficiently would that happen, and at what cost? If the obligation to purchase the power causes electricity companies to spend a great deal of money, the cost must be borne either by the person selling the electricity back to the transmission network—that would probably offset the amount of revenue they get—or electricity companies. In the latter case, the cost would be passed on to many consumers.

Mr. Newmark: Although I am not an engineer, I believe that we currently have primarily a pull strategy. We pull energy through the national grid into our local communities. As we pull it over long distances, the

[Mr. Newmark]

longer the distance, the more energy we lose in the pipeline or channel. A micro-generation strategy, which is based in a local community, becomes more of a push strategy. Any surplus energy is pushed away from the core. It is therefore likely that any surplus will be held in a relatively small area. I appreciate my hon. Friend's point about cost, but micro-generation is a far more efficient form of energy production.

Mr. Harper: I am grateful for that point. The hon. Member for Lewes also dealt with energy efficiency in his remarks. I know the difference between the national transmission network, which my hon. Friend the Member for Kettering mentioned, and the local distribution network. I am simply considering the physical infrastructure and the mechanics of dealing with a large number of people who are trying to sell their electricity back to the grid. I wonder about the practicalities.

Mr. Forth: My hon. Friend is conscious of the cost and accounting aspect of the measure. Has he considered whether the complex system and network that is being envisaged will be able to take account of depreciation and maintenance of all the micro-generating plants and how that might be factored into the realistic cost of producing energy? Does he share my suspicion that, up to now, everybody has somehow assumed that it is a free good?

Mr. Harper: My right hon. Friend makes a good point. One of the key points about the Bill is that, for it to work, consumers must be able to offset some of their energy costs with the revenue that they get from producing surplus electricity and selling it back to electricity companies. That works only if some of the costs involved are not borne by those consumers. If, consequently, we load lots of costs on to electricity companies, which they have to pass on to other consumers, some consumers might be a little more entrepreneurial than others, participate in the excellent local schemes and thus benefit—the hon. Member for Edinburgh, North and Leith said that six to 10 million homes might benefit from the measure. However, those who do not participate may find that the cost of their electricity increases. That would not help to alleviate fuel poverty, which is one of the Bill's aims.

Mr. Newmark: Notwithstanding the excellent point that my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) made, I remind my hon. Friend that maintenance is a cash item whereas depreciation is a non-cash item. We must take that into account when we consider helping to alleviate pensioner poverty and so on.

Mr. Harper: I thank my hon. Friend for that point.

Mr. Forth: Is the assumption being made that the individual home owner would own the capital micro-generating equipment? If people had ownership and responsibility for maintaining it, the depreciation point is relevant and would kick in.

Mr. Harper: That is a valuable point.

Mr. Dan Rogerson (North Cornwall) (LD): Is the hon. Gentleman conscious of the contribution that unnecessary hot air may make to climate change?

Mr. Harper: I am not entirely sure that that was a serious point. I have probably spent more time reading some of the stuff than some hon. Members.

I want to consider growing the market for the sort of technology that we are considering. Several hon. Members received an excellent document, which included photographs of the hon. Members for Edinburgh, North and Leith and for Southampton, Test (Dr. Whitehead). The document, which is entitled, "Micro Power Nov 2005" from the Micropower Council, includes a joint statement by several companies that manufacture such technology. I am always a little suspicious when a group of business people gets together to make joint statements. I believe that Adam Smith said that we should beware when a group of business people gets together because it is probably not for the benefit of the public as a whole.

The group states:

> "But our bankers and investors will need a certain future market place to put up the substantial sums this involves."

It is a little unusual for Labour Members to be willing to give protected markets and guaranteed returns to business people who can then invest substantial sums at no risk. If the technologies are so promising, it is surprising that an entrepreneurial business sector has not already taken a risk, made some investments, perhaps in marketing, and persuaded people of the promise of the technology. I am surprised that the market has not already taken off in that way.

I am a little concerned about the requirement on heating fuel suppliers to demonstrate that a proportion of the fuel that they supply is from a renewable source. In rural areas, such as the one in which I live, fuel can be purchased from a very small supplier. It is unreasonable that that requirement impacts on all suppliers, however small, and forces them to diversify into the supply of renewable energy. I counsel caution in applying that provision too widely.

11.30 am

Mark Hunter (Cheadle) (LD): I am grateful for the opportunity to speak in favour of the Bill and to make a brief contribution to the debate.

Since I was elected to Parliament, I have heard a number of Members speak about their postbags and the amount of correspondence that they have received on various issues. Some of those claims, particularly over the past few days, have worried me somewhat, as their postbags have clearly not borne any relation to mine. It is therefore with some relief that I can speak on an issue that really has captured the imagination of residents in Cheadle, and I certainly have a postbag to prove it.

I want to praise all those who have been involved in the various campaigns to promote this and the accompanying Bill. As a local councillor in Stockport, I have already been able to support both Bills at a local level, with the backing of all parties there. Similarly effective information and publicity campaigns have been conducted up and down the country in the run-up to this debate.

The technology involved in micro-generation offers a wide range of opportunities to contribute to what is arguably the most important of all global challenges. On thermal heating, household wind turbines, and fuel cells—to name just some of the technologies available—the Bill can make a real impact through the encouragement that its measures offer householders.

It is not just the technology that appeals to me. There is plenty of evidence in my constituency that the public take their responsibilities to the environment very seriously. That is why the local authority that covers my constituency has the highest levels of household recycling of any metropolitan authority, and it is why the constituents to whom I speak are eager to do even more to conserve energy and protect the environment. The measures in the Bill would tap into the enthusiasm and commitment of the public in a positive way, and in a way that simply does not exist at present. The Bill offers carrots to the public and sticks to the Government, because it is clear that this Government and Governments across the world need to move more quickly on this most important matter.

Even those who believe that climate change is an enormous conspiracy theory—which I most certainly do not—and that global warming is neither a serious issue nor a major threat to us all, should think of all those utility bills dropping on the doormat. At a time of rising fuel prices, it would not be overstating the case to say that we have never needed such a Bill so much.

There are compelling reasons to support this Bill on so many counts that it should satisfy those of all political persuasions and of none. The Bill combines the economic, scientific and moral case for environmentalism in a way that I believe really can reverse those negative trends that pose such a threat to us. The Bill is truly worthy of support from all sides.

11.33 am

Greg Clark (Tunbridge Wells) (Con): I am keen to see this and the other Bill to be presented today progress. As we have had some long speeches today, I merely want to record my support for the Bill. I hope that we can move to the Front-Bench speeches and make some progress.

11.34 am

Bill Wiggin (Leominster) (Con): We have had some supportive and positive interventions from the hon. Members for South-West Bedfordshire (Andrew Selous) and for Salisbury (Robert Key), and an important point was made by the hon. Member for Ruislip-Northwood (Mr. Hurd) about the cost of setting up micro-generation. My hon. Friend the Member for East Surrey (Mr. Ainsworth) also made an important point about the Government framework. What a joy it has been for the second time this week to have so much consensus on both sides in the House. I hope that the Minister will refer at some stage to the gap in funding for the Clear Skies project, to which I shall return later.

We heard a good speech from my hon. Friend the Member for Kettering (Mr. Hollobone), who emphasised the importance of the issue and the fact that the Bill enables people to go out and help themselves, which is an important principle. My hon. Friend the Member for Braintree (Mr. Newmark) was very supportive, and spoke about young people and the success generated by local initiative.

My hon. Friend the Member for Forest of Dean (Mr. Harper), who was also supportive of the Bill, made a considerable contribution. He spoke about economics and his concerns about the potential total energy capacity from micro-generation, which was most helpful, and the Government's favouritism for wind energy, which is a concern across the country. He also asked whether the Prime Minister would announce his failures, about which we must be sceptical. As for bringing him to the House to explain one of his party's policies, that is something that he does not currently have to do.

All in all, there were some extremely helpful and positive contributions from Conservative Members, and some questions which I hope that the Minister will answer. Conservatives have always supported promoting the environment, since Rio in 1992. We welcome proposals designed to improve the environment, and we welcome much of this private Member's Bill. I am grateful that these matters are being discussed on the Floor of the House.

The Bill contains some beneficial measures to help combat climate change. Clause 2 makes provision for the Prime Minister to make an annual report. That will help with transparency and Government accountability. Back in 2000, the Prime Minister announced,

> "the greatest threat to our environment today is climate change."

In 2004, he remarked:

> "Our effect on the environment, and in particular on climate change, is large and growing."

This year, he used his presidency of the G8 to place climate change at the forefront of the agenda. At the Labour party conference in September, we heard the Prime Minister again pledging to formulate an energy policy some time next year.

There has been lots of talk, but not much effective action. Despite the Sustainable Energy Act 2003, the Waste and Emissions Trading Act 2003 and the energy White Paper of February 2003, carbon dioxide, pre-eminent among greenhouse gases, has increased since 1997 by 4.7 per cent. Since the introduction in 2001 of the climate change levy, which was designed to reduce greenhouse gas emissions, we have seen greenhouse gas emissions increase. The Kyoto protocol requires us to ensure that our greenhouse gas emissions are 12.5 per cent. below 1990 levels. Considering that the Prime Minister is the Head of Government, his high profile and the importance that he attaches to climate change, it is only right and proper that he should present to the House the annual report on greenhouse gas emissions and his Government's policy.

Clause 2 will make it easier for Parliament to scrutinise the Government, and serve to make the Government more transparent and the Prime Minister more accountable to Parliament. As I said a few moments ago, the Prime Minister currently has no obligation to explain policies to the House. The hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) has sensibly

[Bill Wiggin]

included provisions for micro-generation, which is a technology that Conservative Members would like to see advanced. Section 82(1)(a) of the Energy Act 2004 states:

> "The Secretary of State must prepare a strategy for the promotion of microgeneration in Great Britain",

and we need to wait 18 months for this strategy to appear. The Government have already had eight years—*[Interruption.]*

Mr. Deputy Speaker: Order. The House takes a strong line on mobile phones going off while we are debating in the Chamber. I do not know whose mobile phone that was—[Hon. Members: "He's gone."] The Member responsible has obviously beaten a hasty retreat.

Bill Wiggin: We have had to wait eight years for the Government to develop such an energy strategy—perhaps that was what the phone call was about—and we are still waiting.

This Bill reiterates the need for the Secretary of State to produce a strategy, and requires that the Secretary of State make an annual report to the House about the progress of the micro-generation strategy produced. Like the Prime Minister's report that the Bill advocates, the Secretary of State's report will serve to make the Government more accountable to Parliament for both their successes and their failures. This Bill goes further than section 82 of the Energy Act 2004, as it makes statutory provisions for the Secretary of State to set targets for the take-up of micro-generation in Great Britain. The stability for the industry that such a target would offer could reduce prices by as much as 50 per cent.—those statistics come from the hon. Member for Edinburgh, North and Leith. Microgeneration has huge advantages. The Sustainable Development Commission argues:

> "Microgeneration technologies, in particular micro-renewables, have the potential to make a significant and prolonged contribution to efforts to reduce emissions of carbon dioxide . . . it is hard to envisage a scenario whereby on-site generation of both electricity and heat will not play a major part in future energy supply."

The locality and individual input of micro-generation demonstrates further advantages for its use. The fact that it sources energy locally means that on-site electricity generation substantially reduces the transmission losses that can account for 7 per cent. of total output. That information comes from the Sustainable Development Commission and answers some of the questions from Members who spoke of the loss through the National Grid.

Microgeneration plainly has economic and environmental advantages. It empowers individuals to make a visible impact on climate change. Research has confirmed that when individuals are using micro-generation, their awareness of the environment and energy use increases.

In October 2005, the Sustainable Consumption Roundtable reported:

> "It seems that microgeneration provides a tangible hook to engage householders emotionally with the issue of energy use . . . Householders describe the sheer pleasure of creation and of self-sufficiency: 'It's like growing your own vegetables.'"

It went on:

> "The installation of microgeneration had a profound effect on many individuals across the samples, in homes and schools. Instead of being invisible and unengaging, they could now see the creative process of energy being made and powering their buildings. The emotional benefits from the energy, such as warmth, comfort, light, entertainment, cooking and cleanliness, were now strongly associated with the energy source and made people feel good about their own technology."

Evidence demonstrates that the more the Government promote micro-generation, the more uptake there will be.

Clause 7 will enable consumers to sell the surplus energy that they produce back to the grid. That economic incentive should prompt more people to install micro-generation. I believe that there are already plans to use hydropower energy production on the River Thames to meet about a third of the energy demands of Windsor castle, and there are individual projects such as those on the River Stour in Dorset. There is, however, a massive lack of Government support for those measures.

In response to provisions in the Energy Act 2004, the Sustainable Development Commission commented:

> "Since 2003, we have seen two primary initiatives aimed at encouraging the installation of microgeneration technology—Clear Skies2, and the Major PV Demonstration Programme—but the extent of these programmes has been limited, with total funding over four years of around £42.5m. This has helped to create a domestic solar PV installation industry (and the UK's first manufacturing plant in Wales), and has dramatically increased the growth of other microrenewables. But it has not led to the creation of mass-market status, and in most cases microgeneration companies are small, and operate in a niche market."

I hope that the Minister will talk more about the Clear Skies 2 programme. He shook his head following an intervention about the time lag and the continuity of the programmes. If he has some good things to say I shall be grateful, because he needs to explain why the micro-generation industry is not happy and has been complaining.

Our economy is the second largest in Europe, yet the United Kingdom accounts for only 2 per cent. of Europe's installed thermal capacity. Germany managed to account for 47 per cent., more than 20 times as much. At the end of 2004, our installed capacity of photovoltaic energy production represented a mere 8.2 MWe out of an EU total of 410.5 MWe. Seven EU countries are installing more photovoltaic technology than we are, and even a country as small as Luxembourg can boast almost six times more photovoltaic capacity than us.

The Minister has himself spoken of the need for micro-generation. In July, at the renewable power annual conference, he said:

> "Our vision for the future is of an energy system that includes much more diverse, local energy generation. Small-scale renewable generation has an important part to play in helping the individual to make a contribution to our renewables targets and our wider energy policy goals."

He went on to say that the Government

> "must create the right competitive environment for these technologies to fulfil their potential."

The Government are making over £800 million a year through the climate change levy. They should be able to fund some micro-generation projects, especially given that the costs of water turbines, for example, can be as low as £3,000. Earlier this month, during talks about climate change in London, the Prime Minister remarked:

> "The solutions will come in the end, in part at least, through the private sector in developing technology and science."

The Government have set themselves a target of reducing Britain's carbon dioxide emissions to 20 per cent. below 1990 levels by 2010. In 1997 we were on target to achieve that; now that looks far less likely. The Government have been slow to respond to the changes, and it is the practical effects of many aspects of the Bill that will equip them to make a more positive response to climate change.

Given the amount of Government rhetoric about climate change and sustainable energy production, why should not the Government support a Bill that would oblige them to do what they claim they want to do, but have not done yet?

11.46 am

The Minister for Energy (Malcolm Wicks): I congratulate my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) on presenting an important Bill and a well researched and considered case on climate change and sustainable energy. In the interests of time, which I know we all take seriously, I will not comment in detail on all that has been said—I hope Members will forgive me—but I will say that, at times, the talk here this morning has been as green as the House of Commons Benches. I find that significant.

The private Member's Bill procedure is important. Some 10 years ago I had the opportunity through the ballot and the privilege through the House of introducing what became known as the Carers (Recognition and Services) Act 1995, with much support from the then Conservative health Ministers. I have told my hon. Friend the Member for Edinburgh, North and Leith privately that if I, a mere Labour Back Bencher in those days, could present a Bill under a Conservative Government, surely it may be possible for a Labour Member to do so now.

My hon. Friend is himself a renewable source of energy, as he moves around the Chamber simply to confuse me! *[Laughter.]*

Mr. Forth *rose*—

Malcolm Wicks: The right hon. Gentleman has not had much of an opportunity to intervene today, so I shall give way to him.

Mr. Forth: Is the Minister aware that during the last three Fridays when we have discussed private Members' Bills, it has been his ministerial colleagues who have systematically talked out three of his Labour colleagues' Bills?

Malcolm Wicks: I was not aware of that, because, unlike some, I like to spend some time in my constituency on Fridays. I always feel that that is part of my duty. I am sometimes teased at meetings when I am reminded that I am the seventh Minister for Energy in eight years. I do not want to comment on that, but it shows the Government's dedication to renewables.

Tackling climate change is a priority for the Government and, I detect, a key priority for all of us, or certainly most of us, in the House. The Prime Minister and others, too, have said that it is the greatest challenge facing the world today. While politicians often wax lyrical that their chosen subject is the biggest challenge, in terms of the evidence climate change claims the dubious crown of being the biggest challenge facing the world today.

Our record on addressing the levels of harmful emissions that contribute to climate change is good. We are on track to meet our Kyoto protocol commitments, with emissions of all greenhouse gases projected to be approaching 20 per cent. below 1990 levels by 2010. However, we recognise that there is much more to do to meet our more ambitious target of a 20 per cent. reduction in carbon dioxide emissions by 2010. That is a challenge. Through the current review of the climate change programme, we are evaluating existing measures to reduce emissions and assessing new options for getting back on track to meet our ambitious target.

Mr. Harper: If, as the Minister and the Government's chief scientific adviser have said, climate change is the most important challenge facing the world, will the Minister explain why these measures, which he has just said are valuable and well thought out, have had to be introduced by a Back-Bench Member rather than by Her Majesty's Government?

Malcolm Wicks: This House has a great tradition—I cited my own modest contribution to it—of making societal progress through the contribution of Back Benchers, and that has to be good for Parliament. However, I believe that the Government have a good record on micro-power, not least the work to meet our target of 10 per cent. of electricity coming from renewables overall by 2010.

Mr. Hurd *rose*—

Malcolm Wicks: Obviously, I need to give way once or twice but most of us are anxious to make some progress on moving towards a judgment on this important Bill.

Mr. Hurd: I know that the Minister wants to get on, but he acknowledged the challenge of the 2010 CO_2 reduction target. Will he take the opportunity to confirm that the Government will neither drop nor seek to adjust that target in the climate change review?

Malcolm Wicks: Our Kyoto obligations are absolutely clear. Indeed, our own targets are absolutely clear and we are committed to them.

Micro-generation, as we have discovered, is a generic term for a suite of technologies that allow for the production of heat and electricity in close proximity to communities and to the consumer.

Jo Swinson (East Dunbartonshire) (LD): Will the Minister give way?

Malcolm Wicks: Yes, because I was able to get out a whole sentence of my speech and it would be extremely churlish of me, given that I have a reached a full stop, not to stop momentarily.

Jo Swinson: I welcome the opportunity to put on record my support for the Bill, particularly its provisions on micro-generation. Does the Minister agree that, by generating their own electricity at home, people will understand how much energy they use and that that will motivate them to reduce their energy use, which is key to reducing emissions overall?

Malcolm Wicks: That is an important point. I shall touch on that briefly in a few moments.

When we talk about micro-generation, we are talking about a range of technologies: solar power to heat water and produce electricity; harnessing the wind through individual micro-wind turbines; and using the earth's heat to heat our homes through ground source heat pumps. Energy efficiency involves a closely related family of measures, including, as was confirmed today, the thatched cottage, and it was useful to be reminded of that important example by the hon. Member for Lichfield (Michael Fabricant). We have an array of technologies that can make a significant contribution to our long-term targets for reducing carbon emissions. By exploiting our own natural resources, increased levels of micro-generation would reduce our reliance on imported fuel and contribute towards our objective of secure energy supplies. That issue requires more debate in the months to come, and I think that we shall achieve more debate.

The Government have long recognised the potential of micro-generation, which is why I announced only last week a £30 million low-carbon buildings programme to support these technologies. In announcing the details, I was anxious to bridge any gap in funding that was of concern to the industry. That brings total Government funding for micro-generation installations to £83 million since 2002. Creating a sustainable market for those technologies will not be done solely through capital grant programmes, which is why we are developing a strategy for the promotion of micro-generation technologies to remove some of the wider barriers preventing widespread take-up.

Mr. Heath: Will the Minister touch on the point that I raised with the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) about the concern among people who use micro-generation water turbines that they could be brought within the compass of the non-domestic rate? Can he allay their fears?

Malcolm Wicks: My understanding is that business rate valuations do include renewable energy installations, but that business can benefit from the financial gains associated with renewable obligation certificates and levy exemption certificates. *[Interruption.]* On the domestic side—no, householders' own micro-generation would not make those individuals or households eligible for business rate. That is an important clarification.

One important theme has been raised by one or two colleagues, such as the hon. Member for East Dunbartonshire (Jo Swinson) and my right hon. Friend the Member for Oxford, East (Mr. Smith). Many people watching their television screens and hearing about global warming could be forgiven—although I am saying that they should not be—for thinking that the future of the planet is by definition an issue for big people, such as presidents and prime ministers, and big institutions, such as the UN, the G8 and the rest. Of course it is an issue for those big players, but what my right hon. Friend the Member for Oxford, East said is also important. He was once my Secretary of State, and I am rather in the habit of agreeing with him, so I am happy to agree with him on this important point. To use his phrase, this is about thinking globally and acting locally.

When an individual or a community organisation—a school, a church or a community centre—starts to invest in photovoltaics, say, or a micro wind turbine, they are not only making a contribution to their own energy supply but sending out a signal that they are taking responsibility. All of us as individuals—that would certainly be the case for us in the House—are more part of the problem of the misuse of carbon than the solution, but micro-generation enables us, locally and as individuals, to start becoming part of the solution.

Now I shall turn to some of the details of the Bill.

Martin Horwood (Cheltenham) (LD) *rose—*

Malcolm Wicks: I shall give way one more time, and then make some progress.

Martin Horwood: I would like to add my support for the Bill. Does the Minister agree that one of the barriers to popular participation in the technology is the cost, and that one of the valuable aspects of the Bill, as with the biofuels initiative this week, is that it will give a boost to the market, which will bring down the cost of these technologies and make them more affordable for more people?

Malcolm Wicks: That is right. The technologies are at the stage where television was, perhaps, in the first few months of production. Clearly, with growing popularity, there are economies of scale and cost reductions. If the Bill is passed by both Houses, that will show the will of Parliament, which in itself will make an important impact.

Before I turn to specifics, let me make it clear that the Government support the key principles that underpin the Bill, but that we have concerns about some of the detail. However, if my hon. Friend the Member for Edinburgh, North and Leith accepts the changes that I propose, I will be happy to work with him—although I do not know where he is at the moment. *[Interruption.]* Oh, there he is. I wish to be his friend; I do not know why he is hiding from me. I shall be happy to work with him to get the Bill on to the statute book. [HON. MEMBERS: "Hear, hear!"] Before we have too many "Hear, hears", let me go into the detail.

Clause 2 gives the Prime Minister a duty to table an annual report on progress towards meeting targets for reducing greenhouse gas emissions. The UK already has an existing requirement to submit data to the EU on greenhouse gas emissions annually, so ensuring that the report is laid before Parliament would not be problematic. Indeed, we welcome the idea.

Although the Government see no problem with the general thrust of the clause, however, we would not support a final version that required the Prime Minister, rather than a Secretary of State, to table the report—and we do not believe that there is a need for a resolution approving the report.

Bill Wiggin: The fact that the Prime Minister makes the report is one of the most important aspects of the Bill. The Minister will be aware that the Secretary of State for the Environment, Food and Rural Affairs has stated:

> "We will not, on the basis of current policies alone, achieve our ambitious domestic goal of a 20 per cent. cut in carbon dioxide emissions."

A few moments ago, the Minister said that the Government would. That is why it is so important for the Prime Minister to make the report.

Malcolm Wicks: The Prime Minister has led from the front both domestically and internationally on climate change. A report on micro-generation should, in our judgment, come from my Secretary of State rather than the Prime Minister.

Clause 3 requires that Her Majesty's Treasury produce a fiscal and economic strategy for micro-generation and energy efficiency. As hon. Members will be aware, all consideration of fiscal measures is undertaken as part of the normal budgetary process, so a separate fiscal and economic strategy for micro-generation and energy efficiency is unnecessary and would risk prejudicing the outcome of the overall budgetary process. I should add that the Chancellor has asked the Government's chief economist, Nick Stern, to review climate change and economic instruments.

Norman Baker: I do not wish to take up too much time, but I want to return to the point about the Prime Minister. The reason why the Bill suggests that the report should be done by the Prime Minister, at least in name, is that responsibilities are set out in clause 2 for greenhouse gas emissions—not just micro-generation—which involve the Department of Trade and Industry, the Department for Transport, the Department for Environment, Food and Rural Affairs, among others. It is important to aim for cohesion and accountability across government. That is why the Prime Minister's involvement is an important aspect of the clause.

Malcolm Wicks: The Government could not be more joined up, Mr. Deputy Speaker, on issues surrounding climate change, energy efficiency and the rest. I do not believe that we should get into too much of a lather about who presents the report. I have explained why I think that it should be my Secretary of State. The hon. Gentleman should beware of casting himself in the role of talking the Bill out by making too many interventions.

Clauses 4 and 5 relate to the setting of national and local targets for micro-generation. Let me remind the House that the Government already have two targets to which micro-generation contributes: 10 per cent. of electricity generated from renewable sources by 2010 and 10 GW of combined heat and power capacity installed by 2010. A formal requirement to set targets for micro-generation would be premature at this stage.

We recently held a consultation exercise on the development of our strategy to promote micro-generation and we are analysing the responses before putting together a package of measures in the final strategy. There are also difficulties associated with setting a realistic target for an industry that is still in its very early stages. However, I understand the importance of targets in providing long-term signals to the industry, particularly for those looking to make significant investments. Although we could not support the clause as drafted, the Government would accept an enabling power in relation to the setting of micro-generation targets.

It goes without saying that we would report on the progress made in implementing our micro-generation strategy on a regular basis, so clause 6 poses no problems—*[Interruption.]*

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): I notice that the Minister has accepted the importance of finding ways and means of alleviating fuel poverty, to which clauses 1 and 6 relate. What specific extra measures do the Government propose, particularly for constituencies such as my own of Na h-Eileanan an Iar, which has some of the highest fuel poverty in the whole of the United Kingdom?

Malcolm Wicks: Fuel poverty is a crucial issue. In the context of the Bill, one of the issues that I wish to explore in detail over the coming months is how best to use micro-power to help to address the fuel poverty agenda. They are often seen as different subjects, but I do not think that they should be. We have heard about areas that may be off the gas mains and having to pay higher costs. We need to explore further how micro-generation and energy efficiency can play a part. I am rather with the thrust of the hon. Gentleman's comments.

Clause 7 gives the Secretary of State a duty to establish a scheme enabling the sale of electricity by domestic micro-generators. Such a scheme could then require electricity suppliers to buy at the market rate the electricity produced by their domestic customers by micro-generation. Micro-generators can already sell their electricity, so legislation is not required to achieve this. To require suppliers to buy that electricity at the market price risks distorting the electricity supply market and would be incompatible with our liberalised arrangements. This Government would like more suppliers to engage in the market for this exported electricity, perhaps through an obligation on them to offer terms, in a manner similar to their obligation to offer terms for supplying electricity to householders. So we are looking at this issue and I am anxious to make some progress on it, but I am unable to accept the clause as drafted.

Clause 8 appears to put a duty on any public authority, including Ofgem, to have regard to the needs of micro-generators when carrying out any function relating to various green energy certificates. I have some concerns about imposing a specific duty on Ofgem in

[Malcolm Wicks]

respect of micro-generation. It already has a clear set of duties that govern its work, including a duty to contribute to sustainable development. A requirement to have specific regard to the needs of micro-generators would inappropriately skew its focus toward this still relatively small section of the energy market. But the Government support the general thrust of this clause, in so far as it would encourage actions that help micro-generators to gain access to the benefits associated with green certificates, such as renewable obligation and levy exemption certificates.

Mr. Carmichael: On Ofgem's remit and possible changes to the Bill, the Minister and I have discussed informally the possibility of varying the cap arrangements in the Energy Act 2004 to allow Ofgem's transmission charging regime to work more favourably for projects in island communities. Can the Minister offer any prospect of using this Bill as a means to achieving that end?

Malcolm Wicks: Our policy is this area is still under review, but I hope to announce a conclusion in two pages' time. *[Laughter.]*

Clause 9 gives the Secretary of State a duty to promote community energy. I am happy to say that this Government already do much to promote community energy schemes. The clear skies initiative provides funds for renewable installations in the community, and the new low carbon buildings programme will continue to fund such schemes.

Dr. Roberta Blackman-Woods (City of Durham) (Lab): I am pleased to be able to put on the record my support for this Bill. Does the Minister accept that the enormous advances taking place in photovoltaics and solar energy research, particularly in respect of materials and efficiency, could bring costs down and support the development of community energy?

Malcolm Wicks: Yes, which is why we have supported photovoltaics and hope to do so in future. It is still a relatively expensive renewable technology, but we hope to see the developments that my hon. Friend describes.

The Secretary of State for Environment, Food and Rural Affairs has provided £60 million for the community energy programme, which aims to increase the development and installation of community heating schemes throughout the UK, so our record on supporting community energy is clear. The imposition of a duty to promote community energy would not have any significant impact on our activities in this area, so we do not see the immediate need to include clause 9 in the Bill.

Clause 10 enables the Secretary of State to introduce a renewable heat obligation. I am aware that the House has debated this subject at length, particularly during the passage of the Energy Act 2004. There is no doubt that we need to take action to support renewable heat, but it is important that that action be appropriate and effective. We have the evidence base provided by a recently published study on biomass, and by the recommendations of Sir Ben Gill's taskforce, to help us to provide suitable measures to promote renewable heat. At the moment, there is nothing to suggest that a renewable heat obligation is the definitive way forward, so to commit to such an obligation at this stage would be premature. We will of course look carefully at the possibility of introducing such an obligation alongside other policy options suggested in Sir Ben Gill's report, and we will be happy to discuss the matter with colleagues in Committee.

Mr. Weir: Is the Minister prepared to accept that the Bill does not commit him to the renewable fuel obligation, but merely gives him the opportunity to bring it in? If the Bill is passed and he decides in his wisdom—as he should—that the renewable fuel obligation is necessary, he will have the power to bring it in without further legislation. Will he not reconsider on that point?

Malcolm Wicks: We can discuss that in Committee, as much of the Bill needs to be discussed.

It has been brought to my attention that when we were discussing whether the Prime Minister himself or the Secretary of State should table the report, I referred to my own Secretary of State, the Secretary of State for Trade and Industry. It is evidence of the fact that we are so joined at the hip on these issues that I should, of course, have referred to the Secretary of State for Environment, Food and Rural Affairs. Frankly, we DTI Ministers are so often in and out of DEFRA that I sometimes forget which Department I am a member of—such is the extraordinary joined-up-ness of this Administration.

Hon. Members will be aware that my Department has been in the process of reviewing the renewables obligation. Some measures included in the preliminary consultation, and now the statutory consultation, require primary legislation to be tabled. They are aimed at making it easier for micro-generators to benefit from the obligation. They will make it easier for agents to handle much of the administrative process on behalf of householders who wish to claim renewable obligation certificates for the electricity that they generate. They will also remove the need for micro-generators to have a sale-and-buyback agreement in place with their electricity supplier before they can claim their obligation certificates, which are known, in the jargon, as ROCs. That will help to make the whole process a lot smoother. The Bill seems an appropriate piece of legislation in which the Government can make those changes at the earliest opportunity.

Mrs. Betty Williams (Conwy) (Lab): I fully support this excellent Bill, but will my hon. Friend undertake to hold close discussions with the Welsh Assembly Government about its progress and any developments?

Malcolm Wicks: Yes, indeed. My hon. Friend the Member for Edinburgh, North and Leith will also hold such discussions.

Mr. Harper: Will the Minister give way?

Hon. Members: No!

Malcolm Wicks: Well, very briefly.

Mr. Harper: I am a little confused about whether the hon. Member for Conwy (Mrs. Williams) supported the Bill in the form promoted by the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) or as filleted by the Minister.

Malcolm Wicks: Yes. There is a difference between effective parliamentary scrutiny and speaking for the sake of it.

Another issue subject to recent consultation is the adjustment of transmission charges for renewable generators in the north of Scotland. In March, we announced our intention to use the power in the Energy Act 2004 to make such adjustments with respect to renewable generators in Shetland, Orkney and the Western Isles. Since then, I have had an opportunity to consider these matters with many hon. Members and a welcome chance to visit delegations from those islands. As things stand, the power in the Energy Act enables us only to adjust charges until 2014, but the long lead time for developing projects on the islands mean that they will not be in operation until early in the next decade and would derive only minimal benefit from a scheme ending in 2014. Extending the scheme to 2024 would provide additional support to island projects and bring environmental and economic benefits to those important island communities. The Bill once again provides an opening to make the required legislative change at the earliest opportunity, and I know that my hon. Friend the Member for Edinburgh, North and Leith is in accord with that.

Mr. Carmichael: I welcome most warmly the announcement that the Minister has just made, which will make a significant difference to the development of renewable projects in the island communities. If we have a successful and happy conclusion to the Bill, which I certainly hope for, may I urge on him an early imposition of that power?

Malcolm Wicks: That will be subject to the will of the House and the other place, but I also hope that that will happen.

I wish to say a quick word about the application of the Bill to the devolved Administrations, which I know my hon. Friend has been considering. As it stands, aspects of the Bill legislate for Scotland in devolved policy areas or impact on functions exercised by Ministers of the Scottish Executive. My hon. Friend will have discussions on the issues, but if he does not secure agreement amendments will be required in Committee to exclude Scotland from the provisions of the Bill where necessary. I am sure that that will not happen. It would be curious if a Bill introduced by a Scottish MP would benefit Croydon but not his constituency, and I suspect that he will be able to reach agreement on the issues. That is a matter for him, but we will do our best to help.

In conclusion, the Government are pleased to offer overall support, subject to the caveats that I have outlined. We see an opportunity for the Bill to include further clauses that would help to tackle climate change and energy supply. We look forward to working with my hon. Friend and I hope that the House will give the Bill a Second Reading.

12.16 pm

Mr. Eric Forth (Bromley and Chislehurst) (Con): I confess that I was minded to seek to divide the House on this Bill because I have grave reservations about it, as I will explain. However, having heard what the Minister said, I do not think that that will be necessary at this stage. I would be content for the Bill to receive a Second Reading as it will be important for the Committee to give thought to what the Minister has said—it certainly attracted me—and we can spend productive time on Report and then decide whether to let the Bill make further progress.

However, the House would not expect me to allow this opportunity to pass without making a few remarks about aspects of climate change. I take as my texts today a letter from the Minister for Climate Change and the Environment, the report by the excellent Economic Affairs Committee of the House of Lords and the excellent work by Mr. Bjorn Lomborg, "The Sceptical Environmentalist", which I highly recommend to hon. Members. I shall first set the scenario—a much loved word by environmentalists—for the debate and then move on to some consideration of the Bill. I shall touch briefly on mitigation versus adaptation, multilateral versus unilateral action, developed versus developing countries, and the role of technology in the response to climate change.

I shall start with an excellent letter, which I received in reply to one that I had written on behalf of a constituent, from the Minister for Climate Change and the Environment, joined at the hip as he is to the Minister in his place today. They are undoubtedly inseparable. The letter mainly concentrates on the effects of climate change on sea levels. The first thing that caught my eye was the statement:

> "Relative sea level in the Thames estuary will continue to rise by between 26 and 86 cm by the 2080s."

In many ways, that statement encapsulates the problem that we face as we discuss climate change and its possible impact. A range of possibility between 26 cm and 86 cm may not sound very much, but it is a crucial difference for all of us, especially those living in coastal and low-lying areas, to say nothing of those living in countries such as the Maldives, which I had the pleasure and privilege of visiting on behalf of the House just last year. That range of possibility should give us all pause for thought. I shall return to that theme later.

One of the great problems of rushing like Gadarene swine to support anything labelled global warming, climate change or emissions is that so much uncertainty surrounds the analysis. We should be extremely cautious about rushing towards solutions such as those proposed in the Bill. That is why I welcomed the Minister for Energy's rather more cautious approach. Although it is fashionable in such Bills—generated, as they usually are, by rather narrow single-interest groups—to try to solve many problems by legislation and to try to pin the Government of the day down to the certainties that many people want, the reality, as the Minister pointed out, is that life simply is not like that. It is certainly not like that when we start with such a wide range of possibilities in the analysis, before we can even consider the solutions.

[Mr. Eric Forth]

The letter referred to Greenland ice sheet melt, stating that

> "even if begun in this century, it would take up to 3000 years to melt and thus raise sea levels by 6 metres in total on a time scale of millennia".

That strikes me as an extraordinarily long perspective, even for this Government. Many boasts are made about long-term targets, but I should be extremely impressed if we were adopting targets with a 3,000-year perspective. The Minister continued, a little more percipiently, that

> "a total loss of the western Antarctic ice sheet would raise global sea levels by an average of 6 metres"—

although he noted that it was unlikely to occur in the next 200 years. We must bear such time perspectives in mind as we talk about relatively ready solutions to what are deemed to be their causes.

I shall return to those arguments when I touch on the comparisons that we must take into account between the developed and the developing world. As I shall say later, it is one thing to make arguments about the solutions to such alleged problems as emissions and carbon dioxide in the context of our society, our relative wealth and the sort of sacrifice that we might have to make in our standard of living, or indeed in our economic growth; but it is quite another thing when we try to impose the same solutions on the developing world, where people have much less scope, in terms of either economic growth or standards of living, to deal with the problems.

Mr. Harper: My right hon. Friend may be aware of the discussions about the economic impact of changes in the UK compared with the effects of climate change on the development of the Chinese and Indian economies. Will he bear that in mind as he continues his remarks?

Mr. Forth: I am grateful to my hon. Friend. He will not be surprised to learn that I intend to touch on that point somewhat later in my remarks; it is an important element in what we should be considering. Rather than looking at the narrow perspective that Bills such as this inevitably force us to take, we must bear in mind—must we not?—how far it will be effective in the context of global warming and global climate change for us as a country to introduce such measures. They may disadvantageously prejudice our people's standard of living or affect our economic growth, but how far is that likely to affect global emissions and global warming, given the huge developmental prospects of, in particular, China, south-east Asia and India? I may return to that point later.

I want to quote further from the excellent letter from the Minister for Climate Change and the Environment. He said:

> "The UK seeks to act and to persuade others to act"—

the persuasion of others to act is key to the point that my hon. Friend has just made—

> "by cutting emissions and by developing sustainable adaptation strategies".

I shall refer to adaptation later. The Minister continues:

> "Many other areas of policy in other Government departments now incorporate a climate change perspective, including water resources, building regulations"—

very much the subject of the Bill and, indeed, the next one, should we come to it, Mr. Deputy Speaker, which will require extremely close scrutiny given its implications—

> "health, agriculture, forestry, conservation and international development."

"International development"—I give the Government all credit for acknowledging both the scope and scale of the problems that the Bill addresses and the international context in which it inevitably should be considered.

That is why I felt that this letter was very timely. Indeed, it is absolutely hot off the press; it is dated 7 November. It even says "Dear Eric" at the top, so although I cannot claim to be quite as close to the Minister of State as is the Minister with us today, I am obviously on pretty intimate terms with him. He has written to me very warmly, and he has even signed it "Yours, Elliot". So he and I are obviously very much at one in all of this, and I am most grateful to him for writing to me just in time for today's debate. It has been very timely and very useful.

Because I do not want to sound at all negative today, Mr. Deputy Speaker—you know that that would be completely uncharacteristic of me on a Friday—I want to continue to be warm and positive about the Government. The Minister is starting to look slightly uncomfortable, but I shall ladle on a bit more praise just to rub it in. The hon. Gentleman then goes on—this is the other Minister, my friend Elliot—to say:

> "The Government set up the UK climate impacts programme in 1997 to encourage private and public sector organisations to assess their vulnerability to climate change so that they can plan their own adaptation strategies."

I could not have put it better myself. That is the sort of approach that we should be encouraging, not the heavy-handed approach that we get so often—bring in a Bill, pass a law, introduce targets, make regulations, introduce penalties—which is an approach apparently so much beloved of everybody, including, I am really sorry to say, my own friends on the Front Bench. I am sorry that they should reach so readily for this sort of approach to a problem so widely perceived, instead of the imaginative and positive approach that the Government adopted in 1997, which talks about encouraging the public and private sectors to plan their own strategies. That strikes me as reflecting much more of modern Conservatism than the heavy-handed legislative approach that we have before us today.

My next text, having skimmed lightly over the Minister's letter, is the House of Lords report. So that there is no doubt anywhere, it is the Select Committee on Economic Affairs second report of Session 2005–06, entitled "The Economics of Climate Change". I recommend it most highly to Members of the House and people beyond.

I should like to offer to the House a number of key passages in the report because they bear very much on the thrust of the Bill. The first is from paragraph 45, which says that

> "nearly all of the public debate on global warming is about mitigation—reducing emissions—rather than about adapting to climate change and assisting the most vulnerable societies in the world to adapt to the risk they may face."

In today's debate we have heard the cosy unanimity of people no doubt wound up by single-interest groups and postcards from certain organisations—there is nothing wrong with that at all, provided we put them very much in context. But the debate we should be having today is about mitigation versus adaptation, particularly with regard to the developing world.

The excellent Professor Lomborg made a point on this very effectively. He has argued at great length—I am tempted, but I probably will not quote too much from him, you may be relieved to hear, Mr. Deputy Speaker—that attempts at mitigation, in other words controlled emissions and all that go with that, are at best a very long-term strategy and may or may not be effective, whereas adaptation can be done much more quickly and much more efficaciously, certainly in terms of, for example, flood protection. He says, as did the Minister for Climate Change and the Environment in his letter, although I did not quote that bit, that we are used to adaptation in this country. One only has to ask the good people of the Netherlands about adaptation; they have been doing it for centuries. That makes the point that it is often much more effective to seek to adapt to the effects, claimed or actual, of climate change over a long period than it is to mitigate through the sort of Kyoto approach that we are all supposed to have signed up to. So there is the first very important contribution that the House of Lords report makes.

Then, because most of what their lordships talk about is the link between economic activity and emissions, they point out at paragraph 51 that any analysis of that has to encompass all the following factors:

> "population change, rates of economic growth, the stage of economic development"—

that is, whether heavy industry or service-based—

> "the type of energy used to 'fuel' the economy, energy efficiency . . . and technology."

That is a formidable array of variables, which we should take into account when making our analysis. I have heard nothing of that today. All that we have heard today is the suggestion that we should make a glib assumption about the source of emissions and their alleged causal effect on global warming and nothing of the required analysis of the vital links that their lordships point out.

Their lordships go on to tell us something even more worrying. Paragraph 72 states:

> "We received a significant amount of evidence on the realism of . . . emissions scenarios, and doubts were raised, particularly about the high emissions scenarios. The balance of this evidence suggests to us that the high emissions scenarios contained some questionable assumptions and outcomes."

Again, that takes us into the important area of considering which of the very sophisticated computer models and analyses we choose to believe or should believe. Those things are important because the range of variation is considerable. For example, estimates of the increase in sea level can range from 1.5 cm to 4.5 cm. That very wide range of possibilities can lead to all sorts of different conclusions, depending on which estimate one chooses to believe.

Their lordships return to that theme over and again. For example, I return to paragraph 13, where they say:

> "No one disputes the fact of temperature rise in the last 100 years or so. No one disputes that carbon dioxide is a greenhouse gas and few dispute that it has an enhanced 'greenhouse effect'. What is disputed, albeit by a minority of scientists, is the scale of this effect."

They go on to say that some of the scientists suggest that the models on which the predictions are based "are biased upwards" and

> "while warming will occur, it may well be at the lower end of the IPCC spectrum that is relevant, not the upper limits".

So there is an important difference of opinion among the scientific community about what is the reality of the predications of global warming that results from emissions.

In all those important ways, we have considerable work to do in establishing beyond doubt exactly what is the cause of global warming and what its extent will be, and, crucially, what our reaction to it should be. In that context, I have grave doubts about the Bill because I am not convinced that it necessarily addresses the right problem or that it does so in the right way. We are entitled to be somewhat sceptical about it. That deals with mitigation versus adaptation.

I want briefly to touch on the other very obvious fact that we must take into account: multilateral versus unilateral action. As has been said already, it is assumed that although we are a small country in the global context, if we do all sorts of sexy, interesting, exciting, good and heat-warming things about emissions, we will surely have either an effect on global warming itself or some sort of influence on other countries to do the same. Sadly, there is not much evidence to that effect so far.

I share the scepticism that has been expressed about the Kyoto arrangements in any case. However, the fact that countries as important as the United States and Australia have not signed up to those arrangements anyway and given that it is almost certain that the bulk of emissions in the foreseeable and distant future will be caused by economic growth and development in China, south-east Asia, India and, probably, Africa as well, it should give one pause for thought about how effective what we are doing in this country is likely to be.

Mr. Harper: My right hon. Friend might perhaps have been as concerned as I was recently during the informal European summit at Hampton Court a few weeks ago, when the Prime Minister referred to putting much more emphasis in our energy policy on working with European partners. The reason why I am concerned—particularly in this multilateral, international context—is that it is very clear that the European Union constitutes one of the brakes on having a successful trade negotiation because of its attitude to the lack of agricultural reform. I would be very concerned, given the importance of persuading countries such as China and India, if too much of our energy policy were dependent on getting the whole of Europe moving in the same direction, given the negative effects that we have seen in our trade negotiations.

Mr. Forth: I am most grateful to my hon. Friend, who refers to other factors that will inevitably be crucial. We must make a series of important decisions. The first is: what is the best vehicle by which we can try to take decisions and move the issue forward? Is it us alone, is it us through the European Union, is it us with our English-speaking friends, is it us with the Commonwealth or is it in some more global context?

For example, should we be seeking to link the issues of adaptation to climate change to trade negotiations or to technology transfer? Surely spending more resources in the wealthy world on research and development is key to developing the technologies that would enable us and, crucially, developing countries to respond to the problems caused by climate change. All those factors are crucial. Like, I suspect, my hon. Friend, I see no sign of any of that taking place. Instead, our country is acting in an uncharacteristically blinkered, inward-looking and narrow way. We congratulate ourselves on what we are doing, but neglect all the other factors that will eventually be much more crucial. Why are we not having a debate about what we should be doing in terms of technology development, technology transfer and helping the developing world to look more to adaptation as much as to the mitigation of climate change through considering emissions? There is a whole policy area that we have barely touched on.

Whether the technologies that we are talking about make sense is another issue for consideration. Too many rather easy assumptions are made about the efficacy of different types of technology. Unusually today—perhaps because they are not explicitly referred to in the Bill—we have not heard too much about some of the more exotic technologies. However, I have always had severe doubts about a range of possibilities in renewables and how efficacious they will be. I will touch on that point when I consider the Bill, which I shall come to shortly.

I wonder whether the focus is necessarily right. One of the great problems in this debate is that, as with many other things, one gets trends and then trendy ideas. Things emerge that are made to sound attractive and people latch on to them. We then make a great mistake in that they are portrayed as being the answer to the problem or one of the answers to it. Sadly, that rarely turns out to be the case.

I remember when I still worked in the real world back in the 1970s. I was involved in a small company that was trying to play its part in developing solar energy in this country. Of course, the technology was in its early stages then, but it became fairly obvious that, in a climate such as ours, solar energy was probably unlikely to be the answer to the problems as we saw them at the time. The technology has moved on but, sadly, our climate has not changed very much at all.

That raises another intriguing possibility that I shall touch on in passing and that is not often discussed. There can be positive effects of global warming in a number of interesting and different ways. Global warming is nearly always portrayed as being negative, as having the most horrendous effects in all sorts of areas. However, most of the analyses seem to demonstrate that—whether in terms of agriculture or, in many countries, in terms of health or many other ways—a degree of global warming may not necessarily be that bad a thing.

Norman Baker: On a point of order, Madam Deputy Speaker. Fascinating though this discourse is, the right hon. Member for Bromley and Chislehurst (Mr. Forth) has been speaking for 20 minutes and has yet to refer to a single proposal in the Bill. Is that in order?

Madam Deputy Speaker (Sylvia Heal): We are debating the Bill's Second Reading and the right hon. Gentleman is setting the background. However, I am sure that he is about to come on to the Bill very shortly.

Mr. Forth: I forgive the hon. Member for Lewes (Norman Baker) for his impatience, but as you know, Madam Deputy Speaker, the fact that the Bill refers to "combating climate change" gives a fair degree of scope for a discussion of the very concept of climate change. The hon. Gentleman must have learned a lot already from what I have been saying—he is about to learn a lot more.

I shall get on to the Bill now; not because the hon. Gentleman asked me to, but because you suggested that I might, Madam Deputy Speaker. It will take me a little while, but the hon. Gentleman should relax because I have already said that I do not intend to try to divide the House today. I do not think that anyone else is likely to do that, so the odds are that the Bill will get its Second Reading. He should not irritate me too much, because if he does I might change my mind on that, too. He would then take the blame for the Bill going nowhere, not me. He ought to be very careful.

I take exception to considerable aspects of the Bill, notwithstanding the fact that I have said that I was somewhat relieved by the Minister's excellent response to it. I look forward to reading the amendments that he and his colleagues will try to make in Committee, and I shall have a good look at the Bill when it emerges from Committee. If it is okay, I am sure that it will get through Report and Third Reading just fine, but if there is much that the Minister has not tried to change, we will have to have a jolly good go at it on Report—that will be a fascinating day for us.

My first problem with the Bill is the vexed issue of fuel poverty. I must confess that I have always thought that the concept of fuel poverty is complete nonsense. It is of course trendy, and I think that even Conservative Front Benchers have signed up to it for reasons that I will not begin to understand.

Michael Fabricant: Because we are trendy.

Mr. Forth: My hon. Friend says, "Because we are trendy"—he should know better than most.

Why do we talk about fuel poverty, but not about food poverty, clothing poverty or other aspects of poverty? Households have an income. Many households have an income provided solely by the state. People in households have to make decisions about how they dispose of that income, such as whether to spend it on clothing, food, cigarettes, beer, bingo, or fuel. It is bizarre to single out an alleged problem with fuel, but not those other discretionary expenditures.

The situation is even more bizarre when one considers the huge variation in the circumstances that must inevitably exist in households and the difference in people's attitudes to such matters. For example, some people might keep their heating turned on all the time, or too much of the time, and thus waste fuel. I know of no sensible way of measuring each person's use of fuel, whether that is responsible or not. I know of no means through which even this intrusive Government can measure people's individual lifestyles and the way in which they choose to spend their money on different aspects of discretionary or necessary expenditure. The whole concept of fuel poverty is thus total nonsense, so why we persist in including it in legislation is completely beyond my comprehension.

Before anybody springs up and says, "But what about the fuel handout that people get from this generous Government?", let me point out that that payment is even more ridiculous. I suspect that many households do not spend the fuel handout on fuel at all. I will not ask hon. Members to reveal too much of what they know about how some people spend their Government, or taxpayer, fuel money—let us not go too far into that; suffice it to say that the payment itself was an absurd response to a perceived, yet completely false, problem. My first difficulty with the Bill is the fact that it repeats the nonsense of fuel poverty yet again and claims to provide a response to it.

Clause 1(1) says that the Bill's principal purpose is "combating climate change", which is a phrase to which I referred earlier. Clause 1(2) says:

> "In performing functions under this Act, the relevant persons and bodies shall have regard to . . . the principal purpose set out in subsection (1) . . . the desirability of alleviating fuel poverty"—

I have touched on that—

> "and . . . the desirability of securing a diverse and viable long-term energy supply."

I can sign up to that. It is something in the Bill that I can support. It does not mean very much, but the desirability of securing a diverse and viable long-term energy supply is an admirable aspiration to which even I can sign up.

Bill Wiggin: Oh good.

Mr. Forth: My hon. Friend on the Front Bench is as enthusiastic as I am. Whether he or anybody else can explain what it means is another matter, as is the way of bringing it about. It is an aspiration—the sort of thing that increasingly finds its way into legislation but takes us almost nowhere. I know that the matter is of long-standing interest to the hon. Member for Lewes, but he knows from his time in the House of the number of measures that have been passed over the years with fairly modest outcomes.

Such wording makes me feel a little guilty about what we do here. If anybody read the Bill or anyone other than the members of the single-interest groups who drafted it took it remotely seriously, there is a danger of their thinking, "Oh boy, isn't life going to get better!" Inevitably, they will be let down because life will not get better in any measurable way in the foreseeable future as a result of the Bill.

Mr. Harper: My right hon. Friend makes a serious point. My hon. Friend the Member for Kettering (Mr. Hollobone) specifically drew attention to the importance of the issue to younger voters. It does not set a good example to younger voters if expectations are greatly raised by promising all sorts of marvellous eventualities through passing such a Bill, only for them to be dashed, thus creating cynicism about politics and scepticism about positive change.

Mr. Forth: I share my hon. Friend's view and I worry about the propagandisation of our young people by teachers, whether through Make Poverty History or climate change and so on. I worry that teachers appear to be all too willing to express their views to young and impressionable people, get those young people to sign petitions or whatever and thus give them expectations that will inevitably be disappointed, probably leading to the effect that my hon. Friend described. I could not agree with him more.

Clause 2 led to an interesting divergence of view between the promoter and the Minister for Energy. I am rather on the Minister's side. It is not right to imply that any Prime Minister should be so involved in the detail of every Department's work that he has to answer for it. I should declare an interest: in the dim and distant past, I was a junior Minister in the Department of Trade and Industry and I therefore have a sort of affection for and loyalty to it. Partly because of that, I believe that Departments should be prepared to stand up for what they do. Secretaries of State should be responsible for their actions and those of their Departments. They should be the ones to account—if account is necessary—to the House. Attempts to draw in the Prime Minister and, even worse, to give him a sense of omniscience and omnipotence, which he knows that he has but the rest of us now know that he does not possess, are not the right way forward. I am therefore with the Minister on the matter and I hope that the Bill emerges from Committee without that aspect.

Clause 2 provides for laying before Parliament—by we know not whom yet—a report on

> "steps that the government has taken to reduce emissions of greenhouse gases during the period to which the report relates".

Could that be a zero report? Could it simply state, "None", and leave it at that? I am sure that the implication of the provision is that a report can have meaning only if it says something. Worthy officials in Departments are often tasked by Ministers with writing about something that the Department has achieved in the past year. A 10-point action plan usually emerges—that used to be the favourite in my day, although I do not know whether inflation has had an effect over the years. The first one or two points were barely credible and the following eight were almost laughable, but the 10-point action plan was supposed to get the Minister and the Department off the hook. My fear about clause 2 is that it would give rise to that phenomenon all too readily. That would be regrettable.

Mr. Harper: It is interesting that clause 2(1) has two paragraphs. It provides for the Prime Minister or whichever Minister to report on the steps that have been taken—the inputs—and the levels of emissions of greenhouse gases, which constitute the outputs. In most Government policies, Ministers tend to focus on the

[Mr. Harper]

inputs and spend much less time on the genuine outcomes that affect our constituents. Is not the danger that a report of that nature would have lot of content about such activity—as my right hon. Friend says from his great experience in government, civil servants are good at making those parts of the report lengthy—and would probably say little about the reality that affects our constituents?

Mr. Forth: That is a good point, but the position is more difficult. A mere global report on UK emissions, however measured—about which I always have some scepticism—says little to my hon. Friend's constituents or mine. Surely we must talk about regional if not local variations. I am sure that emissions in central London are rather different from those in Forest of Dean, for example.

Mr. Harper: I would hope so.

Mr. Forth: As my hon. Friend says from a sedentary position, he would hope so. Nevertheless, if we want to have the effect that he has described, the reporting, if we are to take it seriously, would have to be much more detailed than that suggested in the Bill. Perhaps a positive amendment can be made to the Bill in Committee to have reporting at a local or "community"—which is a much more trendy words these days—level, to make it more meaningful to all those people out there who are literally gasping for information on the subject.

Clause 2(2) gets even murkier. Under it, the Prime Minister must lay the report before Parliament and make a motion for a resolution to approve it. I am all for endless reports being laid before Parliament—it gives MPs something to do and to read. I benefited enormously from the report from their lordships to which I referred earlier. Who am I to criticise reports laid before Parliament? I wish that they were all as good as that one.

We get into difficulties, however, if it is suggested that the report should give rise to a motion for a resolution of approval. That implies a number of things. There would have to be a vote on the report. Would that be subject to whipping? A huge advance has been made recently in parliamentary accountability, as we now know that whipping, even on Government Members, is much less effective than it used to be. Therefore, perhaps the hon. Member for Edinburgh, North and Leith (Mark Lazarowicz) hopes that if a report of this kind emerged to which he and his hon. Friends did not give much approval, they would feel free to vote against it, even if his hon. Friend the Minister said, "I want you to approve of this report because it indicates my 10-point action plan, which I hope will gain your approval." But if the hon. Gentleman said, "No, I'm not fooled by that, I want to vote against it", would it be a whipped vote? Would there be rebels on the Government Benches? Would it be another occasion for Government embarrassment? I do not know.

The position would be worse than that, however, because the hon. Member for Edinburgh, North and Leith wants the report to be laid before both Houses of Parliament. He need not hesitate to intervene on my speech, as it will not continue until anything close to 2.30, and his Bill is perfectly safe, certainly from me—I give him that undertaking now. There will be no Division, and this part of the proceedings will be finished well before 2.30, so if he wants to engage in dialogue, I invite him to do so. What would happen, however, if both Houses voted against the report, or one voted for and one against? I have never seen where that takes us in terms of dealing with climate change, emissions or anything else in a parliamentary sense. I do not see how it would even concentrate the Government's mind much. We might consider the provisions critically in Committee, and examine whether another mechanism can be found, such as a report, by all means, or even referring it to a Select Committee, by all means, but putting such a provision in a Bill that has pretensions to be a statute is not very helpful or productive.

Mr. Harper: Someone of a mischievous turn of mind might even think that a motion for a resolution in both Houses is probably not helpful. Now that Labour forms the largest party in the other place, the Government could arrange for the two Houses to come up with opposite conclusions to provide the Government with some cover in their deliberations.

Mr. Forth: My hon. Friend is right. What he says illustrates that we must not treat parliamentary processes of this kind in a light-hearted way, or assume that they will produce the outcomes that we want. That is really what I am saying. Much closer examination will be needed in Committee.

Clause 2(4) helpfully spells out the meaning of the term "greenhouse gases". It lists carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride. My problem is this: are we satisfied that we have sufficiently reliable techniques to measure those gases in a meaningful way that would be helpful to the report? I should like to be reassured, but I have grave doubts. Some of the gases may well be subject to reasonably accurate measurements, whether locally or nationally, but I wonder whether they all are.

There is a danger that we are entering the territory of flaky measurements. I made a passing reference to doubts even about the global scenarios involving the effects of emissions on climate change, and global warming. I have equal doubts, even at this micro-level—the national or local level—about the likely accuracy of the measurements, and about what conclusions we shall be able to draw from them.

Justine Greening (Putney) (Con): My right hon. Friend makes the valid point that if we are to report on emissions, we need to be certain about what we are trying to achieve. A problem with noise monitoring near Heathrow, for instance, is deciding whether to measure average levels or peaks and troughs. We need to know what we want to understand from our information before we spend a lot of money on collecting it.

Mr. Forth: There is that and more. Time lines would be involved as well. At what times of day might the emissions occur, or during which seasons of the year? What extraneous factors might be causing variations on a daily, hourly or seasonal basis? All those considerations are relevant, but the trouble with the way in which the Bill tries to deal with them is that they tend to be glossed over. That is why I have reservations about the Bill. We would not know how such issues would be dealt with until the regulations underpinning the Bill emerged, were it ever to become an Act.

I am sure that the Minister has already given some thought to another question that may arise in Committee, for all I know. Have we any idea of the likely thrust or breadth of the regulations that would be required to underpin these rather wide provisions, or of how effective they might be? I shall leave the Minister to ponder that. He need not present his 10-point plan now, but the issues will inevitably prove to be relevant.

Wisely, in my view, the Minister did what the Treasury bade him do, and said "Not on your life" when it came to clause 3. The clause seeks to do that worst of all possible things—to dictate to the Chancellor of the Exchequer what he must do and how he must respond. I should have thought that even the hon. Member for Edinburgh, North and Leith would have been a bit wary of doing that, but he has been very bold, stating:

> "The Chancellor of the Exchequer must"—

Good Lord! That is pretty brave stuff nowadays, in the new model Labour party.

> "The Chancellor of the Exchequer must, within one year of the passing of this Act, and annually thereafter, prepare and publish a report on such fiscal measures he considers appropriate".

That constitutes an unwarranted intrusion on the Treasury's freedom of action, and its imperial position in the Government. No wonder the Minister told his hon. Friend that the clause would disappear silently into the night and the fastnesses of the Committee, and had no chance of re-emerging in any form. The Chancellor's hand cannot be tied in that way in an Act of Parliament. Such action would be ridiculous. I rather agree with the Minister that we cannot allow this sort of attempt to tell the Chancellor what he will or will not do.

That is not to say that the Chancellor may not from year to year, joined at the hip as he is with his colleagues not just at the Department of Trade and Industry but, as we now learn, at the Department for Environment, Food and Rural Affairs—I do not know how many hips there are in the Government.

Malcolm Wicks: It is a hippy Government.

Mr. Forth: Quite right.

Of course, it would be open to the relevant Departments to persuade the Chancellor from time to time to take such measures as he deemed were efficacious in promoting the aims of the Bill. That would be a normal process of government. All these fancy reports, were they to be produced, might have an influence on the Chancellor of the day. There is nothing wrong with that, but for the Bill to seek to pre-empt the Chancellor, of all people, is entirely wrong-headed.

Clause 3 goes on to say:

> "In preparing the report . . . the Chancellor of the Exchequer shall take reasonable steps to consult local authorities"—

that may be all right, except that there is an awful lot of them—

> "and such persons as in his opinion have an interest in"

the aims of the Bill. What does that phrase mean? I wonder whether these shady interest groups lie behind that sort of thing. They probably played a large part in drafting this Bill and no doubt they sent endless postcards to hapless MPs. It could not possibly be them, could it? However, is the hon. Member for Edinburgh, North and Leith seriously suggesting that the Chancellor is going to have to consult self-appointed interest groups that have an interest in

> "enhancing the United Kingdom contribution to combating climate change",

whatever that may mean? I can just imagine the Chancellor grovelling to some interest group, saying, "I hope that I have pleased you in doing what I am going to do and persuaded you that we are doing everything we can to enhance the UK contribution."

The clause goes on to our old friend "alleviating fuel poverty", about which I have said almost enough. I may return to it, but at least I got that off my chest.

Then we come on to good old micro-generation, the trendy word of the moment. This has been the day for micro-generation. If nothing else, this debate has brought micro-generation blinking into the sunlight—with the photovoltaic effects that go with it, no doubt. I have no problem with that. As a concept, I am sure that it is perfectly good. Many right hon. and hon. Members have praised micro-generation as a concept, saying what a wonderful contribution it would make, but my hon. Friend the Member for Forest of Dean (Mr. Harper) raised some practical and important questions about how that new mechanism would work. I wanted to add one or two of my own, while endorsing what he said.

I worry about the implications for planning, safety and other related issues when one starts to talk about the possibility of household and even of community-based generation systems, because they can, in different ways, have important implications. What bothers me is that, under the Bill, we would have to make significant changes to our planning regime and possibly to the health and safety regime. Are we content that individual householders will have sufficient knowledge or experience to manage the technologies and the potential hazards of micro-generation in their own properties? That bothers me. There has been much encouraging but, frankly, rather loose talk about how wonderful these technologies are, where they will take us and what they will do. I am not personally satisfied that any of those questions have been raised, never mind answered.

It goes back to the question that I asked the promoter of the Bill. He was very honest, as typically he is, when I asked him whether he had made any estimate of the proportion of our total national energy needs that may be provided by micro-generation. I think that he said that the upper limit would be 10 per cent. I suspect that the lower limit would be a fraction of that. There is nothing wrong with that. In its place, it would be valuable no doubt, but when we are talking about a contribution of that limited nature, we are duty bound to look at the possible negative effects, particularly when talking about households, private property, children and other vulnerable people, who may not be able to handle what would be required in making such a contribution. Therefore, there are a lot of serious doubts about that, which have not been addressed or answered at all.

[Mr. Forth]

Under the Bill, another report will be published, which will contain

> "such information as the Secretary of State"—

now the Secretary of State will be allowed to make a report; it is no longer the Prime Minister, so we are moving in the right direction—

> "considers appropriate relating to the expected contribution towards meeting the target to be made by each of the relevant sources of energy and technologies."

The next subsection says:

> "It shall be the duty of the Secretary of State to take such steps as he considers necessary to secure that the target established . . . is met."

That raises a number of interesting questions, especially when we look at the definition of micro-generation, and the sort of energy sources that, as I understand it, it includes. They are: biomass, biofuels, fuel cells, photovoltaics, water including waves and tides, wind, solar power, geothermal power, combined heat and power, and so on. I am intrigued as to how we would reasonably target the contribution that each of those would be expected to make in the context of micro-generation, and even more intrigued as to what steps the Secretary of State would be likely to take to secure that those targets were met.

Targets have already been mentioned in passing today, and I think that there is a growing cynicism about targets as a technique. Let me say immediately that I am not suggesting that the Government of whom I was proud and privileged to be a member did not do the targeting thing as well. We did—and we usually regretted it, I suspect. But it is the present Government who, since 1997, have been particularly prone to setting targets.

The fundamental question about targets is: if we set them too high and fail to meet them, what do we do—confess failure or reduce the target? There are a number of examples of that. And if we set them too low and exceed them, what was the point of them anyway? I question what role targeting has to play in important areas of public policy.

Here is a perfect example. The hon. Member for Edinburgh, North and Leith seems to be serious about targeting each and every one of those rather obscure and esoteric headings that I listed, and making some judgment about what they could or should be, why the target has not been met, and what the Secretary of State is supposed to do about it. What is the Secretary of State supposed to do—pass another law making the targets mandatory? Introduce fiscal incentives? Introduce penalties for not doing the right thing? I have no idea; nor, I suspect in my heart of hearts, has the promoter of the Bill. I suspect that he does not have much idea of what that would really mean, case by case, on the ground, for each of those elements.

Now we come to local targets for micro-generation. We are getting down to local level, community level, or whatever you want to call it, and we are introducing further complications in the process. Perhaps understandably, it is has been realised that there is not much point in trying to deal with such matters at national level, given the huge variations within this very small nation of ours.

The islands of Scotland were mentioned earlier, and the contribution that they could make. The Minister responded favourably and encouragingly to that idea, I thought, and seemed to please some of our colleagues from that part of the country. But how different that is from East Anglia and the west country, the south-east of England and the Isle of Wight. There is a strong case to be made for breaking the strategy down into local or regional areas, looking at their performance and their needs, and at the effect that different climates have on wind generation, solar power or whatever. I have no objection to that as such.

Justine Greening: My right hon. Friend is pursuing a valid line. Our experience in London—for example, with local targets for recycling—has produced far more creativity in places such as Wandsworth, where we have one of the highest recycling rates in the country. Local targets start to allow some sort of competition and creativity to emerge, from which broader conclusions can be drawn about what will be successful and what will not.

Mr. Forth: I am grateful to my hon. Friend. Her local authority, and mine in Bromley, of course, being Conservative-controlled, have an excellent record in such matters, and are in the forefront of dealing responsibly with environmental issues. It is not for nothing that we call Bromley "clean and green". And we do it in a sensible and progressive way—

Mr. Harper *rose*—

Mr. Forth: The Forest of Dean, no doubt, has a contribution to make, and I am delighted to give way to my hon. Friend.

Mr. Harper: The Forest of Dean is also clean and green. My right hon. Friend and my hon. Friend the Member for Putney (Justine Greening) are making an important point, which has been echoed on both sides of the House. As far as local government is concerned, it sounds as though many local authorities are already reacting responsibly to local demand and a number of innovative schemes have already been implemented. Given that these issues are said to be at the top of many people's priorities, if those schemes are already happening in areas where the local electorate desire them, perhaps we could argue that the clause is unnecessary.

Mr. Forth: That relates to the point made by my hon. Friend the Member for Putney (Justine Greening). There is indeed a strong case for saying that responsible local authorities should be free to take their own decisions on these matters and should be accountable to their own voters for what they do. The dissemination of good practice, if nothing else, should then be sufficient to drive these matters forward, rather than endlessly looking for legislation, targets and compulsion from the centre. All too often, that seems to be the fashion these days. We are probably on to an important point here and I hope that the Committee will look closely at the implications of the rather innocuous-sounding "local targets" phrase in the title of clause 5.

Now we come on to yet another report—we seem to be knee deep in reports. As an aside, I am sure that the same sort of people who are keen about the problems of climate change, emissions and so forth are probably equally keen and concerned about deforestation and excessive use of paper. Yet this very Bill will itself generate a huge amount of governmental paper and reports. There is always an irony there that we should bear in mind.

Clause 6 provides for yet another report and this one is called the annual report on micro-generation strategy. Once again, the Secretary of State will have to present it, so he is going to be a busy chap, is he not? The report will have to tell Parliament about

> "the implementation of measures contained in the microgeneration strategy under section 82 of the Energy Act 2004"—

well, fine. Then the clause goes on to talk about

> "the achievement of any targets set for microgeneration"—

or not, one might want to add. They will not always be achievements; presumably there may well be some miserable failures from time to time and perhaps we should know about them as well. Clause 6(c) then refers to

> "the way in which that implementation and any steps towards achieving any targets have assisted in . . . reducing emissions of carbon dioxide, and.. alleviating fuel poverty."

That is a pretty tall order.

My reading of the legislation is that we are now trying to identify the role played by micro-generation in

> "reducing emissions of carbon dioxide".

I wonder whether that is technically feasible. I am sure that the experts here could tell me in some detail how it could be done. They may be reluctant to do so right now for reasons that I cannot even begin to understand, but let the question just hang in the air for the moment. Once again, it illustrates how futile much of the Bill will be. We are now asking the experts to tell us what element of the reduction in carbon dioxide emissions is attributable to micro-generation.

Let us suppose for a moment that overall carbon emissions went up, due to various other factors, but that micro-generation made a small contribution to bringing them down. How are we to tease out from an overall increase that offsetting reduction, which might have taken place, thanks to micro-generation? I do not know the answer and I have a strong suspicion that neither do the people who drafted the Bill. They want to say those sorts of things because it makes them feel better. There is nothing wrong with that, except that I am not sure whether we should use the law to make people feel better generally. There are many other ways of doing that, but we need not go into them at this stage.

Slightly more plausible and feasible, perhaps, is the notion of the report identifying the contribution of micro-generation towards the alleviation of so-called fuel poverty. That might be easier to do. If we took it household by household, looked at income and lifestyle and judged how much was being spent on cigarettes, beer, central heating or a coal fire—lo and behold, there may even be a windmill in the roof—perhaps we could fulfil the requirement of clause 6(c)(ii). That is my attempt to be positive, so take it for what it is worth. Other than that, clause 6 presents a bit of a difficulty and the Minister will doubtless light upon that fact in Committee.

My hon. Friend the Member for Forest of Dean discussed in his expert way clause 7 and the sale of electricity produced by domestic micro-generation. This is a difficult issue, but given that this part of the Bill is apparently very important, it is worth giving some thought to. The Secretary of State, within a mere 12 months, will have to establish

> "a scheme enabling electricity produced by domestic microgeneration to be sold".

I do not know the Minister's assessment of this demand, but in my view it is probably unrealisable and unachievable. I suspect that conceiving something as complex as this within 12 months could not be done. The risk that we run here is a great one, Madam Deputy Speaker, as you know. If we impose an unrealistic time limit on such an exercise, and if, in the rush to meet what would then be a statutory requirement, the Minister and his officials, with the best will in the world, cannot come up with a viable or workable proposition, we will be worse off than we were.

I have no problem with this idea in principle and concept, but if we want to establish

> "a scheme enabling electricity produced by domestic microgeneration to be sold",

why place upon it an artificial time limit that runs the distinct risk of its being botched and coming out all wrong? I hope that that issue will be examined in Committee, because such a scheme would be much more feasible and attractive if the Minister were allowed to develop it to a reasonable time scale. If the hon. Member for Edinburgh, North and Leith were to include the word "reasonable", that would probably bridge the gap—we usually know what "reasonable" means, and the Minister could at least be held to account by such a phrase—and it would be better than risking failing to meet an artificial deadline.

Clause 7(2) gives rise to a further problem. It states that

> "a licensed electricity supplier may only supply electricity to a domestic customer if that supplier also undertakes to buy at market rate any electricity produced by that customer".

We have been given no explanation as to why this provision has been included. Such a mechanism would surely function perfectly well in a much more flexible and free market. One problem has been that, for understandable reasons, the Bill's promoter did not want to detain the House for too long. I, of all people, can understand that motivation, but the price that we have therefore paid is his not spelling out in detail what this part of his Bill means and how it would work. As a result, we are somewhat at a loss. The judgment that any Member always has to make in a debate such as this is whether to take the time to explain the Bill's detail, thus seeking to persuade us of its merits, or whether to leave the detail unsaid, thereby leaving us in some doubt. Regrettably, we have had no explanation of why this important market rate provision has been built into clause 7.

Mr. Harper: Because of the lack of explanation that my right hon. Friend describes, there is a risk that the Bill could lead to "fuel poverty"—to use the Bill's own phrase—by statute. If, because of the associated costs that I outlined—no Member with more experience in these matters has intervened to offer a different

[Mr. Harper]

explanation—the licensed electricity supplier discovered that buying the electricity at market rate from the customer in question did not make business sense and therefore declined to purchase it, he would be forced, by law, to stop supplying electricity to that customer. If that customer said, "Buy my electricity at market rate," and he said, "No, thank you, I don't want to," the Bill as drafted would force him to stop supplying electricity.

Mr. Forth: I am grateful to my hon. Friend, who has illustrated why it is always risky—not just risky but, for Conservative Members, unacceptable—to seek to interfere through legislation in such market forces, which would operate perfectly well without such intervention. I have no conceptual or principled opposition to the idea of people doing their own thing on micro-generation and having their own arrangement with the central supplier. That would work perfectly well, but we are apparently being asked to sign up to some socialistic, interventionist, central, regulated arrangement of the kind that is supposed to be anathema to us. I choose to dissent from that, if from nothing else.

In clause 8, we come on to green energy certificates, the acme of intervention and regulation. Apparently,

> "it shall be the duty of a public authority to have regard to the desirability of . . . promoting microgeneration, and"—

and here we come to the first laugh we have had in the whole Bill—

> "minimising the cost and administrative burdens for domestic customers in installing or operating".

I do not know how anyone could keep a straight face while claiming that this sort of Bill could, by statute, minimise costs and administrative burdens. The whole Bill is about costs and administrative burdens, not least in the area that my hon. Friend the Member for Forest of Dean just highlighted. We have a complete disjunction between the words in the Bill and the almost inevitable outcome, and that cannot make sense or add to the credibility of the parliamentary process. Clause 8 will require a fair bit of examination by the Committee and by the Minister.

Next comes "Promotion of community energy". I am sure that that is a worthy aspiration to which we would all want to sign up, but quite how it will work, whether it is working, whether it is likely to work more, and whether people fully understand the concept remain to be seen. In essence, however, that goes in the right direction. We are all signed up, are we not, to local decision making, in theory at least, even if, in fact, one keeps finding in practice that it does not quite work that way and that all politicians, when it suits them, will seek to override local decision making when they think it inappropriate or going the wrong way. At least in this regard, though, let us say that we can be comforted that the Bill gives an explicit reference to localism in the promotion of community energy. That is something on which we can all feel rather warm and fuzzy.—*[Interruption.]* My hon. Friend the Member for Lichfield (Michael Fabricant) is helping me with a prompt, to which I may, on this occasion, pay some attention, just so that I know what it feels like.

There has been some discussion of clause 10 and "Renewable heat obligation". It may be one of the more difficult areas in the Bill. Rather oddly, in all the paeans of praise heaped uncritically on the Bill by all the colleagues scrambling to say how much they supported it, there was, I thought, just a slight hint of unease about that part of it. I can see why. Requiring

> "suppliers of heating fuel to demonstrate that a specified proportion of the fuel they supply is derived from renewable heat sources"

may be a pretty tall order, and it implies an underpinning of a degree of bureaucracy or intervention that it may be difficult to achieve.

Then we have our old friend "establish targets", and we have been through all that before. We also have the dreaded "penalties". Sadly, these days, one can rarely have a Bill of this sort without the old enemy, "penalties", arising. I am all for incentives and encouragement, but when we get into penalties, it is a sad day. I wonder whether full thought has been given to what those penalties might be and on whom they would fall. Would it be reasonable that they fell on the people concerned, and what would happen if they did not pay? Hiding behind that, presumably, although it has never been spelled out, lies the threat of custodial sentences—who knows?—for contempt of court, or the like. Before we go down the penalties road, I urge colleagues to think carefully, including the Minister—and, indeed, the other members of the Committee, since I must not keep assuming that the Minister will have some sort of hold on the Committee. Of course he will not, and it will be up to him to persuade the Committee of his view, which he set out so ably earlier, and for the members of the Committee to respond to it. Then it will be for those of us present for Report to assess the state of the Bill after Committee. Today is just a preliminary canter across the broad provisions of the Bill. When we get down to the real nitty-gritty of the detail, in Committee and on Report, the serious business of scrutiny will begin. All the questions that have been raised today can be fully considered.

We face a conceptual problem with this Bill. I am not sure that the case for climate change has been made satisfactorily. I have touched briefly today on the excellent work of their Lordships and the excellent book by Mr. Bjorn Lomborg. There is the important question about climate change, but there is also the issue of the extent of the causal connection between climate change and emissions, the breadth of possibilities that that gives rise to and the differential between the effects that it might have on temperature and on sea levels. That in turn gives rise to the important question of mitigation versus adaptation, although unfortunately that went unmentioned by hon. Members today. However, it must be of key importance to the effect that the policies in the Bill are likely to have on the standards of living of our people, the prospects for economic growth and the costs of mitigation. By implication, and more importantly, those policies will have an effect on the developing world, which is not only likely to be the main generator of emissions and the main cause of global warming, but is also much more likely to suffer from the effects of that warming. That is where technology development and transfer, and adaptation, come much more into play.

Colleagues are entitled to think that the Bill is wonderful, but we have an obligation, when we seek to make law, to be careful about whether it is soundly based. Even more importantly, we must ensure that its policy thrust is in the right direction.

Justine Greening: My right hon. Friend makes a valid point. Above all, we need consistency. On the one hand, we are constantly told about the need to reduce CO_2 emissions, but on the other, the Civil Aviation Bill will remove the cap on the number of flights landing at Heathrow, which is one of the main causes of the rise in CO_2 emissions. The main answer will come from individuals changing their own behaviour, but the best way for them to do that would be for the Government to provide a consistent lead in policy making—

Madam Deputy Speaker: Order. Interventions should be brief.

Mr. Forth: My hon. Friend makes a fair point. If she were to have the privilege of serving on the Committee, she could seek to table an amendment to strengthen the Bill in the way that she suggested.

As I said earlier, there is just enough scope—especially given what the Minister said—for the House to give the Bill a Second Reading. The Minister can attempt to persuade the Committee of the strength of his arguments and then we can all look forward to Report, when we can give the Bill an even more thorough going over.

1.29 pm

Mark Lazarowicz: With the leave of the House, I shall reply. My hon. Friend the Minister suggested that he would require certain changes to the Bill before it received Government support. That will be a matter for the Committee, but I am happy to work with the Government to that end. My hon. Friend said that there will be room for discussion in Committee, which I welcome, and it will no doubt be vigorous. I ask the House to support the Bill.

Question put and agreed to.

Bill accordingly read a Second time, and committed to a Standing Committee, pursuant to Standing Order No. 63 (Committal of Bills).

Management of Energy in Buildings Bill

Order for Second Reading read.

1.30 pm

Dr. Alan Whitehead (Southampton, Test) (Lab): I beg to move, That the Bill be now read a Second time.

I declare an interest, in that the sustainable energy partnership assisted me in the preparation and some of the details of the Bill.

I am delighted that the Bill promoted by my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) received a Second Reading. My Bill considers the planning and building regulation environment for how we heat our homes and for how we can, I hope, generate power in our homes. There has already been discussion of that issue in the Chamber today. However, there has been no mention of the fact that about 28 per cent. of all the energy consumed in heating and power is in the domestic sector; it is the largest single sector.

The energy goal set out in the 2003 White Paper was embraced by all parties. It is no less than a 60 per cent. reduction in carbon dioxide by 2050 from the 1999 levels, which is a large goal to achieve through energy policy.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): My hon. Friend will be aware that both Members who represent Milton Keynes wholeheartedly support his Bill. Does he know of the work being undertaken by English Partnerships in Milton Keynes? In one residential development, the brief includes a menu of sustainable development features from which the developers are asked to choose, including heat and power from renewable sources and combined heat and power systems. I very much welcome the Bill as a means of building on such work and making those processes easier.

Dr. Whitehead: I thank my hon. Friend for that intervention. I am indeed aware of that development. Housing bodies and local authorities are considering how they can develop building standards in terms of the heat and power used in buildings. I thoroughly applaud such initiatives.

In the context of my comments on energy use in domestic properties, it makes sense to look closely at how we heat and power our homes. The trick is to work out how we can do that while keeping our homes warm and economically powered at an increasingly high standard of comfort and amenity. Too many people still live in poorly insulated homes that are costly to heat and to power. They are often in real fuel poverty, which means the inability to pay both the costs of living in general and the costs of fuel in a particular household.

Mr. Eric Forth (Bromley and Chislehurst) (Con): Has the hon. Gentleman just defined fuel poverty as inability to meet the cost of living in general? That is what he has just said, so is that what fuel poverty means in the Bill?

Dr. Whitehead: The right hon. Gentleman intervened halfway through my sentence and perhaps it was unwise of me to give way. I was saying that fuel poverty means

[Dr. Whitehead]

the choice that some people who are not well-off and are living in difficult circumstances may have to make between paying the fuel bills for their homes—if their homes are not well insulated, the bills may be high—and paying for other necessities of life. That is a reasonable consequence to infer from a statement about fuel poverty. Although the number of households in that position has come down considerably as a result of measures that have been undertaken over recent years, more than 1 million households in England are still in that position.

In considering how to make progress on heating and powering our homes, we need to look in two directions: we need to make our present homes more energy efficient, and we need to ensure that the next generation of homes, which we shall be building over the next 20 years, will be of the highest energy-efficiency standard and will provide low-cost energy and high-energy-efficiency living.

Robert Key (Salisbury) (Con): I support the hon. Gentleman's Bill. If one turns the pages of glossy magazines such as *Country Life* or *The Field*, one sees lots of wonderful, green houses which are very fuel-efficient, and they all cost about one or two million pounds. Would the Bill apply to ordinary, average-priced housing, which affects most of the people in this country? I hope it will. It is my ambition to live in the greenest house in Salisbury, and I am visiting my Royal Institute of British Architects mentor in Salisbury, Gerald Steer, in a couple of weeks to talk about the possibility of providing proper green houses—fuel-efficient houses—for the average house buyer, not just the rich.

Dr. Whitehead: The hon. Gentleman is absolutely right, and I am delighted to hear that he is able to support my Bill. The point that he makes, about the need to ensure that these provisions relate to ordinary houses that cost an ordinary amount of money and perform an ordinary function for everybody in their daily life, is at the heart of what we should be doing. It is true that there have been some developments that are immensely costly but very energy efficient, and to get those two factors in proportion is an important part of the way in which we need to progress.

The Government have done a great deal to move in that direction, in existing homes and new build. We have the Warm Front grant system for making homes more energy efficient. We have the new part L of the building regulations, setting new levels of required energy efficiency for new houses. We have a previous round of regulations that have introduced condensing boilers and low-emissivity glazing as standard in new homes. Our homes are becoming more energy efficient in their building design and as a result of the retrofitting of cavity wall insulation, loft insulation and other devices.

But what if we could move a step further? What if our houses, as well as being more passively energy efficient, could assist, through the devices that were installed in them as standard when they were built, or that could be fitted when existing devices wore out, in producing some or even all of the energy that that home would consume?

Susan Kramer (Richmond Park) (LD): I wonder whether the hon. Gentleman is aware that in my constituency the Richmond Society, which is one of the oldest local residents' groups working on heritage and conservation, has been so inspired by this Bill and the Climate Change and Sustainable Energy Bill that it has set up a committee to see whether it can work with the building regulations, as the hon. Gentleman proposes, to introduce such benefits, working in harmony with the heritage and conservation that has been a hallmark of the area. That is a huge step forward.

Dr. Whitehead: I am very pleased to hear that news. If the discussions in this Chamber on my Bill and the Climate Change and Sustainable Energy Bill can make such changes in the way people at all levels approach the question of energy efficiency and positive-energy-efficiency building, that will have been a great step forward indeed.

Mr. Philip Hollobone (Kettering) (Con): The hon. Gentleman is right to talk about the importance of energy efficiency. Given that his Government are proposing that hundreds of thousands of new homes will be built in our country in the next 20 to 30 years, is it not imperative that we make the best use that we can as a nation of the 720,000 existing empty properties? It is all very well to talk about energy efficiency, but the best way to deal with that would be to ensure that the homes we have are filled with people living in them before we build new ones.

Dr. Whitehead: The hon. Gentleman is right; it is very important that the homes that are available for occupation in this country be occupied. But it is also important that the homes that are occupied are very energy efficient, and the two go together. Certainly we are doing people no favours if we bring property back into use but that property is poorly insulated, is not energy efficient and provides a poor living experience for the people who move in. One clause in my Bill, which I shall discuss later if the hon. Gentleman will bear with me, relates specifically to that question as far as new building is concerned.

We can already produce energy in houses. We can do that in ways that are not on the drawing board or the testing bench and are with us now. We do not have to wait for a technological breakthrough to see what we can do. Indeed, my hon. Friend the Member for Nottingham, South (Alan Simpson) will shortly move into a house that is so energy efficient that, using various means of heating, power and insulation, he can meet all his own energy requirements in his home and can sell substantial amounts of surplus energy—I think, 50 per cent. more energy than the house uses—back to the national grid. Obviously, my hon. Friend will be buying drinks frequently in the bar for all his friends from now on with the proceeds that he will receive from that surplus energy.

My aim is much more modest. Along with some 80,000 home owners in the UK, I have a solar thermal collector on my roof that produces about a third of my hot water heating supply each year. Solar photovoltaic roofs on a few thousand homes supply a substantial proportion of electricity that is consumed. Ground heat pumps can supply space heating to displace imported energy. With us shortly will be domestic combined heat and power boilers able to heat the home and produce electricity for use in the house or for export to the grid. New miniature domestic wind turbines are becoming available that can harness free electricity, and can power fridges, washing machines, televisions and lighting around the home.

Those developments in domestic power have been likened to the early days of the personal computer revolution. People once assumed that they would sit in front of a dumb terminal connected at some distance by cable to a vast mainframe. However, within a short time of their inception, we had intelligent machines in our homes, networking with each other and giving us control of information technology at the press of a button. Those ways to heat and power homes will become commonplace in 10 years' time, with the enormous benefit of possibly reducing CO_2 emissions by a huge amount, thus benefiting people's fuel bills and domestic energy security.

Martin Horwood (Cheltenham) (LD): I share the hon. Gentleman's enthusiasm for the important initiative of promoting micro-generation. In trying to make micro-generation as commonplace as he describes, would it not be an exciting initiative to try to find out whether more social housing—provided by housing associations, arm's length management organisations and others, such as Cheltenham Borough Homes in my constituency—could incorporate micro-generation, because that would have a double benefit? Not only would it help the environment, but reduce in the long term fuel bills for some of the least well off in our society.

Dr. Whitehead: The hon. Gentleman makes an important point and anticipates exactly what I shall come to in a moment: the idea that such devices could be installed in future homes so that, at the flick of a switch, their occupiers could save on their fuel bills and compensate for increasing fuel bills by generating their own energy in their own homes.

Mr. Forth: Has the hon. Gentleman made any estimate at all of the likely on-cost of all those goodies, how much might be added to the price of new homes with all that built in, and the effect that that could have particularly on first-time buyers?

Dr. Whitehead: Yes. The right hon. Gentleman will be pleased to hear that I have made such an estimate. Indeed, I have discussed with members of the National Housing Federation what their reaction might be in respect of creating a level playing field for building homes in which those new devices are placed. For example, the cost of installing a combined heat and power boiler is not significantly greater than installing a condensing boiler, especially if it is installed when the house is built. Putting on solar PV tiles that are embedded in the roof is far cheaper than retrofitting them there. So the extra cost of building a house is marginal when introducing those devices, but the payback and benefit from doing so when a house is built can be enormous over a considerable period.

Colin Challen (Morley and Rothwell) (Lab):I hope that my hon. Friend's Bill succeeds, even at this late hour. I wonder whether he has read the research showing that top-end, executive homes are the least energy efficient. That is partly explained by the fact that those people can afford to waste energy. So I hope that his Bill will have a chance of being considered in Committee.

Dr. Whitehead: My hon. Friend is right. His comments reflect the intervention made by the hon. Member for Salisbury (Robert Key), who suggested that it is important that the Bill apply to all homes across the board in the future, so that people in all walks of life, not just enthusiastic investors or those in certain niches, can gain from energy efficiency.

Paddy Tipping (Sherwood) (Lab): My hon. Friend makes important points that perhaps ought to be picked up in the energy review. Is not one of the things that we should examine an equal VAT rate as between new and old homes? He also referred to micro-generation, which will require a newly designed transmission scheme that the Government would do well to consider when the energy review is announced.

Dr. Whitehead: What the energy review says in total is a little outside the purview of the Bill. Nevertheless my hon. Friend makes an important point about the idea that energy arrangements could lead to a network grid rather than a hard-wired grid going from parts of the country to other parts via the large power stations that we have at the moment. It is important that the energy review consider such issues.

My Bill provides the means to allow for a potential revolution to take place in how we heat and power homes. It wants to provide the planning environment in which people would be able to take decision to retrofit micro-generation devices to their homes without having to await the lottery and uncertainty of planning regulations.

Annette Brooke (Mid-Dorset and North Poole) (LD): I, too, wish to place on record my support for both the Bills that we have considered today. Does the hon. Gentleman not think it absolutely ludicrous that controversial applications for telecommunications masts of less than 15 m are often permitted whereas applications for something that is far less noticeable and far less controversial require expensive planning applications?

Dr. Whitehead: The hon. Lady is quite right. The issue is not just telephone masts, but deemed planning permission for satellite dishes and television aerials. The devices that we are discussing are no larger than them.

Nia Griffith (Llanelli) (Lab): Does my hon. Friend look forward to the day when a child drawing a house will automatically include solar panels and a wind charger in the picture?

Dr. Whitehead: I fear that houses will continue to be drawn with two chimneys, flowers in the garden, a gate and a little path. However, my hon. Friend is right to suggest that if they were drawn differently, that would really show that we had made a change.

The hon. Member for Mid-Dorset and North Poole (Annette Brooke) is right. Depending on where one lives in the country, one's plans for a renewable energy device on the house may be thwarted or agreed after long days of substantial cost.

[Dr. Whitehead]

On new build, the Bill's aim is to encourage building regulations that, without specifying the device, require new homes to be fitted upon completion with boilers, solar tiles, or small wind turbines and other possible devices that guarantee that the home is both energy efficient in its design and energy productive in its daily use. It would also provide for assessment of how household machines such as fridges, freezers and so on can use dynamic demand technology, so they too play their part in using only the most efficient power supply and in the best circumstances.

Hon. Members have mentioned fuel poverty; let us think about it for a moment and of the prospect of homes—perhaps social housing or rented property—that could pay us to live in as well as cost us. As fuel prices rise, they would possess an automatic brake on prices through the domestic energy that the home produces.

Clause 1 looks to build on energy efficiency targets introduced in the Housing Act 2004 by adding reports on the effect of energy efficiency measures on CO_2 emissions and on the alleviation of fuel poverty. Clause 2 seeks to extend permitted development orders to include the deemed permitted development of small renewable devices—carefully defined and limited—so that householders, local authorities and manufacturers of micro-generation would be clear about what can be done, and if it is of domestic size and use, would ensure that the device can progress to production within the home quickly and straightforwardly.

Clause 3 seeks to require that new homes be graded for energy efficiency and assessed as to the total amount of energy that they are likely to use in a year, and then would enable a percentage of estimated use to be required to be produced by the working of the house itself. Clause 4 would add to the Sustainable Energy Act 2003 the requirement to asses how dynamic demand technologies could contribute to carbon saving, and how obstacles to the use of such technologies in the home could be overcome.

David Howarth (Cambridge) (LD): I wish the Bill every success, as I did the Climate Change and Sustainable Energy Bill. Does the hon. Gentleman accept that clause 4 of the Bill is especially important, because if dynamic demand technologies work, they will encourage the use of other renewable technologies throughout the grid system? In addition, they could save the grid up to £80 million a year by reducing response generation costs.

Dr. Whitehead: The hon. Gentleman is absolutely right. Dynamic demand technologies use the intelligence that we possess on measuring energy to ensure that energy is used in the most effective way. He is right that such technology could become widespread in other areas.

I have reviewed briefly the principal four clauses of my Bill—that is it. The Bill is short, and I do not believe that it would be possible to spend approaching an hour dissecting it clause by clause, but we shall see. It opens the door to profound and overwhelmingly beneficial changes to the way in which we heat and power our homes.

I mentioned earlier what is already under way within Government to move forward on energy efficiency in buildings. I am aware, of course, that there is never an ideal time to introduce such legislation if work is already in progress. I do not want to stop such estimable work progressing by introducing the provisions in the Bill in such a way that that happens while new directions are incorporated. I am also aware that the wording of private Members' Bills is rarely, if ever, exactly right straightaway, which is of course why if such Bills achieve their Second Reading, it is necessary to examine their clauses closely and perhaps amend them in Committee. If my Bill receives its Second Reading, I am sure that we will want to do just that.

We might, for example, want to examine the way in which the Government's review of the complex and sometimes internally contradictory regime of permitted development orders can be assisted, rather than hindered, by the way in which deemed planning permission for micro-generation devices is best advanced. We also might want to consider how any legislative requirement to empower the Secretary of State to make new building regulations would sit best with the new code on sustainable building. When that code is developed, I understand that it will strongly guide developers on the minimum standards to which they will be expected to build. It will herald the emergence of future revisions to building regulations to incorporate such guidelines. I would want any provision in my Bill to work with that code, not against it.

We might also want to consider in Committee whether immensely encouraging potential and actual developments in building efficiency could be undermined by the completion of buildings that do not conform to the regulations as they stand. It is too late to make changes after completion, because the dwelling is built and occupied. It is regrettable that recent surveys have shown that an appreciable minority of new buildings fail to incorporate present building regulations standards. An important element of my proposals relies on the completion of buildings that work efficiently to the standards set down.

I say these things because above all I consider the Bill to be a real piece of workable legislation that would—yes—act partly as the midwife of a revolution in the heating and powering of our homes, but do so in a practical, clear and equitable manner. I ask the House to give my Bill a Second Reading so that it can be advanced to play the role that I believe it can, and so that perhaps in 10 years, we can look back, as people in their thousands, or perhaps even millions, pick up from the mat not the bill for the energy that they have consumed, but the cheque for the power that their homes have produced, and say, "We did that. We helped to make it happen in November 2005 for the benefit of our climate, for the fuel well-being of our people and for our comfortable, but energy efficient, daily living."

1.53 pm

Mr. Mark Harper (Forest of Dean) (Con): I shall come immediately to the Bill. Clause 2 relates to permitted development orders. The hon. Member for Mid-Dorset and North Poole (Annette Brooke) made a timely intervention about permitted development rights for telephone masts. I sound a note of caution because we probably all know from our constituencies about the trouble that they have caused. The hon. Member for Southampton, Test (Dr. Whitehead) has sensibly anticipated a potential problem, because clause 2(5) allows the Secretary of State to

"make provision about conditions relating to the environmental impact of a small renewable energy development"

such as appearance and noise.

As I said in the previous debate, I am not an engineer, and I am not clear about one of the criteria for classifying something as a small renewable energy development being its power output—

"the generation of energy of 10 kilowatts or less."

I wonder whether some appliances that fulfilled that criterion would comply with the provisions about appearance and noise. The last thing that hon. Members want to do, through the best intentions, is to cause many unsightly units to spring up throughout the country through permitted development rights. We all know from our post bags the trouble that that can cause, especially when the planning system is powerless to do anything about it.

Mr. Forth: Does my hon. Friend share my worry that if we loosen the planning regime sufficiently to allow all the allegedly good things to happen, there is a great danger of intrusion by noise from windmills and other devices? Perhaps health and safety hazards could be caused by generating plants that are not properly maintained or managed by people who do not know how to do that. Does he agree that some protection is required in the planning regime?

Mr. Harper: I agree, but I do not want to dwell on that now because such detail is for consideration in Committee.

Martin Horwood: The hon. Gentleman may have misheard the right hon. Member for Bromley and Chislehurst (Mr. Forth), who mentioned the noise caused by such technologies. The noise created by a micro-generation wind turbine, which is only a few feet high, is negligible. Surely he agrees that noise will not be a bar to their introduction.

Mr. Harper: That is a timely intervention, but the promoter acknowledges that there are potential problems with the noise and appearance of the units. Clause 2(5) gives the Secretary of State the power to make conditions about the appearance and noise of such devices, thus heading off those anxieties. However, I am worried that the Bill gives the Secretary of State the power, but not the duty, to provide for those conditions. We could get into a dangerous position whereby the Government did not make such provisions and we could end up with the same problems as we experience with phone masts. We do not want to repeat that problem.

There is a potential problem with clause 3, which deals with building regulations. The problem does not affect new buildings, but subsection (3) provides for energy ratings for dwellings. I am worried about the use to which the information could be put, especially the potential use for taxation. It is probably reasonably cost effective to construct—through modern technology and all the latest building techniques—new build housing that is as energy efficient as possible. That is welcome. However, in constituencies such as mine we do not desire massive new housing development. Many of the properties in the area, including the property in which I live, are hundreds of years old, so without spending huge amounts of money they are not amenable to becoming especially energy efficient. I would not want my constituents to have their properties rated as energy inefficient—

Dr. Whitehead: The energy efficiency rating in clause 3 applies to new build only and not to retro fitting on existing buildings.

Mr. Harper: I am grateful for that clarification, but I am not sure whether that is the effect of the clause. It does not specifically provide for an energy rating only on a new dwelling.

Alison Seabeck (Plymouth, Devonport) (Lab): It does.

Mr. Harper: I am slightly less concerned if that is the case. There is a difference between new build and existing dwellings.

I am slightly worried about the language in the Bill, which refers to a

"typical dwelling of the same type"

having a meaning to be prescribed in future. I should prefer such meanings to be defined in the Bill.

On clause 4, in relation to dynamic demand technologies, it is sensible to use technologies that use the power available more efficiently. It would be helpful if the Minister were to tell us whether she was attracted by this part of the Bill, because one of the concerns expressed by the CBI and other business organisations is that if this winter is particularly harsh there might be restrictions on power availability. It might therefore suit the Government to have a wide availability of technologies that enable energy suppliers to cope more easily with not being able to produce to previous peak demand levels. We do not want to overdo it, however, because that would reduce the duty on power suppliers to supply the power that we demand. To some extent, that is sensible, but I do not want to start forcing people to make do with less power than they require.

Paddy Tipping: Surely, however, the whole input of the Bill is to reduce carbon emissions, and if we can do that from our own homes that makes sense. It also makes sense in economic terms. These are good value-for-money measures and I am perturbed that the hon. Gentleman is arguing in favour of the big generating companies and not for his constituents and mine.

Mr. Harper: I think that it was pointed out earlier that the building regulations will only apply to new buildings, so most of my constituents will not be affected as there will not be substantial new build in my constituency—nor is it wanted. I am addressing my constituents' concerns. In areas where there will not be substantial new build, I do not want a future Government to be able to tax people based on the energy rating of their homes, which some interest groups have already discussed.

[Mr. Harper]

For many constituents, in areas where there will not be new build it is not possible, at an economic cost, to make homes—

Dr. Starkey: Is not the logic of the hon. Gentleman's point that we should rule out windows in houses on the basis that some future Government might decide to introduce a window tax?

Mr. Harper: I think that the hon. Lady will regret making that point, as we have known since a week or two ago that the Government propose to build a database of views from windows, and my constituents in the Forest of Dean might be affected by that.

Madam Deputy Speaker (Sylvia Heal): Order. I remind hon. Members that we ought to concentrate on the Bill before the House.

Alan Simpson (Nottingham, South) (Lab): I want to try to help the hon. Gentleman out of the hole that he was getting into. During my experience with an existing property over the past year, I have learned a lesson from Woking council, which has taken existing buildings and incorporated them into a local energy system, raising the standards of the built environment and giving renewable energy systems to those properties in different energy market contracts. Is that not the significance of supporting this Bill and the preceding Bill?

Mr. Harper: As I have said, I am not an engineer or scientist by training, so the hon. Gentleman's points about his experience are most helpful. He makes a valuable point about the effectiveness of local action. If it is possible under existing regimes to do as Woking council has done successfully, it strikes me that we should be cautious about making things more complicated. Given that many people have said that these sorts of issues are important, and people are chomping at the bit to be able to do their own thing, we should focus on reducing the complexity and bureaucracy and removing barriers. I think we should be a little cautious about making things more complicated.

My right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) mentioned cost. The Government have rightly focused on the cost of providing homes for those who find buying low-cost homes difficult. The hon. Member for Southampton, Test touched on the question of how much we load on to the building of new homes. The Minister has expressed an interest in producing low-cost homes, as has her boss the Deputy Prime Minister, but building regulations often add costs. We should not make things more expensive and difficult to achieve while saying that we want to do the opposite. I end on that note of caution.

2.6 pm

The Minister for Housing and Planning (Yvette Cooper): I congratulate my hon. Friend the Member for Southampton, Test (Dr. Whitehead) on presenting a Bill that raises important issues relating to climate change, energy efficiency and housing.

Members will have heard my hon. Friend the Minister for Energy express the Government's commitment to supporting micro-generation and improving renewable energy and energy efficiency, so I shall not repeat arguments that were covered in the debate on the Climate Change and Sustainable Energy Bill. I will, however, deal with important points raised by my hon. Friend the Member for Southampton, Test about the role of the housing sector. We know that housing is responsible for a significant level of carbon emissions, which is why it is so important to address energy efficiency and promote the take-up of renewable energy in both new and existing homes.

We have already made substantial improvements in the energy efficiency of new buildings. Earlier in the autumn we announced new standards in building regulations, which will mean that the total energy efficiency of new buildings will have improved by 40 per cent. in just five years. That is extremely important. It means that we can plan to build more homes than the last Conservative Government planned to build, but with fewer overall emissions. It also means that householders' heating and fuel bills will be reduced. We need to go further, however. The Bill shows the way towards the lifting of unnecessary planning restrictions, which will allow the retro-fitting of micro-generation technologies for existing houses where appropriate. It also envisages a time when it will be commonplace for new houses to be fitted with such technologies, which would meet an appreciable percentage of a home's energy needs.

The Government welcome the Bill's aims, but as my hon. Friend knows, we have some worries about the detail and about the mechanisms for its implementation. We believe that they can be resolved in Committee, however, and it is on that basis that we support the Bill today.

The Bill requires the Secretary of State to report on progress towards the energy efficiency targets in the Housing Act, and on the effects on fuel poverty. We already have mechanisms for reporting on energy efficiency progress, which we think could be incorporated in the process so that Parliament is kept up to date and we have an impetus to ensure that our progress continues. We also think it right for the planning system to play a larger role in improvements in energy efficiency. We have already set out a commitment to planning for renewable energy in planning policy statement 22 and its companion guide, which recommend greater use of renewables including micro-generation, domestic and other small-scale energy installations.

Planning can play a further role in relation to individual homes. It is already possible to install some small renewable energy equipment without needing to apply for planning permission, including photovoltaic cells and solar panels. However, we understand the fear that local authorities can interpret the rules inconsistently, and the view that we could do more. We all recognise that appropriate safeguards need to be in place for neighbours on things such as size and noise, as the Bill recommends, but equally we think that it is possible to make it easier for householders to install a range of small renewable energy developments within permitted development, with those safeguards in place.

Mr. Forth: I am a little worried that somewhat concealed in the words that the Minister has just used, although I am sure that it was not deliberate, was the implication that national standards would be applied. Does she not want at least to pay lip service to the new doctrine of localism and to allow much more flexibility for local planning authorities to be more aware of local conditions in applying the things that she has just talked about?

Yvette Cooper: The right hon. Gentleman is right that there is a range of areas in which local discretion is important. It is an important principle within the planning system. There is a range of areas where local decisions need to be made to take into account local circumstances. There is also a national planning framework. A range of things are already included within permitted development to ensure that the planning system at local level does not get clogged up by unnecessary applications for very small-scale developments. That is the way in which the permitted development system has worked for a long time.

Where we have concerns with the Bill is that it involves additional piecemeal amendment of the Town and Country (General Permitted Development Order) 1995. One of the reasons we have patchy interpretation of the order at the moment, including around renewable energy, is that parts of it have become unnecessarily complicated, including piecemeal amendments over a long period.

We have already begun a major review of permitted development to simplify the system and to allow appropriate minor development to be taken out of the planning system. We envisage consulting on possible amendments to the general permitted development order next year. That would allow proper consultation to take place about the right balance and safeguards that need to be in place. We believe that that is the right opportunity to look at taking forward the ability of householders to install a range of small renewable energy developments without specific planning permission.

Therefore, we would like to discuss in Committee the right relationship between primary and secondary legislation on this issue. Permitted development is generally dealt with in secondary legislation, so that we can have the flexibility to respond to changing circumstances and technology. The Government support the need to promote better energy efficiency and the use of things such as micro-generation and renewable energy in new developments and new homes.

Dr. Roberta Blackman-Woods (City of Durham) (Lab): I am grateful to the Minister for giving me a chance to put on the record my support for the Bill. Does she accept that the use of micro-renewables promoted by the Bill could help the Government to comply with their statutory duty under the Housing Act 2004, to increase domestic energy efficiency by 20 per cent. by 2010?

Yvette Cooper: My hon. Friend is right that we want to improve domestic energy efficiency both across existing stock and new stock. That is why we think that the Bill raises some important principles. It also raises the issue of building regulations. My hon. Friend the Member for Southampton, Test is aware that we have certain concerns about the way in which that matter is dealt with in the Bill. We agree that building regulations are an important tool for improving energy efficiency and cutting carbon emissions. However, generally they do not specify particular technologies or ways of achieving standards. Instead, they specify outcomes and allow builders and developers flexibility about how to achieve those outcomes.

That is an important principle, because it encourages innovation and it does not prevent competition if new technologies or approaches come forward. It means that regulations do not hamper the take-up of new technologies that may not yet have been anticipated. Therefore, we would be uncomfortable about being committed by this Bill to specifying particular approaches, as opposed to specifying outcomes, within the building regulations.

We also believe that there are additional ways we can promote micro-generation, such as through the code for sustainable buildings, on which we will consult shortly. We have just announced higher standards in building regulations on energy efficiency, too. Clearly, regulations need to be based on what is achievable in practice. We also propose to consider micro-generation as part of the review of existing building regulations that has just commenced. We believe that any concerns can be resolved in Committee, and we hope that we can have further discussions on the detail, including that aspect.

We welcome the emphasis in the Bill on promoting dynamic demand technology and we are happy to support its Second Reading. It raises important issues and will contribute to improving energy efficiency in buildings and promoting new technologies to protect the environment. We look forward to discussing it in Committee.

2.15 pm

Bill Wiggin (Leominster) (Con): Almost half Britain's 161.2 million tonnes of carbon dioxide emissions come from buildings. Despite all the rhetoric about the importance of joined-up government, the Office of the Deputy Prime Minister has no statutory obligation to take action to improve energy efficiency, reduce carbon dioxide emissions or mitigate the impact of climate change. I shall keep my comments short because I very much want the Bill to receive a Second Reading.

Last December the Secretary of State for Environment, Food and Rural Affairs said:

> "We will not, on the basis of current policies alone, achieve our ambitious goal of a 20 per cent. cut in carbon dioxide emissions".

The Secretary of State has admitted the obvious fact that the Labour Government will not reach their target of cutting carbon dioxide emissions to 20 per cent. below the 1990 level, and that makes it clear that we need firm action and new policies. That is why the Opposition welcome many aspects of the Bill promoted by the hon. Member for Southampton, Test (Dr. Whitehead).

The Bill is short and concise, and I am sure that it will make a difference to the environment. It contains practical measures that will reduce emissions, help to sustain the environment and save money. Indeed, the

[Bill Wiggin]

Micropower Council says that one of its provisions will eliminate the need for planning permission for micro-power plants generating 10 kW or less. Those wishing to install such systems would save about £265. The reduction in red tape and costs that the Bill offers will make micro-generation all the more attractive for Britain's millions of home owners and thousands of small businesses.

Dynamic Demand estimates that the changes promoted by the Bill could lead to savings of about 2.1 million tonnes of carbon dioxide emissions a year, or more than 1 per cent. of the total carbon dioxide emissions that we produce.

I hope that if the Bill makes further progress, we shall consider including geothermal power as a source of energy within the remit of the Bill. In addition, the Bill could set a higher capacity for micro-generation than that in clause 2(4). Households consume on average between 3,500 and 5,000 kWh per year, and if we empower the public to generate more of the energy for their homes through micro-generation renewables, that would be economically incentivising them—this is the most terrible English; I shall rephrase that. It would give them an economic incentive to sell the excess produced to the national grid.

The Bill will make a positive difference to the environment. It promotes micro-generation and energy efficiency and will serve to hold the Government's policies to account and make them more transparent. It contains measures that the Labour Government should have introduced a long time ago.

2.18 pm

Andrew Stunell (Hazel Grove) (LD): I congratulate the hon. Member for Southampton, Test (Dr. Whitehead) on his success in the ballot and his choice of Bill. I give it a warm welcome, not only because I am one of its sponsors, but because I believe that it is an important piece of a big and complex jigsaw aimed at reducing carbon emissions.

As the promoter of the Sustainable and Secure Buildings Act 2004, which started as a private Member's Bill that I steered through in the Session before last, I am delighted to see this Bill taking another step along the same route. My enthusiasm for the Bill sometimes amounts almost to a sense of desperation, because we need such Bills so much. It is a worthwhile Bill, but it will make only a small contribution to tackling the enormous problem of climate change, and in particular, the urgent need to reduce CO_2 emissions here in the United Kingdom.

The fastest growth in carbon dioxide emissions comes from commercial premises, from transport and from the biggest wasters of energy—the domestic sector. It is a constant puzzle that most of us are responsible for more carbon dioxide emissions from our houses each year than from our cars, yet this place spends tremendous effort and political energy on restricting the use of the car, and practically none on restricting carbon dioxide emissions from our homes. If we did that, we would reduce our bills and improve our home comfort levels, as well as reduce carbon dioxide and slow the rate of climate change.

On the whole, we have had a non-partisan debate today, which is most welcome. Speaking as someone who steered a private Member's Bill through to Royal Assent in 2004, I have to say that it is good to have a broad consensus, but strong, firm Government action is also required. It is disappointing that, 14 months after my Bill gained Royal Assent, it has still not been implemented. That is my word of caution to the hon. Member for Southampton, Test: getting a Bill passed is difficult enough, but getting it implemented can be even more difficult. As far as I know, there is not yet a consultation document on the Bill that I steered though. I cannot even get confirmation that the working party to draw up the document has yet met. I look forward to hearing the Minister reassure me about that on another occasion.

The fact remains that the Bill provides a modest but valuable step on the road to tackling climate change. It seems to have the good will of the Government, albeit perhaps a little grudgingly given in some respects. Perhaps there is more trouble ahead in Committee. However, I say to both the Government and the hon. Member for Southampton, Test that we must ensure that the Bill not only gets through Second Reading and Committee, but is subsequently put into effect.

I certainly hope that we can get the Bill through today and that it gains the success that it richly deserves, but there are predators—perhaps some are still in their place right now—and pitfalls ahead. The hon. Member for Southampton, Test needs to beware not only of those who are overt about their approach to the Bill, but of those such as the Minister, perhaps, who appear to come smiling and bearing gifts. Sometimes things can go wrong.

Through you, Madam Deputy Speaker, I want to tell the hon. Gentleman that it is important that the House is debating these issues and his Bill today. The Bill that has just gained its Second Reading and this Bill make a valuable and substantial contribution to moving forward on climate change and providing Britain with some solutions to that problem, particularly in respect of its built environment.

As has already been said, our built environment is one of the most extensive producers of carbon dioxide, but simple savings can be made not just at low cost, but at zero economic cost. I hope that the House will pass the Bill, not just here on Second Reading but in Committee and subsequently, and I hope that the hon. Member for Southampton, Test will have the opportunity to wind up the debate and put his Bill before the House for approval.

4.23 pm

Mr. Eric Forth (Bromley and Chislehurst) (Con): Inadvertently, the hon. Member for Hazel Grove (Andrew Stunell) has provided a graphic illustration of how worthless many of these Bills turn out to be. His Bill became an Act, but he has admitted that nothing has happened since. That tells its own story and hon. Members would be well advised to reflect carefully about legislating for all the good things in life and should not be too surprised when little happens as a result.

When I had a quick look at the list of the Bill's supporters, I noticed that it included 11 hon. Members, not including the promoter himself, yet only three seem to be present in their places today. That does not suggest to me an overwhelming degree of enthusiasm for the Bill. Sadly, Madam Deputy Speaker, as you will know, that is not an unusual phenomenon. Members are all too ready to sign up to Bills, but cannot drag themselves here on a Friday to support them and see them put on the statute book.

Dr. Whitehead: Could the right hon. Gentleman save time and read the telephone directory out? Would that be helpful?

Mr. Forth: I welcome the hon. Gentleman here on his one Friday of the year, bearing his little Bill—*[Interruption.]* I am going to finish my point.

Martin Horwood: Will the right hon. Gentleman give way?

Mr. Forth: I would be delighted to give way.

The hon. Member for Southampton, Test should know that all this is part of proceedings on a Friday. I say in all courtesy him that those of us who are here every Friday because we consider doing so to be our duty to our constituents do not take very kindly to being admonished by the once-a-year Friday attendees for our conduct of parliamentary proceedings. I now give way to the hon. Member for Cheltenham.

Martin Horwood: I am very grateful to the right hon. Gentleman for giving way. I speak, I think, for new Liberal Democrat Members, at least, when I say that one reason why it is sometimes difficult to motivate Members to come here on a Friday and to stay to the end of a debate such as this is that we are growing rather cynical about some of the House's procedures and the way in which they are exploited by certain—

Madam Deputy Speaker: Order. I cannot allow this debate to stray that far from the Bill before us.

Mr. Forth: Thank you, Madam Deputy Speaker; I seem to have touched a rather sensitive nerve, unsurprisingly.

The Bill contains a number of interesting and controversial ideas, including our old friend the alleviation of "fuel poverty", to which I shall return. It is worth another airing—it always is—and must never be left as a given. First, however—

Dr. Starkey: I recall on a previous occasion the right hon. Gentleman's mentioning that most of his contact with constituents was on a Saturday morning in Waitrose with Mrs. Forth. Does he get comments in Waitrose about fuel poverty, or does he feel that people in fuel poverty are unlikely to be able to patronise quite the same level of establishment?

Mr. Forth: The honest answer is that I do not recall anyone having raised the subject of fuel poverty—doubtless because they do not understand what it is. If they did, they would probably be as mystified by it as I am, as I shall explain to the hon. Lady and the House in a moment.

First, I want to have a look at clause 1 (1), which rather tediously requires the Secretary of State to lay before Parliament each calendar year

> "a report on the progress made towards achieving the energy efficiency targets set under section 217 of the Housing Act 2004".

Because all debates such as this stand alone, Madam Deputy Speaker, and we cannot possibly have regard to any previous such debate, that gives us the opportunity to rehearse the question of the meaningfulness of regular reports to Parliament. Sadly, I have yet to be convinced that obliging a Secretary of State to make regular reports to Parliament will move forward in a meaningful way any area or issue of policy. Yet again, however, here we have such a bureaucratic requirement.

I have no doubt that imposing such requirements makes people feel good about themselves and the issue that they are espousing, but I have never been too sure what Members think that laying such a report before Parliament achieves. I must admit that it is tempting at this stage to make a purely political point and to say that, of course, there is great benefit to be gained by forcing a Government to produce such a report, which would inevitably embarrass them. Very rarely do such reports suggest that Governments have made great progress, or that the objectives envisaged in the legislation in question will be fulfilled.

So I am tempted, politically, to say, let us have any number of reports forcing the Secretary of State to come to the House and admit that, almost inevitably, the various targets, aims and objectives have not been met. But something inside me says that I should not succumb to that temptation, because to do so would be over-bureaucratic and over-regulatory. In theory, at least, my party is pledged to not being bureaucratic or regulatory, although I increasingly have my doubts about that. So right at the Bill's beginning—clause 1(1)—I am at odds with it and rather unhappy about its provisions.

Clause 1(2) then tells us what the report is supposed to inform us about:

> "The report must specify the impact of . . . progress on . . . reductions in emissions of carbon dioxide; and . . . the alleviation of fuel poverty."

That immediately raises the question of what happens if the report says that no progress has been made in the reduction of CO_2 emissions. Are we to assume that something will happen as a result, or that this will simply embarrass the Government? If nothing will happen, what is the point of producing the report? There are not too many examples in recent political history of the mere production of a report showing that the Government of the day have failed to meet a certain set of objectives in turn leading to rectifying action by that Government. So the assumption made in many of the Bills that come before us on a Friday—Bills that, regrettably, few colleagues are here to consider—that such reports themselves produce good results is very much open to challenge, to say the least.

It being half-past Two o'clock, the debate stood adjourned.

Debate to be resumed on Friday 10 March.

Remaining Private Members' Bills

BOROUGH FREEDOM (FAMILY SUCCESSION) BILL *[LORDS]*

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 20 January.

BREASTFEEDING ETC. BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 24 February.

South Asian Earthquake

Motion made, and Question proposed, That this House do now adjourn.— *[Mr. Watson.]*

2.30 pm

Mr. Sadiq Khan (Tooting) (Lab): I am grateful for the opportunity to raise the south Asian earthquake disaster that is slowly but surely turning into a catastrophe. I am grateful, too, to my hon. Friend the Under-Secretary of State for International Development for being here to respond, as I know that he has a personal interest, as do many of his constituents, who have raised thousands and thousands of pounds to help the victims of the earthquake disaster in Pakistan, India and Kashmir.

My hon. Friends the Members for Glasgow, Central (Mr. Sarwar) and for Dewsbury (Mr. Malik) recently visited the affected areas with me as part of a delegation, with the UK charity Helping Hands and the Limbless Association in the UK, of which the hon. Member for Putney (Justine Greening), among others, is well aware. I can honestly say that the four days we spent in Pakistan and Kashmir were four of the most harrowing days of my life. The places we visited included Abbotabad, Mensera, Bagh, Balakot and the Chathara plain, and the scenes were unbelievable. The stark facts speak for themselves. More than 73,276 are dead; more than 69,260 people are wounded; 3.3 million people are homeless; 1.3 million have lost their livelihoods; 15,000 villages, hamlets and townships are devastated; 6,000 schools are destroyed; 364 medical facilities are destroyed; and I could go on.

Those are not just figures. That part of south Asia is like a war zone. Those figures are real people, just like us, our families and our constituents. I met three-year-old, four-year-old, six-year-old, and nine-year-old children who are amputees, with a leg missing or an arm missing. Children have been orphaned. Grandparents have been traumatised by seeing their entire family—children and grandchildren—wiped out. Ancestral homes have been destroyed. Children and adults are still in a physical state of shock more than three weeks after the earthquake, because of what they witnessed. Aftershocks have caused roads that had been cleared to be blocked again by landslides. Again, I could go on.

I met heroic British citizens helping in the disaster zone, relief workers, British doctors, BT engineers, British nurses, Department for International Development staff, RAF Chinook pilots and personnel, and others doing their best to help. Of course, disasters emergency committee organisations are doing a great job, including Islamic Relief, Save the Children, the British Red Cross, Oxfam, Merlin, Christian Aid, World Vision and many more. Less heard-of British charities are also doing a brilliant job, including Helping Hands, Muslim Hands, Muslim Aid and others.

I pay tribute to the British public and the British Government. Ordinary members of our communities have been phenomenally generous with their donations, and often it is the poorest in our constituencies who have been the most generous in giving charity. More than £30 million was raised from the British public alone in the first three weeks after the earthquake. Our Government, too, have punched above their weight, and the Pakistani Government and the people we met are very grateful for the help that we have given and have seen the benefits of the £33 million that we have donated. British expertise, British helicopters and British equipment have been out there from day one, and I pay tribute to those concerned.

There has been a silver lining to the earthquake disaster. President Musharraf has announced that Pakistan will postpone the purchase of F-16 aircraft from the USA in the light of the disaster facing Pakistan and the region. We have also seen continued improvements in relations between India and Pakistan, which have led to the line of command being opened at five separate places. However, as I said earlier, the disaster is quickly and surely turning into a catastrophe.

The British and other western media have lost interest and I am concerned that the full scale of the horror will not become known in the western world. The United Nations Office for the Coordination of Humanitarian Affairs says that the number of casualties continues to rise as new areas are accessed. Up to 30 per cent. of the earthquake affected areas remain inaccessible. Some 250,000 people are above the snow line and face a life-threatening situation.

UNICEF estimates that more than 32,000 children may have died and that there are tens of thousands of children who are now in peril due to deteriorating weather, injury and illness. There are 120,000 children in the mountains still waiting for help, of whom 10,000 could die of hunger, hypothermia and disease within the next few weeks.

Mr. Philip Hollobone (Kettering) (Con): I congratulate the hon. Gentleman on securing an Adjournment debate on this important subject and on the words that he has addressed to the House. Does he share my concern about the lack of helicopter airlift capability in this and other disasters? That has meant that we are only just discovering the true horror of the earthquake in the region, because no one has been able to get there. The recent UN humanitarian response review report looked at the issue of improving airlift capacity. Will the hon. Gentleman join me in urging the Government to have an urgent review of this country's ability to provide helicopters?

Mr. Khan: I am grateful for that intervention. The hon. Gentleman may be aware that my right hon. Friend the Secretary of State for International Development and my hon. Friend the Minister have ensured that the UK Government have done their share. For example, I met the pilots of three Chinook helicopters who were doing three sorties a day, which was way more than their counterparts. The hon. Gentleman raises an important point about ensuring that we are prepared for future disasters, and my hon. Friend the Minister will have heard his concern.

Islamic Relief also expressed concern about the disaster. It said that the prospect of a second wave of death looms over the survivors as thousands of injured people remain stranded without access to food, shelter and sanitation. Helicopters play a vital role in alleviating some of that suffering.

It is with shame and anger that I tell the House that the international community is failing to provide a global solution to this global catastrophe. The earthquake was not preventable, but further deaths in the days and weeks afterwards were. It is useful to compare and contrast the present disaster with the tsunami disaster that occurred almost a year ago, on Boxing day 2004, but I should point out that I do not criticise the help that we or the international community gave to those affected. The tsunami affected 1 million people: the Pakistan, India and Kashmiri earthquake has made 4 million people homeless. The tsunami affected flat coastal areas that were easy to reach: the earthquake was in rugged, mountainous terrain. After the tsunami, there was moderate weather in all the areas affected: temperatures in the earthquake zone have already dropped to freezing point and snowfall has started. In the case of the tsunami, 4,000 helicopters were made available by foreign countries in days: the earthquake region has received 70, and the Pakistani Government and the UN can no longer afford the fuel to make optimal use of them. In the case of the tsunami, 80 per cent. of the aid pledged by the international community to the UN was realised in two weeks: more than four weeks after the earthquake, Pakistan has received 12 per cent. of the promised aid.

There is a stark contrast in the scale of the international response to the UN appeal in each case. I said that I was angry and ashamed and I shall explain why. After the tsunami, international donors pledged more than $700 million for immediate emergency relief in the first two weeks alone; 79 per cent. of the UN appeal was met within two weeks, whereas more than a month after the earthquake, only $131 million had been pledged—only 24 per cent. of the UN appeal. Unless the Government take a lead in the international community, I truly fear that children, adults and elderly people will die from starvation, cold and disease—avoidable deaths.

Pakistan needs help. India, because of the numbers affected, is coping well by herself. Pakistan needs tents, other shelter, food, medicine, blankets, helicopters, fuel and more. In addition to the specialist help that DFID is giving, I have been advised that the best thing we can do is to provide urgent cash assistance so that the relief experts and agencies on the ground can spot-purchase what is required locally.

Ms Dawn Butler (Brent, South) (Lab): I congratulate my hon. Friend on securing this important debate. Will he join me in congratulating UNICEF on its efforts to ensure that collections are co-ordinated? Although the media have not pursued things as vigorously as we would like, should not we appeal to the public to continue to collect funds and maintain a co-ordinated approach through UNICEF?

Mr. Khan: I am grateful to my hon. Friend; she is right. The relief agencies are amazing. I met people who should be treated as heroes: UNICEF, Save the Children, Islamic Relief, Helping Hands and others are doing a fantastic job. But we have never seen a disaster on that scale, so even with the best will in the world and the best planning and organisation it was impossible to be as organised at the outset as we should have liked. It is now five weeks later, however, and we know the scale of the disaster so it is important to try to take steps to address it.

What can we do? In the short term, the priorities are clearly the emergency rescue and relief that have been mentioned. We also need early rehabilitation and

[Mr. Khan]

reconstruction help, and I shall explain how I hope that our Government can help. First, on 19 November, a donors conference will be held in Pakistan. The UN Secretary-General, Kofi Annan, will attend and will ask for help from the international community. I hope that our Government do as they have always done and take the lead in putting pressure on other Governments to do more.

Secondly, eight weeks are left of our presidency of the European Union and of the G8. Over the past few months, we have seen how much we could do, by leading from the front, to make poverty history: an example of Britain using her influence and expertise to persuade other countries to do more. I urge our Government to use the influence and reputation that they have gained as president of the EU and the G8 to do much more; for example, we could persuade the EU to include Pakistan in its generalised system of preferences plus.

Thirdly, we could offer the same type of trade concessions as were rightly given to the areas affected by the tsunami disaster. We need to ensure that we help Pakistan stand on her own feet. Yes, Pakistan needs help immediately, but her people want fair trade. They do not want handouts; they prefer to earn their way out of the crisis. Every billion dollars of exports translates into 300,000 jobs in Pakistan, which has an impact on 1.5 million people, and shows how people can help themselves to recover from catastrophe.

I subscribe to the view that a society is judged by how it treats its most vulnerable members. As a member of the international family, we should be judged by how the victims of the earthquake disaster in south Asia are treated. I sincerely hope that DFID and the Government will lead the way in showing just how civilised and just we are.

2.44 pm

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): I congratulate my hon. Friend the Member for Tooting (Mr. Khan) on securing this important debate. I also congratulate him and other hon. Friends on taking the time to visit the region to see for themselves the scale of the tragedy that is unfolding in Pakistan, and for ensuring that the attention of the House continues to be drawn to the disaster, even though international media attention may have begun to diminish. I join my hon. Friend in paying tribute to the generosity of the British public and the many British-based non-governmental organisations operating in the area.

Since the earthquake struck, with such devastating effect, on 8 October, the scale of the tragedy has become starkly and increasingly clear to us all. The Government of Pakistan's latest figures report that more than 73,000 people lost their life—other estimates put the figure higher, at some 87,000—with some 69,000 people suffering injury. In Indian-administered Kashmir, the death toll is reported at over 1,300 people, and some 4,500 people are reported to have been injured. In total, some 3.5 million people are affected, of whom 2.5 million have lost their homes. The 200,000 people living in difficult-to-access areas, including those above the snow line, are, as my hon. Friend rightly said, at particular risk as winter approaches. The priority now must be to ensure that those who survived the disaster receive the assistance that they require to support them through the winter months.

The principal objective of our response to the earthquake so far has been to support the immediate survival needs of the affected population and to continue the support into the spring, or longer if necessary. To date, we have allocated some £33 million of assistance for the immediate relief effort. We recognise the need for the international community to do more. Overall, I have to say, international assistance for the relief phase to date has been disappointing. We are the second largest donor to the relief effort. We are prepared to provide additional assistance while also urging other donors to increase their support to the relief needs at this critical point.

Our immediate assistance has included search and rescue teams; indeed, the first international search and rescue team to arrive in the affected areas was a British-based NGO whose visit we helped to fund. In addition to search and rescue, we have provided priority relief materials including tents, blankets and tarpaulins. We have helped to fund air transport, including helicopters, and programmed support to various United Nations agencies, to the Red Cross movement and to a series of non-governmental organisations. As part of our support to NGOs we have been funding flights for the UK's Disasters Emergency Committee. Indeed, to date we have funded some 65 flights for agencies of the DEC, costing some £3 million. In addition, £3 million of the £5 million that we have given to NGOs has gone to DEC agencies. Our aim is to ensure that the funding raised by the Disasters Emergency Committee from the British public, which I was pleased to learn today has risen to some £37 million, is spent on material and direct assistance rather than the commercial cost—which we are meeting—of the flights to send supplies to the affected region.

As I said, I greatly appreciate the valuable efforts made by the public and concerned people the length and breadth of Britain who want to respond to this terrible disaster. Wherever possible, we have sought to use available space on the aircraft for other agencies, and we have encouraged the Disasters Emergency Committee to collaborate with other charities that want to send support. By way of example, we provided support to Islamic Relief, providing it with the funding for some 10,000 tarpaulins, 20,000 blankets and 1,000 winterised family tents from the supplies of the Department for International Development, and have funded two Islamic Relief flights under the DEC airlift support that I alluded to earlier. Islamic relief is just one of many British-based NGOs doing a fantastic job in responding to the disaster.

The European Community's Humanitarian Office has contributed about £9.2 million to the relief effort and the European Commission has already pledged some £54 million towards longer-term rehabilitation and reconstruction. The UK's share of that assistance is around £11 million.

However, as my hon. Friend rightly made clear, the immediate situation remains critical. According to the Pakistani authorities, some 315,000 tents have already been distributed. The Government of Pakistan and the

United Nations are confident that up to 300,000 tents will be delivered by the end of the month, but more and continuing assistance is needed.

The United Nations has developed a humanitarian action plan for November to target assistance to an estimated 200,000 individuals in the high valleys, as well as 150,000 people who are expected to settle in both spontaneously organised and planned camps. The focus of that plan is on emergency shelter, medical evacuations, the pre-positioning of food assistance for 700,000 people and the maintenance of mobile health units and vaccination services.

Lyn Brown (West Ham) (Lab): I am grateful to my hon. Friend for talking about what we have done so far. People in the communities in my constituency have spoken to me about the plight that my hon. Friend the Member for Tooting (Mr. Khan) has outlined today. My anxiety relates to the fact that we have all read in the newspapers about the escalating current need and how the money that has been pledged will simply not save those people. What more can we do in the House and outside to take the aid that is so desperately needed to those families and children?

Mr. Thomas: My hon. Friend is right to suggest that more needs to be done, and I shall come to her specific question shortly.

It is crucial, however, that we continue to support the UN in the development of the humanitarian action plan to meet the immediate needs of those in difficult-to-reach communities. That plan, as well as what I have indicated already, includes the construction of 30 camps, the repair of vital damaged water supply systems and the installation of latrines, the establishment of temporary schools and the provision of heating and cooking facilities for 150,000 people in camps. Given the difficult access considerations, the plan also sets out the critical logistics requirements to reach affected populations.

One of the things that hon. Members can continue to do to help the relief effort, as well as urging their constituents to continue to consider whether they can give support to the appeal made by the Disasters Emergency Committee, is to focus the attention of the House and, we hope, the media on the continuing needs of the people of Pakistan devastated by the earthquake. We need to continue to try to do everything that we can to keep international attention focused on the disaster.

We have pledged £5 million to the United Nations flash appeal, but we are doing much more to support the UN. We have already provided about £10 million of direct and in-kind assistance to the UN, and we will provide further support in key sectors. Our support to the UN ranges from health, shelter, water and sanitation interventions, as well as supporting camp management, to vehicles, logistics, co-ordination and, importantly, helicopters.

Our military has been providing crucial logistical assistance. The Ministry of Defence, as the House will know, has provided three Chinook helicopters and airlifted rations and water from Kabul, using a C130 aircraft, as well as 40 tonnes of vegetarian rations from Britain via NATO. The MOD has also helped to airlift two Puma helicopters from Spain to Pakistan in support of the International Committee of the Red Cross. About 120 medical evacuations have taken place on flights to and from the affected areas. We have also contributed £2 million for the NATO air bridge to transport priority relief items from UN warehouses.

We have provided funding for a 75-man Royal Engineers light engineering unit to go to Pakistan next week. Among other tasks, the Government of Pakistan may ask the unit to repair bridges, clear roads and begin the rebuilding of schools, clinics, hospitals and other key critical facilities.

The hon. Member for Kettering (Mr. Hollobone) rightly highlighted in his intervention the need to continue to consider how we can improve the ability of the international system to respond to such crises. That has been one of the issues exercising my right hon. Friend the Secretary of State for International Development and is one of the reasons why we have argued during the past 12 months for the establishment of a central emergency revolving fund to provide quicker financial assistance to a variety of UN agencies. Instead of having to go around with the begging bowl, they will then have the assurance that, immediately a disaster strikes, they can get support on the ground where it is needed.

Jim Cousins (Newcastle upon Tyne, Central) (Lab): I am grateful for the great clarity and commitment with which my hon. Friend is speaking. However, will he not overlook the point made by my hon. Friend the Member for Tooting (Mr. Khan) about the importance of changing trading relationships to enable the people of Pakistan and Kashmir to work their own way out of the terrible crisis that faces them?

Mr. Thomas: My hon. Friend is right to focus on trade. It is one of the issues that the Government of Pakistan have asked us to consider. We are looking at that and at a number of other things that we can do to provide support to the Government of Pakistan. He will recognise that the issues surrounding trade have to be discussed with the European Commission, but we are considering them and a number of other issues that I shall come to shortly.

We are lobbying other donors to increase their support. At the European Union informal meeting of Development Ministers on 24 October, my right hon. Friend the Secretary of State for International Development urged those present to respond generously. This week, he has written to his counterparts in all European Union countries to encourage them to do more to support relief needs. In particular, we have stressed the need for additional logistics support, especially to ensure that sufficient helicopters, alternative shelters as well as tents, field medical teams and support to water and sanitation are available. We are following up that letter with a series of telephone calls.

I come to the longer-term needs, the issues of reconstruction referred to by my hon. Friend the Member for Newcastle upon Tyne, Central (Jim Cousins), and what else we can do to provide support. The House may be aware that the Earthquake Rehabilitation and Reconstruction Authority, chaired by the Prime Minister of Pakistan, has asked the World

[Mr. Thomas]

Bank and the Asian Development Bank to lead a high-level needs assessment team to prepare an outline plan and funding assessment for long-term reconstruction needs. We expect that report to be available by mid-November.

As my hon. Friend the Member for Tooting suggested, a donor conference is planned for 19 November in Islamabad to decide how the international community should support the Government of Pakistan in meeting the long-term reconstruction needs of their people. I shall represent the United Kingdom Government at that donor conference.

The emergency relief phase of this humanitarian disaster will be unusually long. The long, harsh Himalayan winter has the potential to cause as much death and suffering as the earthquake itself. It will not be until the snows begin to melt in the spring that the full reconstruction phase can get under way. Nevertheless, there is a lot that we can do in the meantime to begin discussion around the planning of that reconstruction effort. That is why the donor conference on 19 November is taking place and why the UK will be represented.

It is at times like these that countries can put aside their differences and work together to ease the suffering of their peoples. I was very pleased to hear of the agreement made on 30 October between India and Pakistan to open the line of control in both directions. On 7 November, families and relief items were able to cross on foot at one of the five points on the line of control. A further crossing point opened on 9 November. Although people require a permit to cross, Pakistani and Indian officials have been instructed to issue them quickly. I understand that the disturbances at the Nauseri crossing point on 7 November were from Pakistani Kashmiris who tried to cross without the correct permit. India is providing a contribution of more than £14 million to Pakistan for rebuilding, and I am sure that all Members will join me in sincerely hoping that both Governments can build on that co-operation and that a glimmer of hope can come out of these tragic circumstances.

My hon. Friend deserves praise for bringing our attention to this issue and for giving us an opportunity to continue to consider the needs of people in the affected communities. We in the Department for International Development continue to focus closely on what else we can do to provide support to the affected communities in the relief phase given that many people are vulnerable to the quickly approaching harsh winter. We are continuing to look at the issue of long-term reconstruction and the additional assistance that we can provide.

Justine Greening (Putney) (Con): I congratulate the hon. Member for Tooting (Mr. Khan). Many of my constituents have family and friends who have been affected by this event. Will the Minister assure us that the Government will press to ensure that the reconstruction plan that is being worked up at the moment is adequate to meet the long-term challenges?

Mr. Thomas: One of the reasons for going to the donor conference next week is to consider exactly that issue and to see what further support we can provide.

I again congratulate my hon. Friend on bringing this issue to the attention of the House.

Question put and agreed to.

Adjourned accordingly at Three o'clock.

House of Commons

Monday 14 November 2005

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Iraq

2. **Daniel Kawczynski** (Shrewsbury and Atcham) (Con): If he will make a statement on the security situation in Iraq. [27265]

The Secretary of State for Defence (John Reid): I first wish to congratulate the Iraqi people on the turnout of 64 per cent. in the referendum on 15 October, despite the terrorist threat. The successful security arrangements for the referendum were largely in the hands of the Iraqi army and police. We are continuing to build the capability of the Iraqi security forces so that they are increasingly able to take responsibility for delivering law and order themselves. Today, I will meet Vice-President Adel Abdul Mahdi to discuss those issues.

Daniel Kawczynski: We heard radio reports over the weekend that our troops might come out of Iraq as soon as next year, but what specific benchmarks will the Secretary of State establish to ascertain whether Iraqi security forces can take over from our troops at the appropriate time?

John Reid: We have made it plain that we will hand over to the Iraqi security forces when they are capable of defending the democracy that they are building against the terrorists. In order to make that assessment, a committee has been established under the Prime Minister of Iraq, and it has set out several criteria on which the assessments will be made. Those criteria include the current threat level, the situation posture of multinational forces and the capacity of local government to oversee the transition from multinational forces to Iraqi forces. It is my view—and I have expressed it before—that that process of handover will occur in different parts of Iraq at different times, and it could begin by the end of next year. That is why I was able to confirm the general framework of President Talabani's remarks.

Jim Cousins (Newcastle upon Tyne, Central) (Lab): I welcome the way in which my right hon. Friend has responded to President Talabani's initiative, but it clearly pointed to a withdrawal by the end of next year and my right hon. Friend has just said that it will begin by the end of next year. When the Iraqi security forces are in possession of heavy weapons—mortars, artillery, tanks and so on—is my right hon. Friend concerned that such material might fall into the hands of political militias that are active in the area?

John Reid: I am afraid that my hon. Friend is wrong. President Talabani referred to an agreement by the end of next year on the withdrawal of forces. He talked of starting the process by the end of next year, so his words are consistent with what I have said previously. He also went out of his way to say—and I want the House to know exactly what we are saying—that that is not a commitment, but it is his estimate of when conditions for handover to the Iraqi forces might or could prevail. That is exactly what the Chief of the General Staff said yesterday and what I have said. In short, we are not saying that there will be an immediate withdrawal, which would—in President Talabani's words—be a catastrophe. We are not saying that there is an immutable timetable, nor are we saying that all our troops will be out of Iraq by the end of 2006. It is important that the House understands what I am saying, which is that, as we build up the Iraqi forces, the process of handover could start in some parts of Iraq—including in our area—by the end of 2006.

Mr. Tobias Ellwood (Bournemouth, East) (Con): If the British area of responsibility is deemed safe and ready for handover before that of the Americans, can the Secretary of State confirm that British troops will return before the Americans do?

John Reid: The process of handover will be determined by conditions on the ground and if they are different in one area from another area, the handover will take place at a different pace. That is completely consistent with what we have said before. We have moved from a position in which we had very few trained and capable Iraqi troops to having more than 211,000 Iraqi security force members who are trained and capable. About half of them are army and they have started to participate in operations, but they are not yet capable of autonomously leading operations. In other words, they are reliant on the multinational forces, including ourselves, for first aid back-up, logistics, leadership, intelligence and other things. We believe that, in the course of next year, they will be able to begin to deal autonomously with such issues. As they do so, we will first withdraw to barracks and then we will withdraw from Iraq itself. That may happen at different rates in different parts of the country and will correspond to circumstances on the ground.

Adam Price (Carmarthen, East and Dinefwr) (PC): The Government are aware of serious human rights abuses by the Iraqi police service, including two deaths in custody in the al-Jamiyat prison in Basra. What are the implications of those incidents and the reluctance of the Iraqi authorities to investigate them on the potential timetable for handover?

John Reid: Whenever we suspect breaches of human rights, we make the most vigorous protests. We want to ensure that the police in Iraq will be effective and capable not only operationally, but also in terms of their objectivity and neutrality. That is not easy to do in any combat situation. In some ways, the last security force to become unbiased and objective is policing, as the police are the nearest form of power with use of arms or authority to local communities, but we continue to do what we can to train the Iraqi police in an objective fashion. Indeed, we are upping our efforts in that direction, precisely for the reasons mentioned by the hon. Gentleman.

Mr. Michael Ancram (Devizes) (Con): The Secretary of State confirmed on the radio this morning and again in the Chamber that the criteria for withdrawal of our troops from Iraq will be the capability of Iraqi security forces to maintain public order and progress in containing and suppressing insurgency. In the context of the second of those criteria, will he answer two factual questions? Is it true that, over the last year, the weekly number of terrorist incidents in Iraq tripled? In relation to violent contacts between our troops and the insurgents in the last 12 months, has the proportion initiated by the insurgents rather than by our own military action gone up or down?

John Reid: The answer to the right hon. and learned Gentleman's second question would, I think, be up. In answer to the first question, I cannot give him exact details off the top of my head at the Dispatch Box, but I will write to him. If he is asking whether we continue to face a problem of insurgency as well as violence imported by Zarqawi and al-Qaeda elements in their international struggle, yes we continue, as part of the global war on terrorism, to face imported violence and indigenous violence from elements of the former regime—the fascist regime whose authority has in part been destroyed, although there are still elements of it both inside and outside the country. There are also a number of Sunnis who do not fall into either category, but who are disempowered and alienated and may feel that they have lost power, influence and a better standard of living. We need to reach out to those elements to engage them in the political process. That will not be achieved by military means alone, but by the building of a democratic society and I was gratified by the number of Sunnis who turned out for the referendum. I hope that the number in this election is far greater than in January, when they boycotted it.

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): Following the Iraqi President's welcome statement yesterday and the Secretary of State's comments today, can he give the House more detail about the latest assessment made by the joint committee on transferring security responsibility? He identified 35 battalions that can lead missions with international support. What are the barriers to their being able to work without support and how close are they to achieving that objective? After last week's Security Council resolution, does he accept that one of the key steps in creating an exit strategy for the coalition will be the internationalisation of support for Iraq, especially from countries in the region?

John Reid: First, I cannot give the hon. Gentleman the latest estimate of how the Iraqi forces meet the criteria; the Interim Government have established those criteria but they have not yet made an assessment. That will probably lie with the incoming Government. Secondly, what are the deficiencies of battalions trained and capable of operations but not of autonomously leading them? The answer is logistics, intelligence, leadership and, in some cases, mobility in terms of medical services and back-up.

Thirdly, the hon. Gentleman asked about internationalising efforts to assist the Iraqis. This is truly an international effort. We are in Iraq under the framework of the United Nations and people should never forget that, whatever the differences of a few years ago. Resolution 1546, superseded last week by the unanimous decision of the UN Security Council in resolution 1637, is the framework under which we are now all operating in assisting the efforts of the Iraqis themselves, and resisting the efforts of the terrorists to destroy Iraqi democracy, economy and the build-up of their own security forces.

Air Services (Newquay)

3. **Matthew Taylor** (Truro and St. Austell) (LD): What assessment he has made of the likely impact on civilian air passenger operations at Newquay of stationing the joint strike aircraft there. [27266]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): I am considering the recommendations of the joint combat aircraft basing review and hope to make an early announcement. The review has taken into account the potential impact of the joint combat aircraft on civil aviation operations at Newquay Cornwall airport.

Matthew Taylor: The Minister will be aware that military operations at RAF St. Mawgan help to support the civilian service, which is crucial to the economy in Cornwall and whose withdrawal would create a gap in the maintenance of services. I understand that officials have asked the county council and others about the fact that the new aircraft's noise levels, which are double those of existing fighter aircraft, could render civilian operations at Newquay virtually impractical. On the one hand, there might be financial support in effect, but on the other, civilian operations may be impossible. Will the Minister clarify the position?

Mr. Ingram: We have undertaken comprehensive consultation with local interests on all the airfields affected by the review. Cornwall county council said that it was concerned about the potential noise of the new aircraft and its impact on the viability of the airport and the lives of local residents. It has therefore stated that it is unwilling to support the use of RAF St. Mawgan for the JCA, so it is basically saying that it does not want us there. I do not know whether the hon. Gentleman supports the county council or whether he is campaigning for the basing to take place. As I indicated, I am considering all the representations.

On the future relationship between the MOD and the civil airport, clearly, it would not be appropriate to spend MOD money on maintaining a civil airport if we have no use for it because people could ask why Newquay gets our support when others do not. If we have a use for it, we will see what we can do. I will consult the Department for Transport, as well as local interests, but clarity from the hon. Gentleman would help: what does he want to happen there?

Afghanistan

4. **Mr. David Burrowes** (Enfield, Southgate) (Con): If he will make a statement on the security situation in Afghanistan. [27267]

9. **Mr. Nick Hurd** (Ruislip-Northwood) (Con): If he will make a statement on the security situation in Afghanistan. [27272]

The Secretary of State for Defence (John Reid): I first extend my condolences to the family and friends of Lance Corporal Steven Sherwood of the Royal Gloucestershire, Berkshire and Wiltshire Regiment, who was killed in a shooting incident at Mazar-e-Sharif last month, and to the family and friends of Sergeant Christian Hickey of the 1st Battalion the Coldstream Guards, who was killed by an improvised explosive devise in Basra last month. I am sure that the thoughts and condolences of the whole House are with their families.

The House will be aware of reports coming in of a bomb in Kabul this afternoon. I utterly condemn today's terrorist bombing in Kabul. Despite that, the security situation in Afghanistan is broadly stable if, in places, fragile. Our armed forces are playing a pivotal role in security assistance, helping the Government of Afghanistan to create a prosperous, democratic and secure country, and denying the terrorists a base from which to prepare attacks.

Mr. Burrowes: I join the Secretary of State in sending condolences and in condemning the incident in Kabul.

Does the Secretary of State see the role of British troops in Afghanistan as being countering narcotics, peacekeeping or both?

John Reid: The role of our troops is to help the Afghan people establish a democratic, secure Afghanistan and to develop its economy and security forces. There is no question but that an Afghanistan with 60 per cent. of its gross domestic product and more involving narcotics will not be sustainable economically or politically. Therefore, countering the narcotics trade is integral to building a democratic, pluralistic, and politically and commercially non-corrupt Afghanistan. The two are absolutely interlinked.

Mr. Hurd: Can the Secretary of State reassure the House that the UK has sufficient manpower to complete our extended mission in Afghanistan without stretching logistics too thin or reducing tour intervals below the current average level?

John Reid: Yes, indeed I can. My right hon. Friend the Minister of State issued a written statement today on training and preparation as a contingency for deployment to Afghanistan. We would not undertake any further deployment there unless I was satisfied both that we had the means to do so with the maximum effect and to ensure the safety of our troops, and that we had the necessary support from the international community.

Dr. Ashok Kumar (Middlesbrough, South and East Cleveland) (Lab): I join the Secretary of State in condemning the bomb. I praise our forces for their tremendous effort in all that they have done to date to liberate the country and the sacrifices that they have made. We liberated Afghanistan from the evil regime of the Taliban, which destroyed the spirit of that great country. Will he tell me the latest information about the position of the Taliban? In the end, eradicating and wiping out the Taliban must remain the focus of our intentions.

John Reid: I agree. The expulsion, capture, or even death of members of the Taliban in the short term is not sufficient to ensure that Afghanistan never again becomes a Trojan horse for terrorists to enter and launch attacks on the west or elsewhere. Helping the Afghans to build a stable and democratic society, with their own security forces, is necessary so that we can ensure that the terrorists never return. Incidentally, that also helps to counter the narcotics trade from which is derived 90 per cent. of the heroin that arrives on our streets. It is in the interests of Afghanistan, our self-protection and the protection of our young people that we carry out such action.

Michael Connarty (Linlithgow and East Falkirk) (Lab): I add my condolences to those expressed for the member of the Wiltshires. I spent some time with the Wiltshires as part of the armed forces parliamentary scheme.

I spent time with the Green Howards in Afghanistan. They were training the non-commissioned officers of the future Afghan army and the US was training the officers. However, the US has talked about pulling out in a much shorter time than I thought that we were anticipating. Have there been discussions about the UK's role in training or are we anticipating leaving at the same time as the US?

John Reid: I was in Washington a few days ago for discussions with my opposite number, Secretary Rumsfeld, and Secretary of State Condi Rice. I assure my hon. Friend that the United States' commitment to Afghanistan is as prolonged as ours. Of course, we all want to reduce forces, but there is no question of us withdrawing completely from there in the near future.

In answer to the points raised by my hon. Friend and my hon. Friend the Member for Middlesbrough, South and East Cleveland (Dr. Kumar) about the British troops in the country, I repeat that I absolutely condemn today's terrorist attack in Kabul. Our condolences go to the family of the German solider who was killed and the civilians who were killed. I can tell the House that reports are still coming in as I speak. The latest information that I have is that no British troops have been involved in the bombings, but nevertheless British troops have opened fire to protect and prevent unauthorised entry into Camp Soutar, which is our camp in Kabul. As events unfold, I am sure that the thoughts of the whole House will be with our soldiers.

Sir Peter Tapsell (Louth and Horncastle) (Con): Has the Secretary of State seen the advice of the Duke of Wellington before the first Afghan war: it is easy to get into Kabul, but much more difficult to get out?

John Reid: Yes. I do not mix in such salubrious company as the hon. Gentleman, so I do not have first-hand information from the duke. However, I always thought that the signs around London saying, "Do not enter the box unless your exit is clear," give sensible advice. I assure him that, on Iraq, as I outlined earlier, our strategy for leaving was set out some time ago. It is a strategy not for failure, but for success.

Sir Peter Tapsell: I was talking about Afghanistan.

John Reid: Similarly in Afghanistan, our strategy is to build up the economy, civil society and security forces of the Afghan Government not only so that we can withdraw and leave the country, but so that when we do withdraw, we will not have a Trojan horse that terrorists could enter and launch the sort of attacks that they previously carried out. I am sure that the Duke of Wellington would be the first to tell us that defence at a distance is just as important as defence in proximity.

Mr. David Drew (Stroud) (Lab/Co-op): May I associate myself with my right hon. Friend's earlier remarks? With the hon. Member for Banbury (Tony Baldry) and my hon. Friend the Member for Merthyr Tydfil and Rhymney (Mr. Havard), I had an opportunity to visit Afghanistan as part of the armed forces parliamentary scheme. We stayed in Camp Soutar, so I can only imagine what the problems are. We were all impressed by the professionalism of the British Army, particularly the Royal Gloucestershire, Berkshire and Wiltshire Regiment, which hosted us for most of the visit. I should like to tease out from my right hon. Friend the solidity of the international community and the way in which its members are functioning. Two issues were raised with us. First, we have yet to put in place an effective legal system in Afghanistan, but it is vital to do so. Security is not just about the work of the Army but about what happens subsequently to people who are arrested. Secondly, will he say something about the training of the Afghan national army and the police, which need to be developed to make them as effective as possible?

John Reid: I agree on both counts. First, as in Iraq, we are in Afghanistan with support and as part of the international community under the auspices and framework of the United Nations. Secondly, although military power is a necessary condition of the defeat of terrorism in the short, medium and long term, it is not a sufficient condition, so we must build the infrastructure of a democratic state and the rule of law. Of course, that is a multinational effort. Our Italian colleagues are doing what they can to attend to the judicial process. The Germans and others are dealing with the training of police, and we are working in the counter-narcotics field. That is all part of a common effort to ensure not only that we expel the terrorists in the short term but that we leave a sustainable Afghanistan that will prevent their entry in the medium and longer term.

Tony Baldry (Banbury) (Con): May I endorse everything that the hon. Member for Stroud (Mr. Drew) said, and ask the Secretary of State two questions? First, we move south to Helmand next year, so can he give the House an undertaking that a UK Army training team will be embedded with the Afghan national army, which is supporting our troops, to make sure that the ANA gives our troops optimum support? Secondly, if other NATO countries do not come up to the mark on the move south, whatever the caveats, will he give the House an undertaking that our forces will not be spread too thinly?

John Reid: I can give the hon. Gentleman assurances on both points. Indeed, to take the second one first, I will not announce the deployment to Helmand until I am satisfied that we have the military configuration that we ourselves need, and until we have the necessary back-up and resources across government here to provide alternative livelihoods to farmers whose current livelihood may be dependent on narcotics. To take away one form of income without substituting another would encourage insurgency rather than stability. Finally, I will not make that announcement until I believe that the multinational jigsaw has been put together and we have the necessary input from our NATO colleagues both in and around Helmand.

Mr. Michael Ancram (Devizes) (Con): I join the Secretary of State in his condolences to the families of the servicemen and women who lost their lives, particularly as the Royal Gloucestershire, Berkshire and Wiltshire Regiment is my own regiment. I also join him in his condemnation of the terrorist activity in Kabul today. We all know the pressure that that put on our troops, and I pay tribute to them. I have seen the statement by his right hon. Friend the Minister of State about beginning contingency planning for the time when we take over the control of the leadership of the international security assistance force. That will happen in May next year, come what may, so we are up against a time limit. Why is there such hesitation about the announcement of the deployment of additional troops to Afghanistan, which only yesterday the Chief of the General Staff conceded would be necessary? Surely, the military implications of expanding ISAF into south Afghanistan are already well known? Is the delay not the result of failure to reach agreement with other participants on operational issues, not least as to whether the task is to be expanded into counter-insurgency, and is there not damaging confusion about the rules of engagement under which they will operate? Surely, the Secretary of State can be a little more forthcoming.

John Reid: I will be as forthcoming as I can: the delay was caused not by the two elements mentioned by the right hon. and learned Gentleman, but by my desire to be assured that our international and multinational colleagues will provide the necessary elements of force configuration not only in Helmand, but around Helmand. In other words, I hope that he agrees that I am right not to announce the deployment until I am satisfied by not only our configuration, but the supporting elements of military forces in the area.

In the spirit that has, I hope, largely featured in our exchanges, I thank the right hon. and learned Gentleman for his constructive attitude, because I understand that this may be his last Defence questions as shadow Defence spokesman. [HON. MEMBERS: "Shame."] I groan with despair along with all hon. Members at the thought that he may not be present to discuss these issues, but I wish him well in the future—I have enjoyed our exchanges, which I have found informative.

Defence Aerospace Employment

5. **Mr. Laurence Robertson** (Tewkesbury) (Con): If he will make a statement on employment trends in the defence aerospace industry. [27268]

The Parliamentary Under-Secretary of State for Defence (Mr. Don Touhig): The worldwide trend in the defence aerospace industry is towards more capable, multi-role aircraft with an implied requirement for smaller but more highly skilled work forces. Our aim is to ensure that the UK has access to the industrial capabilities and skills needed to meet future defence aerospace requirements, and the work on the defence industrial strategy is focusing on how best to achieve that.

Mr. Robertson: Is the Minister as concerned as me about the American Government's increasing tendency to favour American firms when awarding aerospace contracts? That will obviously happen to some extent, but it is happening at an increasing rate, and it is damaging employment in my area, which depends on the aerospace industry. Has he discussed the matter with the American Government, and if not, will he do so, because it is becoming much more important?

Mr. Touhig: I reassure the hon. Gentleman that we are fully aware of the matter. We are in discussions with much of industry on developing the defence industrial strategy, to which I alluded in my initial response. My right hon. Friend the Secretary of State for Defence made our views plain when he met the American Secretary of State and Defence Secretary last week. We are fully apprised of the problem, which we will keep on the agenda and which we will keep raising.

Mr. Lindsay Hoyle (Chorley) (Lab): My hon. Friend is well aware of the highly skilled work force based in Lancashire at Warton and Samlesbury, who look forward to more work, if the Government can negotiate on the joint strike fighter. The intellectual waiver is still under discussion and we believe that a greater work share may come out of those talks. Where are we up to in the talks, and will he ensure that the work force is not let down?

Mr. Touhig: My right hon. Friend the Secretary of State for Defence continued to press the matter when he was in Washington last week. We believe that UK industry is well placed to win further substantial orders during the full-rate manufacture of the JSF. We will certainly keep the matter in mind in all our discussions with our American allies and I have no doubt that my right hon. Friends the Secretary of State and the Minister of State will raise it when they next meet our American colleagues.

Mr. Michael Jack (Fylde) (Con): Further to the question put by the hon. Member for Chorley (Mr. Hoyle), will the Minister be more specific? Will he tell the House what work his Department has done to follow up the RAND Europe report on the possibility of opening a final assembly, checkout and maintenance unit at BAE Systems Warton, which is in my constituency, to build the JSF combat aircraft? In that context, what discussions has the Minister had with the American Government about releasing the necessary technologies to make such a project a reality?

Mr. Touhig: I cannot add much to my previous responses. We are pressing at every level to ensure that the interests of British industry, British manufacturers, the British defence industry and the British defence requirement are on the agenda when we meet our American allies. Those matters are not off our radar at any time whatsoever.

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): In looking to the longer term in the aerospace industry, should not we actively encourage more young people to consider a career in engineering and take up apprenticeships? I particularly praise the work of BAE Systems, which is working with Kelvin Hall school in my constituency to encourage boys and girls alike to think positively about a career in the aerospace industry. Does the Minister agree that that is a positive way forward?

Mr. Touhig: Yes, I share that view entirely. We do not value engineers as highly as we should. We tend to think of it as being a dirty-hands job, whereas most parents want their kids to have clean-hands jobs. However, engineering is not like that nowadays. I pay tribute to a great deal of British industry for encouraging and taking on more apprentices. We must do that, because they are our seed corn for the future. I would support any initiative, as does the MOD, to encourage defence suppliers to take on as many apprentices as possible and train our people with the skills that they desperately need for the job that we face in future.

Infantry

6. **Mr. Brooks Newmark** (Braintree) (Con): What assessment he has made of the adequacy and availability of British infantry to respond to additional urgent deployments. [27269]

7. **Mr. David Evennett** (Bexleyheath and Crayford) (Con): What assessment he has made of the adequacy and availability of British infantry to respond to additional urgent deployments. [27270]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): Our plans ensure that we have forces of appropriately high readiness, including the infantry, in place to meet urgent contingent operations.

Mr. Newmark: The soldiers serving in the 1st Battalion the Royal Anglian Regiment have just returned from a deployment in Iraq during which they distinguished themselves. Can the Minister assure me that, when the 2nd Battalion deploys to Afghanistan in the spring, they will not face the same "significant weaknesses" that the Public Accounts Committee identified in the monitoring systems for urgent operational requirements? Is not this a time for the Government to be strengthening our front-line forces—

Mr. Speaker: Order. One supplementary will suffice.

Mr. Ingram: I remind the hon. Gentleman that we have a defence debate coming up on Thursday. If he wants to return to his questions then, I will be happy to answer them.

The issue of urgent operational requirements is important, but I do not accept the hon. Gentleman's criticism. Overall, the way in which we assess and then provide for UORs is very good and meets what is required. In the event of a shortfall, we quickly identify where lessons need to be learned and put in place mitigating approaches for the next time round. If there have been significant and measurable shortfalls in respect of the 1st Battalion the Royal Anglian Regiment, as the hon. Gentleman suggests—I echo the tributes that he paid to it—they will be identified and corrected.

Mr. Evennett: Will the Minister confirm the report in today's edition of *The Guardian* that the Territorial Army is haemorrhaging severely in numbers, with its numbers being the lowest since it was founded? Is that because it has been used to cover for the shortages in the Regular Army? What is the Minister going to do to ensure that we have a strong TA that is maintained and retained for future deployment needs?

Mr. Ingram: I am glad to have found a *Guardian* reader; I certainly do not pay much attention to it.

Since March 2005, the trend in TA manning has been reversed, with inflow exceeding outflow. TA manning strength has increased from 31,493 to 31,680. The number of new recruits to the TA remains relatively high, averaging 400 to 600 a month. We are doing a lot to recruit, we are getting a good response and we will continue to do more.

Chris Bryant (Rhondda) (Lab): The Minister will know that, in the vast majority of urgent deployments, British infantry troops will fight alongside allies from other countries, not only the United States of America but France, Germany, Italy, Spain, and even Romania. Yet the British troops serving in Bosnia, for instance, will not get medals although the servicemen of all the other countries will. Does he think that that is fair?

Mr. Ingram: My hon. Friend knows that I do not have direct responsibility for the matter, so perhaps it would be best to write to him about the detail. However, I understand that we are examining the matter. We recognise its importance and it is right that people who serve with distinction should be properly recognised. I take his point on board and will ensure that my hon. Friend the Under-Secretary communicates with him.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): I draw hon. Members' attention to my entry in the Register of Members' Interests in that I continue to serve in the Territorial Army. Let me take the Minister back to his earlier answer about the TA. Numbers may be increasing but does he accept that the number of people in the TA who are fit for role, and can thus be deployed on operations, continues to fall?

Mr. Ingram: I am not so sure about that. It is easy to make such an allegation, but we must then examine the basis of the charge. If people are unfit for role, we would have to tackle that. We would have to locate the shortfall, determine the reason for that and consider how to change the focus. We are sometimes criticised for using the TA in operations. It has been used significantly and to great effect in Afghanistan, Iraq and elsewhere. When we consider the use that is made of TA members and the way in which they deliver, it tends to contradict the perception that may exist. There may be an element of truth in the hon. Gentleman's remarks—that needs to be analysed and corrected if necessary. However, I have not met anyone in the TA who is unfit for role. Indeed, the opposite is true. One cannot tell the difference between TA soldiers and regular soldiers when they are on operations.

Sammy Wilson (East Antrim) (DUP): The Minister has suggested that there will be a permanent garrison of 5,000 troops in Northern Ireland. Unfortunately, from time to time, there is an additional need for urgent deployments. Is the Secretary of State prepared to consider supplementing that garrison, whichever regiment serves, with two to three companies of Royal Irish Regiment soldiers who wish to stay in the Army after the regiment is disbanded? Does the Minister acknowledge that that would add continuity, local knowledge and flexibility?

Mr. Ingram: I understand where the hon. Gentleman is coming from. I recently visited Northern Ireland and met a good number of the Royal Irish Regiment on home service. We will examine the matter but the best advisers will be those who are responsible for advising Ministers on the structure and eventual utilisation of, in this case, the Army. We must consider how best to structure things and whether the hon. Gentleman's suggestion has a utility. The current indications are that that is not the favoured approach. However, everything has to be considered and we must examine the matter. He and his party have raised the point and we will rule nothing out until it has been properly examined.

Mike Penning (Hemel Hempstead) (Con): The Minister kindly commented on the 1st Royal Anglian, which has done a fantastic job in Iraq. However, the second battalion is under strength. Will he undertake that none of the 1st Battalion will be augmented into the 2nd Battalion when it is deployed? The 1st Battalion needs to stay here and have the leave and training that it so desperately needs.

Mr. Ingram: That is the principle on which we would act. I recollect visiting Umm Qasr after the end of the conflict in Iraq, when some young soldiers from the Royal Anglians, who had not been posted there, wanted to see me. I asked why and when I saw them, I knew the answer. They had asked to be posted from Afghanistan to Iraq and I had met them in Afghanistan only a few months previously. We know that there are many willing horses and people who want to serve in the way in which those young soldiers did. They made a tremendous contribution. Some soldiers may volunteer—as the hon. Gentleman knows, some like to take on those roles. However, we must be careful that we do not impose too much on individuals who come forward willingly in that way. We would not work on that principle, but some key enablers are at the genuine pinch points and we are trying to deal with the demand placed on them through the future Army structure.

Aircraft Carriers

8. **Mr. Edward Leigh** (Gainsborough) (Con): If he will make a statement on the future carrier programme. [27271]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): Work on the future carrier programme is continuing, and we remain committed to providing this quantum step up in the military capability of our armed forces.

Mr. Leigh: Imagine for a moment what would have happened if the Government in the early 1930s had said that they were going to phase out all their carriers by 1942, but that, seven years before that, they could not set an in-service date for the new fleet. There would have been a national outcry. Will the Minister confirm that we are in a similar situation now? All our existing carriers will be phased out by 2012 and 2015. Will he now do his duty on behalf of national security and give the House an absolute commitment that he will have the new carriers in service by 2012 and 2015?

Mr. Ingram: We could trade history, but we need to go back only to the 1990s to recall the cuts that the then Conservative Government imposed. Regiments were amalgamated, the naval fleet was reduced, the number of submarines was reduced, the number of frigates fell, naval personnel numbers were cut, and, during the 1992 to 1997 Tory Government, the number of RAF squadrons fell by 15 per cent. So the one thing that I will not do is take lectures from the Conservatives. I do not think that the 1930s—

Hon. Members: Answer.

Mr. Speaker: Order. Hon. Members must listen to the Minister's answer. It might not be the answer that they were looking for, but they must listen to it.

Mr. Ingram: I do not think that the 1930s should be the base point. We should look at what we are doing now to build the Navy to meet the challenges of the future. This is the biggest warship building programme for 20 years, involving new destroyers, submarines, support vessels and aircraft carriers. I would have thought that the hon. Gentleman would be saying, "Well done". That is what the Royal Navy needs, rather than hon. Members carping away on the sidelines.

Mr. Stephen Hepburn (Jarrow) (Lab): Will the Minister confirm that, in spite of some press reports, Swan Hunter is still very much in contention for work on the aircraft carriers?

Mr. Ingram: No shipyard has been ruled in yet, or ruled out. This is a matter for the alliance as it develops its programme for build. My hon. Friend, like other hon. Members who represent shipbuilding areas, will have to await that announcement.

Mr. James Arbuthnot (North-East Hampshire) (Con): Three weeks ago, the Minister for defence procurement said that he would not set an in-service date for the carriers until he had taken the main investment decision. Does the Ministry of Defence intend to apply that concept to other procurement projects as well?

Mr. Ingram: The right hon. Gentleman recently subjected senior officials and the Minister for defence procurement to quite an intensive grilling, and he will know that this matter has been looked at very carefully and in a structured way. This is a very complex project and I am not sure whether the right hon. Gentleman is saying that procurement should be run according to a standard format, whereby we take what we did before off the shelf and apply it to the next project. Projects are different: they have different arrangements, different players, different demands and different configurations. If lessons can be learned from the way in which a particular project has been carried out, the answer to his question is yes, but I believe that we should treat each major project in a way that determines how best we can deliver it, in terms of the arrangement of the people who come together, and of how it is to be funded and taken forward. So the answer to that question is yes and no, but we shall always do what is best for defence.

Mr. Brian Jenkins (Tamworth) (Lab): My right hon. Friend will realise that I have no constituency interest in this question, as we do not build aircraft carriers in Tamworth. Will he give us an assurance, however, that when we go out to tender, all the players involved will still be in existence? We need to ensure that any contractor that is picked to build the new carriers is able to remain in existence, given that, without any continuity of programme, it might have been unable to keep together its skilled manpower. What is the Minister doing to ensure that those manufacturers will be given a date towards which they can plan? At present, they do not have any such assurance.

Mr. Ingram: My hon. Friend might not have a shipbuilding interest in his constituency, but he has clearly hit on one of the key questions in this matter. We are trying to build a maritime strategy to deal with the peaks and troughs in the flow of procurement orders, and their impact on the availability of a skilled work force. The shipbuilding companies—indeed, companies right across the defence sector—have to try to cope with that. We therefore have to discuss with them how best we can plan into the future, and that takes time. It also requires everyone involved to come to the table with the best solutions. It does not just rest with the MOD. We cannot suddenly plug a gap if there are not the resources, or importantly, the demand. We must therefore look a good number of years ahead, establish the profile of the industry, and consider how we smooth the impact of peaks and troughs. That will not be easy, but we are on the case, and everyone is working earnestly to find the best solution.

Mr. Richard Bacon (South Norfolk) (Con): Given that the cost of two logistics ships has risen from £148 million to around £308 million so far at Swan Hunter, why would that shipyard even be in contention for the future carrier?

Mr. Ingram: First, I ask the hon. Gentleman to check his figures, as I think that he is doing a bit of double-counting. We have tried at all times to ensure the accuracy of figures, and I think that he has added figures so that what was counted as part of the original project cost has come out as an increased cost. I cannot give the precise figures for that project off the top of my head, but I will certainly write to him so that he is aware of all the relevant parliamentary questions relating to costs. If he is saying, like his hon. Friend the Member for Gosport (Peter Viggers), who is not in his place, that he wants to see Swan Hunter closed, he should just come out and say that, because that would not go down well in the north-east.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): What assessment has my right hon. Friend made of the capacity of the shipbuilding industry to deliver not only the future carrier but the big strategic programme to which he referred in his answer to the hon. Member for Gainsborough (Mr. Leigh)? Is he confident that the defence industrial strategy that seeks to meet that requirement will be published before Christmas?

Mr. Ingram: That is the plan. I am not involved in those close negotiations and discussions, but I know that a lot of effort has been put into it. Everyone must be willing, when they come to the table, to face up to the hard realities as well as to offer their aspirations and demands. Reconciling those objectives can become difficult at times, but unless we do so, we might not have the future capacity, because failure to do so might have significant implications for certain parts of the defence industry. We are engaged in a serious attempt to address that capacity requirement. Work forces and their companies must face up to that reality and the MOD must have a clear view as to what we can purchase and what we need, and how to match all those needs and demands. As I said, my understanding is that the strategy is intended to be published before Christmas, but it is better to get it right than to put it on the Christmas tree.

Mr. Michael Ancram (Devizes) (Con): May I, through the Minister, thank the Secretary of State for his kind remarks on my impending return to the freedom of the Back Benches? In the light of his courtesy, I am somewhat relieved that he is not answering this question. The truth is that this crucial project is now in total disarray. There is uncertainty about whether the carriers will enter service, whether they can be provided within budget, or what the involvement of the French might be. Can the Minister assure the House that the potential collaboration with the French will not be allowed to delay this project even further? This is a sorry saga of incompetence, which is a shameful reflection of the mess into which the Government have got themselves in relation to defence expenditure. Is it not time that the Minister and his Secretary of State stood up to the Chancellor of the Exchequer and finally got a grip on this crucial project?

Mr. Ingram: Can I be nice to the right hon. and learned Gentleman and say that that was a lot of nonsense, rather than what was in my mind? Let us consider the Tory record on this—*[Interruption.]*

Mr. Speaker: Order. It is all right for a Minister to talk about the history of his or her Department. If the Minister started talking about Tory policy, I would stop him.

Mr. Ingram: I am grateful, Mr. Speaker. What we were left with in 1997 was a National Audit Office finding that the top 25 defence procurement projects were likely to cost over £3 billion more than originally forecast, and would on average enter service more than three years later than originally planned. That is what we inherited. What we seek to do by tackling—*[Interruption.]* The right hon. and learned Gentleman should listen to my answer, because he has made the serious charge that all the senior people at the MOD have made an absolute mess of the project—military people as well as civilians. That is indeed a serious charge to bring against people who are trying to deliver a contract worth some £3 billion and to get it right.

We have been through the whole process of the assessment phase, putting an alliance structure in place and talking to the various companies involved. All those companies have individual interests and they are all trying to maximise shareholder benefit. Meanwhile, we are trying to acquire carriers that are essential to the future of the Royal Navy. We have said that the in-service date will depend on the outcome of those discussions, but we are determined to succeed and to provide those two high-quality aircraft carriers. Incidentally, if that is what the Royal Navy wants, the right hon. and learned Gentleman is almost condemning it by saying that it cannot get its projects right.

Northern Ireland (Military Personnel Prosecutions)

10. **Mr. Mark Harper** (Forest of Dean) (Con): If he will make a statement on the possible prosecution of former military personnel in respect of past service in Northern Ireland. [27273]

The Parliamentary Under-Secretary of State for Defence (Mr. Don Touhig): Earlier this year the Police Service of Northern Ireland announced that it intended to review more than 2,000 unresolved deaths from the troubles. A number of those deaths involved actions by the security forces.

Mr. Harper: Let me first associate myself with the condolences expressed by the Secretary of State. The Royal Gloucestershire, Berkshire and Wiltshire regiment is my home regiment as well.

Does the Minister find it as offensive as I do that former soldiers who carried out operations in Northern Ireland that were authorised by Ministers are to be placed in the same moral category as terrorist murderers?

Mr. Touhig: The hon. Gentleman has made a very serious point. I think that Members in all parts of the House would agree that the British armed forces have a reputation second to none for the high standards of behaviour that they set for themselves. Our forces would be the first to say that they are always required to act within the law.

As for the activities of our forces in Northern Ireland, I think that they carried out their duties with fortitude and skill in incredibly difficult circumstances. They were never intended to be, and should not be, above the law: that is certainly not their desire, or the desire of the House. We have no doubt, however, that in circumstances affecting investigations of any actions of our troops, they will have all the legal advice that they need from the Ministry of Defence. We have a record of which Members throughout the House can be proud in respect of, for instance, the support that we have given our soldiers who were involved in the Bloody Sunday inquiry. It is important for us to continue to demonstrate that support for our forces in difficult circumstances.

Mr. Andrew Robathan (Blaby) (Con): Does the Minister believe that there is moral equivalence between public servants acting on orders—doing their duty and defending the peace against terrorists—and those very same terrorists committing murder? Does he defend the equal treatment proposed in the Northern Ireland (Offences) Bill? Of course all wrongdoers must be disciplined, but the determination of the Prime Minister and the Attorney-General to prosecute serving soldiers for doing their duty in theatres from Northern Ireland to Iraq, from Trooper Williams to Colonel Mendonca, is destroying the trust between the armed forces and their political and military commanders.

Mr. Touhig: I think that the hon. Gentleman's language is somewhat excessive. There is no doubt that the armed forces of this country have the complete support of Members in all parts of the House. They have a high reputation of which they and we are proud.

The hon. Gentleman should be aware that the investigation could involve whether a British serviceman had witnessed a certain incident. It might not involve any prosecution. The hon. Gentleman may scoff, but the important thing is for our forces to get the message that the MOD—with, I hope, the support of the entire House—will provide all necessary help, understanding and support if they are faced with difficult circumstances. The question of any prosecution is a matter for the police service and the prosecuting services in Northern Ireland, but our record is second to none, and if our soldiers are in difficulty and need help and advice we will ensure that they get it.

Nuclear Deterrent

11. **Mr. Gordon Prentice** (Pendle) (Lab): How many civil servants in his Department are working on policy for replacing Trident, broken down by grade. [27274]

The Secretary of State for Defence (John Reid): There are five full-time policy staff in my Department, led by a senior civil servant, working on policy options for our nuclear deterrent. They consult and engage others, as necessary. No decisions on any replacement for Trident have been taken.

Mr. Speaker: Dr. Julian Lewis.

Mr. Prentice: I do not look like him.

The Prime Minister famously said back in May that he wanted to listen to the views of Members and I think that there should be an informed debate on this issue. Can I ask my friend on the Front Bench if those five full-timers would turn their attention to drafting a Green Paper setting out the options that the House can consider?

John Reid: Once people have done the preliminary work and I have had a chance to look at the recommendations on a number of issues, including that, I may be able to do so, but none has reached me yet. When they do, I will let my hon. Friend know of my decision.

Dr. Julian Lewis (New Forest, East) (Con): Thank you, Mr. Speaker. May I offer the Secretary of State some comfort? Despite the difficulties that the Prime Minister had with 45 minutes last year and 90 days last week, on this issue, he can count on the support of the Opposition to back him up, in the belief that Britain needs to have nuclear weapons as long as other countries have them. He will get our support even if he cannot rely on the support of his own Back Benchers.

John Reid: I am sure that that will be very helpful to me. I would point out that we had a manifesto that committed the Government to the retention of our independent, minimum nuclear deterrent. In all the many pages of the Conservative manifesto, there was no mention whatever of nuclear deterrence.

Points of Order

3.31 pm

Miss Julie Kirkbride (Bromsgrove) (Con): On a point of order, Mr. Speaker. I would be grateful if you could offer me some guidance on how to ensure that right hon. and hon. Members do not abuse their parliamentary allowances in respect of the free postage that MPs are allowed. I have given notice to my neighbour the right hon. Member for Redditch (Jacqui Smith) that I would raise the issue of her use and potential abuse of the free House of Commons postage in her constituency of Redditch. She announced in a newspaper a few weeks ago that—

Mr. Speaker: Order. I will give the hon. Lady some guidance. This is not something that she can raise as a point of order on the Floor of the House. The Serjeant at Arms is responsible for postage and she should take the matter up with him.

Mr. Eric Forth (Bromley and Chislehurst) (Con): Further to that point of order, Mr. Speaker. Are you satisfied that the Serjeant has adequate powers to deal with Members when allegations are made about this or that violation of allowances? You will realise that it puts any Officer of the House in a difficult position when they are asked to discipline or reprimand a Member. Are you satisfied that the Serjeant, who you have identified as responsible for this matter, has all the powers that he needs to ensure that there is no abuse of postage or of other allowances?

Mr. Speaker: The right hon. Gentleman knows that I should not be drawn into this argument. My opinion should not be sought at this stage on the Floor of the House. What I will say is that the House gives the Serjeant at Arms powers and if it feels that those powers are inadequate, the matter can be raised with the House of Commons Commission—and I know that the right hon. Gentleman is a very active member of it. If the House feels that more powers should be given to the Serjeant at Arms, it is up to the House to proceed as I have said, and I serve the House in this matter.

Orders of the Day

Violent Crime Reduction Bill

As amended in Standing Committee, considered.

New Clause 9

POWER TO SEARCH FURTHER EDUCATION STUDENTS FOR WEAPONS

'After section 85A of the Further and Higher Education Act 1992 (c. 13) insert—

"85B Power to search further education students for weapons

(1) A member of staff of an institution within the further education sector who has reasonable grounds for believing that a student at the institution may have with him or in his possessions—

(a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc.), or

(b) an offensive weapon (within the meaning of the Prevention of Crime Act 1953),

may search that student or his possessions for such articles and weapons.

(2) A search under this section may be carried out only where—

(a) the member of staff and the student are on the premises of the institution; or

(b) they are elsewhere and the member of staff has lawful control or charge of the student.

(3) A person may carry out a search under this section only if—

(a) he is the principal of the institution; or

(b) he has been authorised by the principal to carry out the search.

(4) A person who carries out a search of a student under this section—

(a) may not require the student to remove any clothing other than outer clothing;

(b) must be of the same sex as the student; and

(c) may carry out the search only in the presence of another person who is aged 18 or over and is also of the same sex as the student.

(5) A student's possessions may not be searched under this section except in his presence and in the presence of a person (in addition to the person carrying out the search) who is aged 18 or over.

(6) If, in the course of a search under this section, the person carrying out the search finds—

(a) anything which he has reasonable grounds for suspecting falls within subsection (1)(a) or (b), or

(b) any other thing which he has reasonable grounds for suspecting is evidence in relation to an offence,

he may seize and retain it.

(7) A person who exercises a power under this section may use such force as is reasonable in the circumstances for exercising that power.

(8) A person who seizes anything under subsection (6) must deliver it to a police constable as soon as reasonably practicable.

(9) The Police (Property) Act 1897 (disposal of property in the possession of the police) shall apply to property which has come into the possession of a police constable under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.

(10) An authorisation for the purposes of subsection (3)(b) may be given either in relation to a particular search or generally in relation to searches under this section or to a particular description of such searches.

(11) In this section—

'member of staff', in relation to an institution within the further education sector, means any person who works at that institution whether or not as its employee;

'outer clothing' means—

(a) any item of clothing that is being worn otherwise than wholly next to the skin or immediately over a garment being worn as underwear; or

(b) a hat, shoes, boots, gloves or a scarf;

'possessions', in relation to a student of an institution within the further education sector, includes any goods over which he has or appears to have control.

(12) The powers conferred by this section are in addition to any powers exercisable by the member of staff in question apart from this section and are not to be construed as restricting such powers.".'.—*[Hazel Blears.]*

Brought up, and read the First time.

3.33 pm

The Minister for Policing, Security and Community Safety (Hazel Blears): I beg to move, That the clause be read a Second time.

Mr. Speaker: With this it will be convenient to discuss the following:

New clause 8—*Power of members of staff to search students etc. for weapons—*

'After Section 85A of the Further and Higher Education Act (c. 13) insert—

"85AA Power of members of staff to search students etc. for weapons

(1) A member of the staff of a further education college who has reasonable grounds for believing that a student at the college may have with him or in his possession—

(a) an article to which section 139 of the Criminal Justice Act 1988 (c. 33) applies (knives and blades etc.), or

(b) an offensive weapon (within the meaning of the Prevention of Crime Act 1953),

may search that student or his possessions for such articles and weapons.

(2) A search under this section may be carried out only where—

(a) the member of the staff and the student are on the premises of the college; or

(b) they are elsewhere and the member of the staff has lawful control or charge of the student.

(3) A person may carry out a search under this section only if—

(a) he is the Principal of the college; or

(b) he has been authorised by the Principal to carry out the search.

(4) A person who carries out a search of a student under this section—

(a) may not require the student to remove any clothing other than outer clothing;

(b) must be of the same sex as the student; and

(c) may carry out the search only in the presence of another person who is aged 18 or over and is also of the same sex as the student.

(5) A student's possessions may not be searched under this section except in his presence and in the presence of a person (in addition to the person carrying out the search) who is aged 18 or over.

(6) If a person who, in the course of a search under this section, finds—

(a) anything which he has reasonable grounds for suspecting falls within subsection (1)(a) or (b), or

(b) any other thing which he has reasonable grounds for suspecting is evidence in relation to an offence,

he may seize and retain it.

(7) A person who exercises a power under this section may use such force as is reasonable in the circumstances for exercising that power.

(8) An authorisation for the purposes of subsection (3)(b) may be given either in relation to a particular search or generally in relation to searches under this section or to a particular description of such searches.

(9) In this section—'outer clothing' includes an outer coat, a jacket, gloves and a hat; 'possessions', in relation to a student of a college, includes any goods over which he has or appears to have control.

(10) The powers conferred by this section are in addition to any powers exercisable by the member of the staff in question apart from this section and are not to be construed as restricting such powers.".'.

Amendment No. 22, in clause 41, page 41, line 17, leave out

'has reasonable grounds for believing'

and insert 'believes'.

Amendment No. 26, in page 41, line 35, leave out paragraph (a).

Amendment No. 27, in page 41, line 41, leave out from 'a' to end of line 42 and insert 'second member of staff'.

Government Amendments Nos. 78 to 81.

Hazel Blears: I support Government new clause 9 and resist Opposition new clause 8. I shall also convey my position in respect of the other amendments in the group, which I particularly look forward to debating with the hon. Members who tabled them.

On Government new clause 9, we agree entirely that the power to search students and learners for weapons should be extended to further education colleges. We discussed this issue in Committee, when I gave a commitment to consider it further, and I have duly tabled a Government new clause on Report. Given the increasing number of pupils under 16 who are, or will be, attending courses at college under arrangements made by their school as part of their compulsory education, it is of course right that this power be extended to FE colleges. It is essential that there be a level playing field for schools and colleges, and this new clause will remove the anomaly of a person in school perhaps enjoying a higher level of security than his or her counterpart on a similar course at an FE college. I hope that the Opposition are satisfied with the new clause, that it meets all their expectations, and that in the circumstances, they will not feel the need to press their amendment on this issue to a vote.

I am afraid that I am going to resist Amendment No. 22, which would actually reduce protection for a pupil who is searched. Under it, a member of staff would be able to search a pupil simply if they believed that they had an offensive weapon; they would need no grounds, nor any reasonable grounds, for that belief. Requiring reasonable grounds offers a pupil protection against arbitrary searches. That is a normal standard that we adopt in many different circumstances, and we want to keep that safeguard. Removing it could harm pupils' and parents' trust that school staff will act reasonably. On that basis, I ask the Opposition to withdraw the amendment.

[Hazel Blears]

I also urge the House to resist Amendment No. 26, which would remove paragraph (a) from clause 41. Removing this paragraph would cause uncertainty to both the pupil and the member of staff, and reduce safeguards for both. The Government are introducing an amendment to replace line 20 on page 42 of the Bill with a definition of which items of outer clothing staff may require a pupil to remove.

I ask the House to enable us to give further consideration to Amendment No. 27, which would change the wording of the provision relating to the additional person who must be present when a pupil's possessions are searched from a

"person . . . who is aged 18 or over"

to a "second member of staff".

Such an amendment would ensure that both adults involved are members of staff, and not, for example, volunteers or parents; however, it does not prevent the presence of such people in addition to the two members of staff. We are prepared to consider this issue further, and in doing so we will want to consider requiring that the second person who must be present at a personal search also be a member of staff. If there is to be this extra safeguard, it is probably more important that it exists during a personal search than during a simple search of possessions. We also want to consider whether equivalent amendments should be made to the provisions relating to FE institutions and attendance centres, to ensure coherence and consistency throughout the Bill. On that basis, I ask the Opposition to withdraw their amendment, but I happily undertake to examine the matter further, and to consider whether we can build in the safeguards that the amendment is designed to introduce.

Government Amendments Nos. 79 and 81 provide a clear definition for the meaning of "outer clothing" in respect of searches conducted at schools and attendance centres. This definition will make it clear to both staff and the person being searched which items of clothing they may be required to remove during a search. We have added shoes and boots to the list, which is an important practical change. The amendments also provide that any item of clothing worn over a shirt or blouse—a jumper or pullover, for example—can be removed. Amendments Nos. 78 and 80 correct a minor drafting error. I look forward to the debate on these amendments and new clauses.

Mr. Humfrey Malins (Woking) (Con): We begin our deliberations with a discussion on the vexed but important issue of being able to search children to ascertain whether they are carrying weapons upon them. The Government have introduced a new clause. In effect, it extends the right to search to those who are undergoing further or higher education. As for new clauses 9 and 8, my hon. Friends and I will undoubtedly accept that there is sense in what is proposed.

I shall speak briefly to amendments Nos. 22, 26 and 27, all of which are in my name and the names of my hon. Friends. At the same time, I shall comment on some of the Government amendments.

Amendment No. 22 relates to clause 1 and the issue of whether a member of staff should have reasonable grounds for believing that a pupil may have a weapon with him or her. My amendment would leave out the words "reasonable grounds for believing" and insert "believes". We believe that a fairly tough and vigorous approach should be taken to the entire issue of knives and other weapons being carried by school children. The purpose of inserting "believes" instead of "reasonable grounds for believing" is to strengthen the position of the member of staff concerned before a search takes place, and not to put too great a burden on the teacher. If it is the case that the member of staff has to have reasonable grounds to believe, he or she may be expected to go through some sort of mental gymnastics before concluding that it would be right to search the child—for example, "What grounds do I have? Are they reasonable? Would they be open to challenge later?" We are very used nowadays to children being able to challenge members of staff. I want to put that person in a slightly stronger position so that they could perhaps avoid unnecessary challenges in due course.

The Minister, who is not happy with my amendment, talks about pupil protection and the need to ensure that trust is not damaged. However, we are dealing with a serious problem. In a sense, I want to give members of staff stronger powers to do what they think is right even if, from time to time, the grounds on which they want to search someone may not always be deemed to be reasonable by outsiders.

For example, what is the position of a member of staff when a pupil comes up to them and says, "I think that so and so may be carrying a weapon"? Is that a reasonable ground for a search? What about a member of staff who overhears one pupil talking to another about carrying weapons? Would that amount to a reasonable ground? What about a bulge, for example, where a knife might be kept in a young man's trousers? Would that amount to a reason for a member of staff saying, "I think that there may be a ground for a search. I believe that there may be a knife there. I am going to search." That decision would be reached without having to examine the whole issue of reasonable ground.

The purpose of amendment No. 22 is to strengthen the position of the teacher rather than to weaken it.

Michael Connarty (Linlithgow and East Falkirk) (Lab): I was a teacher, and often taught in circumstances that were somewhat stressed. Removing "reasonable" puts the person who is trying to dissolve the conflict or resolve it at great risk. I do not understand why "reasonable" should be removed from any power that is given to a person in authority. That does not make sense to me as a former teacher.

Mr. Malins: I understand what the hon. Gentleman is saying. The other side of the argument is that I do not want to put too great a burden on teachers in terms of always having to justify their actions. We seem to be in a world nowadays where the burden is always on the teacher to justify what he or she is doing rather than on the pupil or the parent. The purpose of my amendment is to toughen up the clause, to strengthen the position of teachers and to help them avoid challenges at a later date by some aggrieved child or by a parent who says, in terms, "Justify this search by proving reasonable grounds. If you don't, I will bring some sort of case against you." I do not want teachers to be put in that position.

Bob Spink (Castle Point) (Con): Does my hon. Friend accept that amendment No. 22 is reasonable because a teacher would use the power in the presence of someone else, who is clearly defined? That in itself would be a form of control.

3.45 pm

Mr. Malins: My hon. Friend is right. There are burdens on teachers to ensure that they do the right thing. As he readily says, they cannot do the search alone. There are already duties on a teacher without imposing on them too high a burden.

Amendment No. 26 relates to clothing. We had a serious debate in Standing Committee about the clothing that could be removed during a search. The Minister will correct me if I am wrong, but I recall vividly that while we debated this Bill in one Committee Room, another Home Office Bill, on which I also had to serve, was being debated in another Room. A similar provision on searching through clothing was proposed in the other Bill. One of them—I forget which—mentioned the removal of a hat. The other one did not. I rely on the Minister to remind which it was.

The serious point is that the Minister is trying to reach a position in which a proper—a full and thorough—search is made. As we said in Committee, the search must be realistic, by which we mean fairly full. To take an obvious example, if a child is required to remove only an outer coat, it is possible that a weapon might be concealed further down in their clothing. The Minister has to strike a balance. Her proposal goes further than the position taken in Committee. To that extent, I welcome what she said and thank her for it.

Amendment No. 27 is important. I am grateful to the Minister for the courteous way in which she received it. We are, after all, talking about searching and the need for the search to be carried out in the presence of another person. The Opposition agree with that concept, but it occurred to me shortly after proceedings in Committee that there could be serious disadvantages if the Bill were left in its current form, with the search taking place in the presence of another person who is aged 18 or over. That is a wide provision and could involve someone who is not a member of staff and teacher trained, such as a parent or a member of staff in the catering department who has no skills in dealing with pupils. Strictly speaking, it could involve another pupil at the same school. I do not think that the Minister intends the second person involved in the search to be another pupil who happens to be 18 or over.

I thought that that was unsatisfactory and still do. The Minister said that she will look more closely at the matter, perhaps with a view to the Government tabling an amendment that is drafted in the same or similar terms as mine. I do not propose to ask the House to divide on the matter, but I do ask her to consider the position carefully, and I know that she will.

Mark Pritchard (The Wrekin) (Con): Does my hon. Friend agree that the Government also need to consider religious dress and that they should be sensitive to those who wear religious dress to school? Given that they have tabled the new clause, which relates to higher education, is not it the case that we now have a new problem of adults who carry religious knives? That is a sign of adulthood in Sikh communities such as mine in Shropshire. It is important that those communities are not offended and that the Government realise that Sikh male adulthood includes carrying ceremonial knives.

Mr. Malins: I am grateful to my hon. Friend who raises the important issue of apparel—for want of a better description—that might be important to someone in relation to their religious beliefs. He is right to say that the House should be sensitive to such issues, which are very important to some members of our community. It is not unknown for members of certain religions to carry small knives, but I have to say to my hon. Friend that I cannot immediately form a decisive view on that issue except to say that it is an offence under section 139 of the Criminal Justice Act 1988 to carry a bladed article in a public place. All of us would wish to ensure that the law was properly upheld and enforced in that respect.

The new clause deals with the power to search school pupils for weapons. It is not appropriate for the Government to introduce this clause as a flagship proposal to address the problem of knives in schools. As with so much of the law, it is a question of properly enforcing the existing laws of the land. For example, it is already an offence under section 139A of the Criminal Justice Act for a person to have a bladed article on school premises. Furthermore, under section 139B, a constable already has a power to enter school premises to search them and any person on them for any article to which that section applies. Tens of thousands of schoolchildren are carrying knives on school premises, disguised in their clothing, and it distresses me that the existing law as laid out in section 139 is not properly enforced.

I asked the Minister some weeks ago if she could provide figures for the number of occasions on which a constable has entered school premises to conduct a search of a school pupil. The Minister was not able to tell us how many times that has happened. I asked the Minister in a written question earlier in the year about the current powers of head teachers to search and suspend pupils whom they suspect of carrying a form of weapon. The Minister replied that state and independent school head teachers may search a desk or locker without the pupil's consent, search a bag or jacket with consent or ask the police to do a personal search.

We think that we have a problem with young people carrying knives, but it is now critical and needs to be addressed seriously. A Youth Justice Board survey last year showed that 1 per cent. of pupils aged 11 to 16 have, at some time in the previous year, carried a knife in school for offensive reasons, and 2 per cent. had done so for defensive reasons. I checked with the Library the number of schoolchildren of that age in the state sector, and it is more than 3.5 million. Even if one chooses a smaller number of children, if 1 per cent. of children carry a knife for offensive purposes, it means that more than 20,000 children are carrying knives in schools for offensive purposes. If 2 per cent. do so for so-called defensive purposes, it means that more than 40,000 children aged between 11 and 16 are—according to the Government's figures—carrying knives for

[Mr. Malins]

defensive reasons. It is a horrible statistic: 60,000 children are carrying knives in our schools, yet what is the prospect of their being charged or prosecuted for that offence under existing law? We need only look at the figures.

Over the last few years, how many of the 60,000 children who, according to the Government's figures, were carrying knives, were charged with and convicted of having a bladed article on school premises? In the past five years, fewer than 100 children were charged with that offence, and of those sentenced only nine received a custodial sentence. That is an astonishing statistic, which means that carrying—

Mr. Speaker: Order. I remind the hon. Gentleman that the amendments are about the powers to stop and search and he has gone on to custodial sentences, which are beyond the scope of the amendments.

Mr. Malins: Thank you, Mr. Speaker. I am anxious not to stray from the basis of the clause, which relates to search, so I shall come back to the point.

Jeremy Wright (Rugby and Kenilworth) (Con): Does my hon. Friend agree that there is little point in the Government legislating to provide teachers and members of staff with the authority to search pupils unless there is a result when the search discloses a bladed weapon? No doubt that is what my hon. Friend is pointing out to the Minister.

Mr. Malins: I am grateful to my hon. Friend for that intervention, and also for his contribution in Committee. As he rightly says, there is no point in giving teachers those powers unless there is some result from their being used in practice. That is why I was illustrating that the Government's track record to date is so abysmal. The offence of carrying a knife on school premises already exists, but there is only one chance in 2,500 of a pupil being prosecuted for such an offence under existing law and only one chance in eight that any of those prosecuted will be sent to prison. The situation is terrifying.

It is all very well for the Government to bring forward a so-called flagship policy of searching children for knives and giving head teachers the powers to do so, but the Government should be deeply ashamed of the fact that knife carrying in schools has risen so dramatically over the past few years, causing so much fear to so many people, yet it is under-prosecuted by the authorities. The culture of the blade is indeed with us.

In Committee, I briefly raised with the Minister a particular case relating to search and I want to raise it again today. Some weeks ago, Opposition Members were horrified to read a newspaper report that a council was forced to pay £11,000 to a boy expelled for taking a knife to school. Apparently, the council was ordered to apologise to the teenager and to pay his mother £5,000 compensation for anxiety and uncertainty, plus £6,000 for home tuition for her son. Not surprisingly, teachers reacted with fury. If that is what happens when somebody is expelled from school, it is a very sorry situation.

Carrying a knife in school is a serious matter that should result in prosecution of the child, yet the reality is, as my figures show, that it is simply not happening. To return to the point that my hon. Friend the Member for Rugby and Kenilworth (Jeremy Wright) made, it is almost a waste of time giving the Government further powers if they do not use their existing powers properly. My general proposition is that although there are more than 60,000 offences a year of carrying a knife in school, the number actually being taken to court is paltry in the extreme.

Michael Connarty: The hon. Gentleman referred to a newspaper article but drew the wrong conclusion. He did not tell us who was the author of the decision. If the power to expel a pupil exists and someone—not the pupil or the Government but, presumably, someone in a judicial position—made a judgment to overturn the initial decision, I do not understand why the blame should lie with the Government who gave those powers or with those who used them.

4 pm

Mr. Malins: The hon. Gentleman makes an interesting point, but I lay the example before the House this afternoon so that it can understand that knives in school are a serious problem and to tell the House that I for one—I am sure that the hon. Gentleman would take the same view—believe that giving compensation to a mother and son for distress in a case involving the carrying of a knife is a very sorry situation indeed. I accept the point that he makes; but, nevertheless, I want to ask the Minister whether she will be kind enough to comment on that case—she did not do so in Committee—and say how it squares with Government policy. That concludes my remarks on my amendments.

We find no reason to challenge the Government amendments, certainly not those in this grouping. Searches by a second member of staff are an important issue, and I very much hope that—if not today, certainly when the Bill reaches another place—the Government will introduce a suitable amendment to give the duty to a second member of staff. I appreciate what the Minister has said about clothing—she has toughened up that clause—but none of this will count for anything in life unless it is acted on.

I stress that, if we are giving this power to teachers, it is vital that education authorities and teachers get to grips with the problem of the knife culture in school, which is almost out of control, and use, as well as the power to search pupils, the existing criminal law, which is ready to be enforced. It is simply not right that a handful of charges have been brought under the existing law. A much stronger enforcement of current legislation is needed.

I wish the clause good luck, and I wish the teachers who have to enforce it good luck and good fortune in the very difficult task that they have to carry out, but my final wish is that the culture of the blade, which dominates our schools at the moment, can as quickly as possible be stamped out by whatever means are necessary.

Lynne Featherstone (Hornsey and Wood Green) (LD): I rise to speak to new clause 8, tabled by the Liberal Democrats, which hon. Members may notice is not a million miles different from Government new clause 9. I very much welcome the Government's tabling of that clause, because it acknowledges the concern that we expressed about not giving further education colleges an equivalent power, thus sending out a worrying signal that only school pupils need protection and possibly even giving the impression that colleges are a soft touch. More 16 to 18-year-olds in full-time education attend further education colleges and sixth form colleges than schools—701,000, compared with 345,000—and 120,000 14 to 16-year-olds choose to study vocational courses at college. So we very much welcome those powers being extended to teachers and head teachers at further education colleges.

On amendment No. 22, tabled by the Conservatives, I find myself in agreement with the Government, as there is more protection and greater safeguard in having reasonable grounds, rather than in simply believing. However, I welcome amendment No. 27 and the Government's response, in which the second person might be a member of staff. That is an intelligent and probably better way forward. The extra clarification about the definition of outer clothing can only be helpful—the more definition, the better.

I shall not extend my remarks interminably, but I wish to comment on the assertion of the hon. Member for Woking (Mr. Malins) that 60,000 children are carrying knives. If that figure is correct, would 60,000 prosecutions really be the answer? I would prefer those children to be searched by their head teachers and staff, because that would be a more personal and connected way of addressing the matter.

Sammy Wilson (East Antrim) (DUP): Does the hon. Lady accept that it might take only some token prosecutions before those carrying knives at school learned that there would be a penalty for that? There would thus be no requirement for 60,000 prosecutions.

Lynne Featherstone: I totally agree that there should be some prosecutions. The Government are often guilty of not enforcing current legislation. However, I would be totally opposed to installing knife arches to detect knives, because that would cause all children to be treated as though they were criminals. It is right to proceed along the lines of members of staff performing searches, rather than using other methods. However, we must take things forward and some prosecutions must be brought.

Hazel Blears: May I respond briefly to the points raised by the hon. Members for Woking (Mr. Malins) and for Hornsey and Wood Green (Lynne Featherstone)?

The hon. Member for Woking spoke to amendment No. 22, which would remove the words

"has reasonable grounds for believing"

from clause 41. I cannot accept the amendment. We are trying to strike the right balance among the rights and responsibilities of students, their parents and teachers. It is proper that staff should have reasonable grounds for their belief. In any event, courts would be likely to understand any belief as being reasonable belief, because that is the way in which they interpret matters. The process must be in line with the European convention on human rights. There is little merit in adopting the lower burden of belief in such circumstances. It is important that the relationship between pupils and teachers be maintained so that we have the maximum possible trust among students and parents.

The hon. Gentleman also talked about ceremonial knives, as did the hon. Member for The Wrekin (Mark Pritchard). I understand that the Department for Education and Employment issued detailed guidance in 1997 on ceremonial knives. I understand that such a knife will not be considered an illegal blade if it is very small and in a sealed covering. There has never been a problem with ceremonial knives. We are addressing a problem of an entirely different character. The guidance has been perfectly satisfactory at dealing with such situations, so I would not want the House to have any impression that we must address a problem involving the carrying of ceremonial knives.

Anne Main (St. Albans) (Con): Are you confident about the question of weapons? A pair of scissors was recently used as a weapon in a school. Children often have access to compasses, dividers and other equipment that can be sharpened and readily used as a weapon. I am worried that we are addressing only the knife culture, while a sharpened blade from a sharpener can be used as a weapon just as easily. Are you confident that all those things can be addressed? Will it be possible to look reasonably for a pair of compasses on someone's person? We need to move forward, so I would like your views.

Mr. Speaker: Order. The hon. Lady is a new Member. It is not for me to make a judgment on these matters, but for the Minister.

Hazel Blears: Clearly we are trying to ensure that searches can be carried out so that we can confiscate both knives and bladed weapons from students who unfortunately bring them to school. We had a lengthy discussion in Committee about whether it would be possible to use a sharpened blade from a pencil sharpener as a weapon. There have been dreadful events in recent times—we heard at the weekend about a young girl who was attacked—so we want the Bill to provide schools with powers to search. We will never be able to anticipate all the different weapons that may be used, but we are determined to try to make sure that schools can not just search pupils but confiscate items that could be made or adapted for use in violent situations.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): Before my right hon. Friend leaves the matter of ceremonial dress, will she include the sgian dubh, which is often part of a Scots person's full ceremonial dress?

Hazel Blears: As I said, there has never been a problem with ceremonial weapons, and I would not want any hon. Member to think otherwise. The Criminal Justice Act 1988 introduced the offence of having an article with a blade or point in a public place,

[Hazel Blears]

and it also includes the defence of possessing such an article for religious reasons. We contemplated that provision, and I believe that the guidance is sufficient.

Mr. Tobias Ellwood (Bournemouth, East) (Con): To pursue that point, my hon. Friend the Member for Woking (Mr. Malins) talked about the culture of the blade and said that it must be challenged. However, the Minister has not explained how an individual armed with a pair of scissors, a compass or a Stanley knife, which has a short blade, will be dealt with. Those people will quickly learn the new law, and arm themselves with such implements. How will she address that threat?

Hazel Blears: Having a blade on school premises is an offence, and any other material that could provide evidence of that offence could be seized. If an individual was even contemplating using any other pointed articles, those items could be seized and confiscated as a result of the search. Schools and teachers will have the necessary powers to be able to take potential weapons away from people, which ought to make our school premises significantly safer in future.

The hon. Member for Woking raised the case of someone who was excluded from school. I should put on the record the fact that compensation, as I understand it, was awarded because of the failure to provide alternative education provision rather than anything to do with the seizure of the knife. Schools obviously have powers not just to conduct searches under the legislation but to exclude pupils for violent activity, including the carrying of knives on the premises. We would certainly support teachers and head teachers who take such action to exclude pupils, but the compensation in the case mentioned by the hon. Gentleman was payable, I believe, for the failure to provide education provision rather than because of the initial decision to exclude. We would not want teachers to shy away from exclusion in such circumstances.

The hon. Gentleman spoke about the importance of schools and the police working together closely, and I can confirm that police officers are stationed in 400 schools across the country, where they can build extremely good relationships with both teachers and pupils. Police officers who are based full-time in schools have had a significant impact on the likelihood of violent incidents occurring in school. They can often nip problems in the bud, and do excellent educational work with pupils to show them that the carrying of knives and other weapons is not the way to resolve conflict. Basing police officers in schools is therefore an extremely good idea.

Bob Spink: The right hon. Lady is making an excellent case both for Government new clause 9 and for the presence of police officers in schools—an initiative that is working well in my south Essex constituency. Can she explain to the House exactly what happens if, during a search on a pupil, a weapon is not found but other contraband, illegal substances or materials are found?

Hazel Blears: If there is evidence of offences that have been committed, the police would take the action that they usually take in those circumstances. We have introduced powers for searches for alcohol and tobacco in the possession of under-age youngsters, as well as for other substances. If the police found illegal substances they would retain them and dispose of them in the normal manner, just as they would for anyone else who had committed an offence. The age of criminal responsibility in this country is 10, and if people are found to have committed criminal offences the police will take appropriate action as a result of the evidence that they find.

Mr. Malins: The Minister remarked on the number of police present in schools, which we all applaud. However, in what percentage of schools across the country are police present for much of the time? Does she, like the Opposition, think that it is a good idea to try to encourage a much greater take-up of that facility?

Hazel Blears: Apart from the fact that my maths is not up to it, I do not know the total number of schools so I cannot give a percentage figure now, but I shall endeavour to find the hon. Gentleman some details. We encourage schools to have extremely close relationships with the police service. I find that police officers stationed in schools often build a relationship with pupils that diverts them from becoming involved in crime, antisocial behaviour and other activities that cause problems. Of course we now have 13,000 extra police officers, so there are more to go around our schools than there were a few years ago. With the advent of 24,000 community support officers and the ability to have a neighbourhood police team in every community by 2008, I anticipate even more schools being able to develop a better and more positive relationship with their police services.

4.15 pm

In Committee, the hon. Gentleman said that, as well as introducing somewhat punitive measures in relation to searches, confiscation and prosecution, it is important to concentrate on educating our young people in the idea that carrying knives and other weapons is no way to resolve conflict. We must try to give them alternative skills to deal with some of the problems they face at school, so that we can minimise the prospect of the horrendous events that we have seen all too graphically in the past few weeks recurring. The Government support a range of education projects, in particular with the police service, and I hope that the House welcomes that sort of work.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 1

CRIME AND DISORDER ACT 1998 (AMENDMENT)

'(1) The Crime and Disorder Act 1998 (c. 37) is amended as follows.

(2) In subsection (7) of section 1 (anti-social behaviour orders), for "two years" substitute "three months".'.—*[Mr. Malins.]*

Brought up, and read the First time.

Mr. Malins: I beg to move, That the clause be read a Second time.

Mr. Speaker: With this it will be convenient to discuss the following: amendment No. 1, in clause 1, page 1, line 6, leave out clauses 1 to 11.

Amendment No. 2, in clause 1, page 2, line 2, after 'subject's', insert 'knowingly'.

Amendment No. 3, in clause 1, page 2, line 3, after 'entering', insert

', and attempting to purchase alcohol in or consuming alcohol in,'.

Amendment No. 4, in clause 1, page 2, line 4, leave out from beginning to end of line 8 and insert—

'any premises, other than a private dwelling, for the purposes of purchasing or consuming alcohol.'.

Amendment No. 28, in clause 1, page 2, line 20, at end insert—

'(5) Before making a drinking banning order, a court may receive a report from an appropriate officer about the proposed subject of the order, which contains information about the subject and, in particular, about whether there is any reason to suspect that he may be—

(a) suffering from substance addiction (including alcohol dependence);

(b) a person falling within section 1 of the Mental Health Act 1983; or

(c) suffering from any other recognised physical or mental illness or condition which could either—

(i) affect his ability to restrict his intake of alcohol,

(ii) cause him to engage in criminal conduct while under the influence of alcohol, or

(iii) affect his ability to comply with a drinking banning order.

(6) In subsection (5) above "an appropriate officer" means—

(a) where the proposed subject is aged 18 or over, an officer of the National Offender Management Service, a doctor or a social worker of a local authority social services department;

(b) where the proposed subject is aged under 18, a social worker of a local authority social services department or a member of a youth offending team.

(7) If the court determines that the proposed subject of a drinking banning order may be a person falling within subsection (5)(a) to (c) above, the court shall not make a drinking banning order unless satisfied, on receipt of medical evidence, that—

(a) his ability to understand and comply with the order will not be significantly restricted by reason of his being a person falling within subsection (5)(a) to (c) above; and

(b) compliance with the order, either alone or in combination to any other order or sentence to which he is subject, would not have a deleterious effect on his mental or physical health.'.

Amendment No. 13, in clause 2, page 3, line 3, at end insert—

'(6) For the purposes of this Act, "disorderly" shall mean conduct which would offend a reasonable person but which falls short of a criminal act.'.

Amendment No. 5, in clause 5, page 4, line 26, leave out

'under the influence of alcohol'

and insert 'drunk'.

Amendment No. 6, in clause 5, page 4, line 28, after 'consider', insert

'on any application by the Crown'.

Amendment No. 30, in clause 6, page 5, line 19, leave out subsection (9).

Government amendment No. 42.

Amendment. No. 14, in clause 11, page 9, line 16, at end insert

'"disorderly" means conduct which would offend a reasonable person but which falls short of a criminal act.'.

Government amendments Nos. 43, 44, 82, 83 and 86 to 93.

Mr. Malins: We come now to one of the Bill's main purposes, which is to tackle alcohol-related disorder. I should say at the start of my remarks that I hope to divide the House on new clause 1 if the Minister does not accept it. I have some hope that the Minister will accept it, based on her comment a few minutes ago that my amendment No. 22 was one that she was inclined to accept in due course. In my many years in this House only extremely rarely have the Government accepted anything that I have said—perhaps it is a fault in my arguments. However, it is terribly encouraging to start the debate this afternoon with the Minister saying that she approves of what I have said so far in relation to one amendment.

I shall explain new clause 1 and speak to Conservative amendments Nos. 1 to 4, 13, 5, 6 and 14, then say a word or two about Liberal Democrat amendment No. 28. New clause 1 is simple: it would amend the Crime and Disorder Act 1998 to enable an antisocial behaviour order made under that Act to be made for a minimum period of three months, rather than two years, as now. Linked with the new clause is amendment No. 1, which would omit clauses 1 to 11.

I make two general propositions in this, the most important debate of the day. The first is that although alcohol-related disorder on our streets is a major problem—not ameliorated by the Government's plans to introduce extended drinking hours, which many people including the police regard as a retrograde step—and one that is getting worse by the day, not enough is being done to address it. The second general proposition is that the existing law is entirely satisfactory when it comes to dealing with alcohol-related disorder. That general theme lies behind new clause 1, which seeks to alter the period of time for which an antisocial behaviour order must be made.

When we discussed antisocial behaviour orders in Standing Committee—I think that it was at the first sitting on 13 October—my hon. Friend the Member for Hertford and Stortford (Mr. Prisk) asked the Minister to reflect on the fact that using existing law is often better than creating new laws. Our general proposition was not only that an antisocial behaviour order can do exactly what a drinking banning order purports to do, but that it can do more and that it may be effective. If that is right—we thought that it was and still think that it is—why give the police yet another power in relation to drink?

The Minister seemed to indicate in Committee that antisocial behaviour orders are not applicable to the kind of activity—alcohol-related disorder—covered by the Bill, and when we asked her why, she pointed out two differences. First, she said that an antisocial behaviour order can be imposed on anyone from the age of 10 upwards, whereas a drinking banning order can be

[Mr. Malins]

imposed only on over-16s. That is not an argument, however, because if we were to use antisocial behaviour orders in drink-banning situations, we would have a wider, better, less-limited power. I illustrate that point by saying that a lot of under-age drinking involves not 16 to 18-year-olds, but 14 and 15-year-olds, so the Minister's argument fails.

The Minister's second point against the use of antisocial behaviour orders was that under current law—the Crime and Disorder Act 1998—the minimum period for an antisocial behaviour order is two years, whereas for a drinking banning order it is two months. That is a statement of the law, but we can cover the point by simply amending the 1998 Act to enable an antisocial behaviour order to be made for a more flexible period of time, which is the result that new clause 1 attempts to achieve.

Earlier, I advanced the proposition that the existing law on alcohol-related disorder in our towns and cities is voluminous.

Sammy Wilson: Is not a further reason why antisocial behaviour orders may not be suitable the amount of evidence required to issue them, as opposed to the evidence required to issue drinking banning orders? The Bill states that someone need only engage in criminal or disorderly behaviour on one occasion for a drinking banning order to be applied for, whereas an antisocial behaviour order requires a longer period of evidence gathering.

Mr. Malins: With respect to the hon. Gentleman, that is not right. Both of those orders must be made by a court upon the production of evidence that satisfies the court that the appropriate order should be made.

A third reason why an antisocial behaviour order could be more appropriate than a drinking banning order is the consequences of a breach. As I understand it, the penalty for a breach of a drink banning order is not the highest. Under clause 10—the Minister will correct me if I am wrong—a person who is the subject of a drink banning order is guilty of an offence and shall be liable on conviction to a fine: not a fine or imprisonment, but just a fine. The clause imposes a drink banning order and effectively says to the person who is its subject: "Breach this order and the result will be a fine", whereas the breach of an antisocial behaviour order can, and often does, result in a custodial sentence, and rightly so.

Let me illustrate further my proposition that existing law deals with problems of the sort that the Minister is trying to deal with. Some months ago, I asked her what powers courts have to ban defendants from entering licensed premises—because, let us make no mistake about it, that is what the drink banning order purports to do. She replied:

> "Under the provisions of the Licensed Premises (Exclusion of Certain Persons) Act 1980 a court can make an order prohibiting a person from entering specified licensed premises, following conviction for an offence committed on licensed premises involving violence or threats of violence."

The power already exists. Undoubtedly a great number of orders should have been made under the 1980 Act, but how many have been made? The Minister went on to say that

> "antisocial behaviour orders . . . introduced under . . . the Crime and Disorder Act 1998 and first used in 1999 can also be used to prohibit certain people from entering certain specific areas or premises."—[*Official Report*, 12 July 2005; Vol. 436, c. 908W.]

If an antisocial behaviour order that carries a custodial sentence in the event of a breach can be used to prevent certain persons from entering certain areas or premises, what does a drink banning order add, if anything, to the existing law?

We suffer from a surfeit of laws. The House of Commons passes law after law, and the trouble is that they pile up and fall into disrepute, and quite often existing legislation that is perfectly fit for purpose is not properly used.

Jeremy Wright: One of the difficulties that we noted when antisocial behaviour orders were first introduced was the substantial delay before courts started making such orders on a regular basis. Does my hon. Friend think that that might happen with drink banning orders; and if it did, would not that undermine the Government's proper desire to deal with such problems instantly?

Mr. Malins: My hon. Friend is right. Such situations are becoming increasingly common. As we all know, in their early years antisocial behaviour orders were barely used at all. I remember the then Home Secretary telling the Home Affairs Committee that he thought that thousands would be used in the first year or two, but such is the bureaucratic nightmare involved that only a few hundred were used in that period. The use of antisocial behaviour orders has increased a lot in the past couple of years, and I congratulate the Government and the courts on that. There is always a very slow run-in period before such orders are used to their full effect. It could properly be said that antisocial behaviour orders are now the norm rather than the exception in such cases, and breaches usually result in a custodial sentence. So his parallel point about the drinking banning order, which, according to the Government, we need to cure an immediate problem quickly, is correct. If the antisocial behaviour order is anything to go by, it will be years before the drinking banning orders get under way and are used to their full effect.

4.30 pm

What problems do the drinking banning orders purport to attack? The answer is the alcohol-fuelled disorder, to which I referred earlier. No hon. Member doubts that one of the greatest problems that the country faces is binge drinking, especially by young people, both girls and boys. The Prime Minister's strategy unit's alcohol harm reduction project was established a year or two ago. It told us—we knew it already—that British teenagers, along with those in Ireland and Denmark, are among the heaviest teenage drinkers in Europe. They are more likely to drink to get drunk and to report problems that are associated with drinking than their counterparts in other European countries.

There is a telling statistic: more than one third of 15-year-olds in the United Kingdom report having been drunk at the age of 13 or earlier. That is a desperate figure. Given that an antisocial behaviour order can be made against someone as young as 10, the problem of young person's drunkenness could be better addressed through such an order.

Patterns of heavy and binge drinking, which are especially serious in the UK, lead to an increasing toll of premature death and health problems as well as alcohol-related disorder and injuries.One of the most distressing factors is the number of women who drink well above recommended guidelines. That figure has risen by more than half in the past 15 years. Hon. Members will agree that binge drinking by young women is perhaps even more dangerous in health terms than that by young men.

We face big problems and binge drinking is undoubtedly one of them. Come with me, Mr. Speaker, to the streets of some of our towns and cities in the south on a Friday and Saturday evening, and see what happens when people, full of alcohol, are turned out of pubs and clubs at 11 pm or 12 am. It was probably different in our day—I say that as a kindness to all hon. Members—when there was no such thing as spirit chasers. In my experience in the courts, I have encountered many young people who commit alcohol-fuelled crime, who, in between their pints of bitter, have a double vodka or a double spirit shot. That is a relatively new and damaging trend which must be tackled.

Jim Sheridan: The hon. Gentleman has just said that the most dangerous time is when people are tipped out of pubs at 11 pm and 12 am and gravitate towards the centre of towns. Surely that is an argument for extending the licensing laws and for more flexible licensing laws so that people are chucked out at different times of night?

Mr. Malins: The Government continually argue that the new licensing laws will lead to a continental café culture, whereby everybody comes out of the clubs and behaves beautifully. However, the hon. Gentleman is naive if he believes that extended licensing hours will help. I understand that the Government always support the police and, if the police say something, the Government appear to believe that it must be right. The police have said that they are terribly worried about late drinking hours and the Judges Council has made a statement to the effect that alcohol consumption over a longer period of time—the extended licensing hours—is much more likely to fuel alcohol-related crime. I therefore urge the Government, even at this late stage, to think again, given that so many people are against them on permitting alcohol to be drunk round the clock.

The problems of alcohol-related disorder are clearly there for all to see, but there is already a range of offences and orders to cover everything that happens on our streets in relation to drunkenness and drunken crime, and according to the Home Affairs Committee, which is dominated by Labour Members, those powers are grossly underused at present. So what is the point of introducing a new Bill with a complicated new kind of order when the existing law is wholly adequate?

The whole issue is about the proper enforcement of those existing laws, and I shall give the House some examples. If a person is drunk, there is an offence of simple drunk. If they are drunk and disorderly, there is an offence of drunk and disorderly. It is interesting to speculate on the number of people who are prosecuted for being drunk or drunk and disorderly. In truth, the numbers are dropping dramatically, yet there is more drunkenness and disorderliness on our streets. Why, then, have the prosecutions dropped from about 124,000 in 1980 to fewer than 44,000 in 2001? I suspect that the Government would answer that most offences of drunk and disorderly are dealt with by issuing fixed penalty notices. That can sometimes send the wrong signal, however, because some people deserve to appear in court.

When we referred to fixed penalty notices at the Standing Committee's second sitting, I remember the Minister saying:

> "From January to August of this year, 86,000 fixed penalty notices were issued across the country".

When I asked her how many had been paid, she replied:

> "Something like three quarters: 50 per cent. straight away and 25 per cent. after a little delay".—[*Official Report, Standing Committee B*, 18 October 2005; c. 63.]

I then referred the Minister to a written question that I had put to her Department in June this year. I had asked for the total value of fixed penalty notices handed out by the police in the Greater London area in the past 12 months, and the percentage that remained unrecovered. One would have thought that the Minister's answer to that question would have been the same as the one that she gave in Committee. However, her answer was that the total value of fixed penalty notices issued was not collected centrally. So, in fact, she was able to tell us very little about the effectiveness of fixed penalty notices.

Apart from the offences of drunk and drunk and disorderly, there are the offences of common assault and actual bodily harm, as well as four or five offences under the Public Order Act 1986, ranging from riot right down to using abusive words and behaviour. And so the list goes on. Offence after offence can and should be used by the Government but they are simply not being used at the moment.

Antisocial behaviour orders are the subject of new clause 1, and I believe that changing the time for which they operate from a minimum of two years to three months could fit the bill. I want to ask the Minister some specific questions. Does she accept that an antisocial behaviour order can prohibit persons from entering specific areas or premises? Does she also accept that such an order could prevent a person from entering a licensed premises? She must accept that the answer is yes to both those questions. Will she therefore tell me how many such orders forbidding persons to enter such licensed premises have been made so far by the courts? How many have been breached? How effective have they been? How many people have been sent to prison—as is possible under an ASBO but not under a drink banning order—for such breaches? Will she also confirm that another restriction that can be laid upon an individual is, before trial, to impose bail conditions forbidding a defendant from going into specified premises?

[Mr. Malins]

The Minister has said that antisocial behaviour orders are not appropriate for dealing with alcohol-related disorder. May I gently suggest to her that she is completely out of step with the courts, which, I can tell her from my own experience, are using ASBOs to deal with exactly the sort of alcohol-related disorder that we are facing? I repeat the point that they are stronger than drink banning orders, simply because the penalty for breach can be up to five years in prison—I will be corrected if I am wrong—whereas the penalty for breach of this drink banning order is only a fine. That troubles me, because if the breach only results in a fine, our means courts will be flooded with cases of people who have a drink banning order made against them, who breach it, and who do not pay the fine, which is the maximum sanction. That is the reality. If you and I were to know, Mr. Deputy Speaker—I knew at one point—the percentage of unpaid fines in the Greater London area in a particular year, we would be absolutely astonished at the volume of them.

The question of breach is important. The Minister said, during the Committee's third sitting, I think, on 18 October, that custody is not appropriate if people have merely breached a community penalty. I happen to take a different view, and I wonder where she has been all this time—in fact, in courts up and down the land, breaches of community penalty often result in a custodial sentence, not least for the original offence.

I want to speak briefly to some other important amendments. The purpose of new clause 1 and amendment No. 1 is my fundamental one of saying that the proposed legislation is unnecessary and that the problems addressed can be dealt with fully under existing law. For that reason, I want to press new clause 1 to a vote.

Under clause 1, prohibitions under a drink banning order

"must include such prohibition as the court making it considers necessary, for that purpose, on the subject's entering premises in respect of which there is a premises licence authorising the use of the premises for the sale of alcohol by retail; and . . . club premises".

My amendment No. 2 is a reasonable provision that seeks to insert into the clause the word "knowingly", because as we all know, some premises such as garages are licensed to sell alcohol, and it is entirely possible to enter a garage premises to get petrol unaware that it also holds a licence and sells wine and spirits.

More importantly, amendment No. 3, on which I am considering asking you, Mr. Deputy Speaker, whether you would permit a separate vote, would simply insert into clause 1(3) the words,

", and attempting to purchase alcohol in or consuming alcohol in,"

That gets us round the problem, which we discussed ad nauseam in Committee, whereby supermarkets, under clause 1(3), would be covered by the ban. Let us remember that the court "must" include a prohibition, not "may". People would therefore be banned from going into supermarkets and corner shops. Would people living close to the only village shop or post office, which might sell alcohol, be banned from going into them? What about garages, sports clubs, hotels, restaurants and cinemas? We are talking about premises that by and large are not remotely connected with the fuelling of alcohol-related disorder, but that are licensed premises, and would therefore be caught under the provision prohibiting people who are subject to a drink banning order from entering them.

During the second sitting of the Standing Committee, Conservative Members raised the issue of the premises that would be covered. We all know that the premises that cause the real problem in terms of alcohol-related disorder are pubs that behave irresponsibly. What about the premises that I listed earlier? Would a court ban people—as it appears it would have to—from entering all licensed premises?

Having listened to the argument, the Minister said:

"On 26 October I, the Home Secretary and Ministers from the Department for Culture, Media and Sport will meet the chief executives of the large supermarket chains, to talk about the issues that the hon. Gentleman has raised. I think that most people accept that they are a problem."

I now ask the Minister to respond fully to my request, and to tell us exactly what happened at that meeting.

4.45 pm

The Minister went on to say—this is a critical point—

"We are talking about the behaviour of the individual, and it will be for the courts to decide the appropriate prohibitions of an order. It may say"

—I think that the Minister meant that the court might say—

"that the individual can carry on using the corner shop if it is the only shop for 10 miles—although I doubt that—but he may be banned from buying alcohol there. He could still buy fish fingers, but not alcohol. If he bought alcohol from the garage rather than petrol, he would be in breach of the order and a sanction would follow—and properly so."—[*Official Report, Standing Committee B*, 18 October 2005; c. 47–8.]

Let us pause for a moment. Can the Minister tell us where the Bill says that the court has a power to act in any way that it thinks fit in relation to any particular licensed premises, by name or by description? I want her to be absolutely clear about that, and to answer my fundamental question: rather than including the rigmarole about premises with a licence, club premises and so forth, why does she not accept a straightforward amendment to the effect that a drink banning order may impose a prohibition on a person from entering licensed premises for the purpose of purchasing or consuming alcohol?

In fewer words than those used by the Government, my amendment absolutely covers the position. No Member in his right mind wants to stop someone from entering a garage, supermarket or village shop. I can tell the Minister that plenty of people live in areas so rural that the only shop within miles where they can obtain their daily provisions is one with an alcohol licence. There are also plenty of people who rely entirely on their sport to keep them going. They will want to go on visiting sports clubs which have licences. Why not accept an amendment—amendment No. 4—which allows them to do that, but states that the order can prohibit them from buying or attempting to buy alcohol there, or from consuming it? I believe that those arguments are compelling.

Amendment No. 13 brings us to the extraordinary word "disorderly". I want to insert a definition in clause 3. An earlier part of the Bill states that the court must be satisfied

"that the individual has . . . engaged in criminal or disorderly conduct while under the influence of alcohol".

The word "disorderly" utterly stumps me. It is not defined anywhere in the Bill, so I seek from the Minister some examples of what she means by "disorderly behaviour". Is it disorderly behaviour that is a crime or is it disorderly behaviour that falls short of a crime? I remember challenging a Government Member in Committee on precisely that issue. I asked whether she could provide some examples of disorderly behaviour that did not amount to a crime. In truth, she could not. If my memory serves me correctly, she first provided an example of someone who was plainly drunk and disorderly and subsequently examples of matters that were plainly a criminal offence.

I have talked the issue through with legal colleagues who are utterly stumped by the Government's failure to define disorderly conduct. In an alcohol context, being drunk and disorderly is already a crime. My probing amendment No. 13 asks what is meant by "disorderly", and I would be most grateful for the Minister's clarification.

The greatly respected organisation Justice takes a similar view. It believes that the threshold in clause 2(2) for the imposition of a drinking banning order is too broad. Drinking banning orders, it believes, should surely be aimed at those who

"drunkenly commit acts of violence, criminal damage, threatening behaviour and similar crimes. It is, we believe, uncontroversial"—

and I agree—

"that mere high-spirited behaviour, (which most law-abiding people have indulged in at some time) should not result in a coercive order of this nature and severity."

Where do high spirits come in relation to disorderly behaviour, what is the actual definition of disorderly and is it not already covered by existing criminal offences?

On amendment No. 5, will the Minister define the difference between being under the influence of alcohol and drunk? The Bill purports to permit a drinking banning order to be made against someone who is

"under the influence of alcohol",

rather than drunk. I looked carefully at the legal precedents to see what definitions there were in existing legislation of being under the influence of alcohol compared with being drunk. We all know from our experience in the courts and, more commonly, as watchers rather than anything else, what a policeman would say about someone whom he or she deemed to be drunk. The policeman would say that the person's eyes were bloodshot, his speech slurred, he could not walk straight and so forth, so he was "drunk".

What, then, of being under the influence of alcohol? The closest parallel that I can find is the drink-driving laws, where it is entirely possible to be

"under the influence of alcohol",

but not "drunk". Of course, drink-driving laws are administered through the use of a breathalyser at the roadside and thereafter a taximeter test at the police station. Someone whose breath intake of alcohol exceeds 35 mg or, in blood, 80 mg, is deemed to be under the influence of alcohol. That is the actual charge laid against someone driving a motor vehicle while under that influence, but it does not mean that they are drunk. According to the law, as determined by the breathalyser, they are under the influence of alcohol. Why, then, does clause 2(2) make it a condition for making the order that the individual has engaged in

"disorderly conduct while under the influence of alcohol"?

Does the Minister mean drunk and, if so, why does she not say so? If she means under the influence of alcohol, will she define exactly what that means?

My amendment No. 6 relates to clause 5, which deals with the imposition of a drinking banning order. It seems sensible to me that the body responsible for imposing such an order should be the Crown who prosecutes the case, rather than the court. Courts often consider making such an order without reference to the Crown or without taking the Crown's views into account. It is more sensible to say that a drinking banning order should be made on an application by the Crown rather than of the court's own volition.

My final amendment in this group, No. 14, tries to be helpful to the Government by inserting in the clause a definition of the word "disorderly". I simply ask the Minister to be kind enough—

Jim Sheridan: If memory serves me right, in Committee, when we discussed what constitutes "disorderly" behaviour, the example that was given was six youngsters under the influence of alcohol outside someone's house. The hon. Gentleman says that such people are simply exhibiting high spirits. Would he tell a constituent who complained about such a situation that the youngsters in question were just in high spirits, or that they were being disorderly?

Mr. Malins: I say now exactly what I said in Committee. Let us consider the example of six 18-year-old youngsters who have been to a 21st birthday party and are under the influence of alcohol. *[Interruption.]* Let me finish this point. Let us say that there are some high spirits and that—in keeping with the example given in Committee—they were making a bit of a noise running across the road. If it is not a criminal offence, it does not deserve the sort of sanction that this Bill provides for. That is why we have the criminal law, by the way. There are many decent, high-spirited people who behave in ways that do not break the law, and as far as I am concerned, let them do so. The law is the law, and normal high spirits should not—I repeat, not—be punished by a drinking banning order, which is a very punitive measure indeed.

Jim Sheridan: Is that what the hon. Gentleman would tell his constituents?

Mr. Malins: Yes, it is. I would tell them that normal high spirits are entirely to be accepted. If the hon. Gentleman is saying that under his Government, normal high spirits should be punished by a punitive order, I disagree with him wholeheartedly.

Mr. Kevan Jones (North Durham) (Lab): Two weeks ago, a constituent came to my surgery who is being

[Mr. Kevan Jones]

plagued week in, week out by a group of youngsters consuming large quantities of alcohol. The hon. Gentleman describes such behaviour as high spirits, but my constituent does not, given that she is being woken up at 2 and 3 o'clock in the morning. Are the Conservatives now happy for law-abiding people such as her to be kept awake all night by "high spirits"?

Mr. Malins: Oh dear—the hon. Gentleman misses the point altogether. The people keeping that person awake all night are almost certainly drunk and disorderly, and the police—*[Interruption.]* Forgive me, is the hon. Gentleman saying that those people are not disorderly?

Mr. Jones: My constituent is saying that week in, week out, she and her neighbours are being harassed by people who are perhaps not completely drunk according to the hon. Gentleman's argument, but who are clearly causing a nuisance in that neighbourhood. Is he saying that such behaviour is acceptable?

Mr. Malins: The hon. Gentleman, who was a valued member of the Committee, is not doing himself justice. If the conduct amounts to a criminal offence, it is a criminal offence. I am in no doubt that he is familiar with sections 4, 4(1)(a) and 5 of the Public Order Act 1986, and he will doubtless intervene to tell me whether he believes that they cover the situation about which he is talking. *[Interruption.]* Does he want to tell me what he thinks about my observation that those sections apply? Yes, he does.

Mr. Jones: Anyone can be a clever lawyer—there are too many in this place—but the point is that this Government are trying to tackle disorder on estates. Frankly, by referring to such hooligan-style behaviour as "high spirits" the hon. Gentleman shows just how out of touch he is.

Mr. Malins: The hon. Gentleman is letting himself down time and again, and I will be doing him a service if I do not give way again. I repeat: the behaviour that he is talking about is a criminal offence, and what we want is proper enforcement of the existing criminal law. We need to distinguish between criminal acts, and high spirits that do not amount to a criminal act. If such behaviour amounts to a criminal act, let those guilty of it be prosecuted; if it does not, there is no point in a harsh sanction.

Jeremy Wright: Does my hon. Friend agree that the sort of behaviour that Labour Members are describing sounds very much like antisocial behaviour? If that is so, is not an ASBO the appropriate remedy?

5 pm

Mr. Malins: My hon. Friend is right. If the behaviour is not thought by the police to warrant prosecution in a particular case, an ASBO is a relevant application.

Jim Sheridan: May I also let myself down by asking the hon. Gentleman to clarify the difference between high spirits and disorder? Will he give a practical example of what the difference is?

Mr. Malins: I shall link drunk and disorder, which is an offence. I have already said that the number of prosecutions is lamentably low for that offence. The hon. Gentleman must understand that there is a difference between something that is not an offence and something that is an offence.

Jim Sheridan: What is the difference?

Mr. Malins: If a person in the street is drunk—I cannot make it much simpler than that—and is then disorderly, that is an offence of being drunk and disorderly. *[Interruption.]* The line lies where the police and the courts—thank God, we still have the courts—choose to draw it. Genuine high spirits, which do not amount to someone being drunk and disorderly, are not a criminal offence. I hope that the hon. Gentleman understands that.

Bob Spink: Is not a material factor the regularity with which the bad behaviour takes place, which is damaging a community's quality of life? If there are high spirits on one occasion, that is one thing; if there is repeated bad behaviour in a particular area, that should be tackled by the use of ASBOs.

Mr. Malins: My hon. Friend is right. I cannot make the point to Labour Members more clearly than I have. If there is an offence under the Public Order Act 1986 or under any other legislation, it should be prosecuted. If there is no offence, there should be no prosecution. We must never forget, as my hon. Friend the Member for Rugby and Kenilworth (Jeremy Wright) has said, that there is the availability of the ASBO, which if granted—

Mr. Kevan Jones: The Opposition were against ASBOs.

Mr. Malins: The hon. Gentleman was not, I think, a member of the Committee that considered that Bill, so he is not able to say that. If an ASBO is made and it is breached, that can result in a custodial sentence.

First, the reality is that we have a huge amount of alcohol-related violence, and it is becoming worse by the month under the Government. Secondly, there is no doubt that there is a huge amount of existing law relating to drunken violence that is not being enforced by the police. Thirdly, an ASBO covers the process that the Government want to include in their new Bill. We need only to amend the ASBO legislation to permit orders to be made for a shorter period of three months. In one fell swoop we would overcome the Minister's apparent objection in Committee.

The Minister must understand that the purpose of the orders is to ban people from purchasing, or attempting to purchase, alcohol rather than entering premises that may have a particular licence. I know that the hon. Member for Hornsey and Wood Green (Lynne Featherstone) will be making her comments on behalf of the Liberal Democrats on amendment No. 28. I have much sympathy with that amendment and I hope to be able to respond to her as the debate progresses.

Lynne Featherstone: I shall speak to amendments Nos. 28 and 30 and comment on other amendments in the group. With the permission of the House, Mr. Deputy Speaker, I shall probably put amendment No. 28 to a vote at the appropriate time.

Amendment No. 28 is an attempt to ensure that a drinking banning order is not applied inappropriately—a point that, to some extent, we discussed in Committee. There are cases where an individual, through a number of conditions, is rendered incapable not just of complying with an order, but of understanding it. In such cases, a person may suffer from substance addiction, including alcohol dependency, or have a mental condition such as Asperger's syndrome or Tourette's syndrome.

The amendment that we tabled in Committee stated that a court "must" have a report on each individual who appears before it. The Minister argued that the paperwork involved would create too heavy a bureaucracy and delays would occur. She said that drinking banning orders were meant to be a quick and effective punishment without being as cumbersome or severe as antisocial behaviour orders, which carry a much longer and more severe penalty.

As suggested by the hon. Member for Woking (Mr. Malins) in Committee, the amendment now says that courts "may" ask for a medical report so that they can be satisfied that the individual can understand and comply with a drinking banning order. I was persuaded by the Minister's argument about bureaucracy, and she offered to include in the guidance the need to consider asking for a medical report. On reflection, however, I decided that simply to place it in guidance is not enough of a safeguard for an individual who is thus incapacitated. I have modified the amendment to put the measure on the face of the Bill to ensure that all courts and advocates refer to it and recognise its relevance.

Guidance for mental health problems is used to support antisocial behaviour order legislation, but it has not worked. One does not have to look far to find examples of ASBOs being served inappropriately. The British Institute for Brain Injured Children provided me with many examples, one of which in particular stuck in my mind. A 14-year-old boy was given an ASBO that included a curfew. He had to stick to it, but he had a mental age below that of a seven-year-old and could not tell the time. The boy and his family needed help to deal with their problems, and an ASBO was inappropriate in enabling them to receive guidance and support.

With the amendment changed to "may" instead of "must"—I hope that the Minister is in a good mood—the judiciary would be able to avoid using a drinking banning order inappropriately while ensuring that the process was still quick. A doctor or GP should also be able to give their opinion to a court to speed that process further. If drinking banning orders are to work in the way envisaged by the Government, they should be swift procedures, more akin to parents grounding their naughty children. It should be a short punishment that is not meant to last a lifetime but to shock them into realising the error of their ways. We need to be sure that the vulnerable are adequately and properly protected.

Amendment No. 30 returns to the issue of publicising individuals who are subject to a drinking banning order. The Government want to disapply the blanket ban on the publication of names and photographs of defendants under 18. We think that that contravenes the United Nations convention on the rights of the child. That is applied to the criminal law, and we are considering the civil law, but such publication would break with the spirit of the convention. We want to protect young people.

I was surprised by the Minister's view in Committee that it was appropriate to put photos and names in the press. She argued that if I wanted the measure enforced, I should be happy with that, because the more publicity that names and faces received, the more likely it would be that the individual would be recognised going into an area where he should not be. However, it would be far more appropriate to give that information to interested parties, such as licensees, local authorities and police, rather than pillorying those people in the press.

Mr. Kevan Jones: Is it now Liberal Democrat policy not to name and shame individuals? In Durham, some estates are plagued by certain individuals. Is the hon. Lady saying that they should be protected?

Lynne Featherstone: We should comply with the spirit of the UN convention on the rights of the child. Interested parties, such as estate wardens, should be informed because they could work with the police to enforce a drinking banning order. We should not simply name and shame, like in the olden days in the stocks and by pillory. Publicity could also be self-defeating. ASBOs have become a badge of honour for some young people, and drinking banning orders could be prized in the same way. We know that young men can be competitive about how much they drink.

Mr. Jones: Will we see Liberal Democrat "Focus" leaflets published to highlight the fact that Liberal Democrats now oppose naming and shaming individuals? How will people on the estates plagued by certain individuals be able to help the police if the individuals cannot be identified? The hon. Lady's proposal is totally unworkable.

Lynne Featherstone: I remain convinced that informing interested parties would be more valuable than placing notices in the press, as suggested by the Minister. Publicity might be self-defeating, because the resulting celebrity might encourage youngsters to break their drinking banning orders. It would be far more appropriate to notify only those interested parties who could help the police.

New clause 1 proposes that an ASBO should last for only three months, but that is far too short a term in which to change behaviour—and that has to be the objective of any such order. We need to produce a cultural change. An ASBO lasts two years, but a year would be just right. I would prefer to see far more work being done with those who are served with ASBOs or drinking banning orders. If that happened, the length of the order could be modified according to improvements in behaviour.

We discussed the definition of "disorderly" for some time in Committee. I am not unattracted by the Conservative definition, but it is very vague and did not get any clearer despite all our attempts. The Government are trying to achieve the difficult job of pinning the definition between the criminal and the high-spirited, but I was concerned when the hon. Member for West Lancashire (Rosie Cooper) said that behaviour that constitutes disorder and should be banned included:

> "generally running about, running across roads and shouting to one's friends".

[Lynne Featherstone]

She elucidated further that

> "It may be seen as . . . threatening and people are disturbed by it."—*[Official Report, Standing Committee B,* 18 October 2005; c. 35.]

Drinking banning orders may cross several fine lines, but we will have to see how they work in practice. I am inclined to give the Government the benefit of the doubt until we see how drinking banning orders work. The terms are ill defined, but I understand that the nuisance created in some cities has now gone beyond the pale and it is that mischief that—*[Interruption.]* I have always acknowledged that such behaviour has gone too far. I want to see how the Government's plans will tackle it, and I am not convinced that they will achieve their aims without stepping over the line into an authoritarian approach. However, I assume that the matter will be kept under review and that if there is a step too far, we shall retreat—

Jim Sheridan: Soft on crime.

Lynne Featherstone: No, Liberal Democrats have a well-balanced view of life and have nothing whatever to be ashamed of. I have always been proud of our position, which is, in the end, common sense.

Given the length of some of the speeches, I shall conclude my remarks. I hope, Mr. Deputy Speaker, that you will allow us to vote on amendment No. 28.

5.15 pm

Bob Spink: I have little sympathy with the Liberal amendment, No. 28. I believe in naming and shaming individuals who indulge in loutish behaviour and damage other people's lives.

I want briefly to support the new clause, the logic of which is clear. There are too many complex laws and we are making too much law. New laws take time to bed in and become effective—if they ever do—so using existing ASBOs is the rational way to deal with the problem and improve the protection we offer communities that suffer from loutish and unacceptable behaviour.

Lowering the height of the hurdle from two years to three months, as the new clause proposes, is the rational way forward. It will make ASBOs more attractive and promote their use, so that the police, the Crown Prosecution Service and the courts are encouraged to implement them to increase protection for residents and people whose quality of life is regularly damaged by bad behaviour and nuisance on our streets.

I support the new clause and hope that the House will accept it on a Division. It is rational and common sense, and we should adopt it.

Hazel Blears: We have trawled over some of the ground we covered in Committee, but we now have a clearer idea of the views of all the parties. The purpose of the Bill is to try to ensure that we protect the law-abiding majority of decent people from the kind of behaviour that the hon. Member for Castle Point (Bob Spink) just mentioned.

New clause 1 and amendment No. 1 would reduce the minimum length of an antisocial behaviour order from two years to three months. It would remove all the provisions relating to drinking banning orders, on the basis that the Opposition feel it would be appropriate to use ASBOs rather than drinking banning orders in all circumstances—*[Interruption.]* I hope to cover every point that the hon. Member for Woking (Mr. Malins) made and to rebut some of the things that he got wrong.

Technically, it would be possible to reduce the length of ASBOs and simply provide conditions tailored to drink issues, where that is the problem behaviour, but that would do no service either to ASBOs or to the proposed new orders. In Committee, I talked about the need for courts to consider making a drinking banning order on a basis that is much more proactive than that for their current consideration of ASBOs.

Antisocial behaviour orders cover the spectrum of antisocial behaviour. The motivations that drive that behaviour will be very varied. Those receiving ASBOs will often have poor educational records, a history of truancy, problems at home, parental issues—a range of different things lead up to their offending behaviour. That is why ASBOs are fairly complex, with a range of prohibitions to try to target the antisocial behaviour. As Members have said, the complex nature of ASBOs meant that they were slow to take off when they were originally proposed in the Crime and Disorder Act 1998. We have made them simpler, but they remain significant and serious orders. Courts need to be pretty well convinced of the case for making an ASBO; indeed, some of my hon. Friends might say that courts, local authorities and the police are not using the powers to their full extent in many areas, although I am pleased to say that the situation is improving.

ASBOs take time to have an effect, and the community must be protected in the interim, so simply reducing the time limit for ASBOs is not the right remedy to the problem that we face. It is important that we have a fairly simple order—the drinking banning order—that is designed to tackle the problem of binge drinking and the violence that emanates from the people who indulge in it.

Let us not forget that, in other circumstances, binge drinkers can often be fairly responsible citizens who have decent jobs, good wages and normally conduct themselves as decent members of society. They go out and drink far too much in far too short a period. They deliberately go out to get as drunk as they possibly can. They get involved in a fracas about a kebab or which person they will take home for the evening. They get involved in a fight in the taxi queue. They are then suddenly involved in the kind of violence and disorder that no one wants to happen.

Jim Sheridan: My right hon. Friend is right, and one of the contributory factors is the irresponsible attitude of retailers who have happy hours and buy-one-get-one-free promotions. They have a responsibility as well

Hazel Blears: My hon. Friend is right, which is why we have been working with the industry to try to ensure that we can introduce provisions on happy hours. We have had a dreadful situation in this country. During some happy hours, people are told, "Drink all you can for £10", and I saw a sign saying, "Girls drink free until midnight", which is a recipe for mayhem and bad behaviour—not just among the girls, but more generally, too. That is why I am pleased that several of the big chains have recently decided to outlaw the kind of irresponsible promotions that we have seen in the past, and I expect many more of them to take that action.

There is a significant difference between ASBOs and the orders that are proposed. We are asking the courts to use drinking banning orders much more proactively. Whenever they hear a case in which someone has been involved in violence while under the influence of alcohol, they should consider whether it is appropriate to make a drinking banning order. No great big, convoluted and complicated application is necessary, and the remedy is fairly simple. The whole idea is to try to get people to change their behaviour and to make them realise that going out on Friday and Saturday nights, getting into a completely drunken state where they cannot remember what they have done and getting involved in violence and disorder will simply not be tolerated and the court will make an order to do something about it.

Jeremy Wright: I understand a great deal of what the Minister is saying, but is not the logic of her remarks that those who deserve a drinking banning order are behaving antisocially? That is why the court wants to mark their behaviour as antisocial. In those circumstances, would it not make more sense to call the behaviour what it is, by using an antisocial behaviour order?

Hazel Blears: The description "drinking banning order" is very graphic and pretty easily understood. One of the prohibitions that the court must consider is banning people from premises that sell alcohol. The whole idea is for the order to contain prohibitions that tell people that they are not allowed to go to their favourite bars and clubs. That is quite a disincentive to carrying on in a drunken way. People may also be prohibited from going out with their regular group of friends, with whom they go out and create mayhem in communities.

The hon. Member for Hornsey and Wood Green (Lynne Featherstone) asked whether the order will become a badge of honour. The prospect of not being able to go out to their favourite pub or club on Saturday nights, perhaps for three months over the summer, can have more impact on young people than many of the other things that we pass in the House. That will help to change behaviour.

Jo Swinson (East Dunbartonshire) (LD): Does the Minister agree that, rather than introducing drinking banning orders and such measures to tackle the problem of binge drinking, it would make more sense to allow other measures time to work before opening up bars and clubs to 24-hour drinking?

Hazel Blears: The hon. Lady repeats the assertion about 24-hour drinking. I am sure that she knows that a tiny minority of licensed premises will have those extended licences. We will see flexible licensing hours. As my hon. Friend the Member for Paisley and Renfrewshire, North (Jim Sheridan) said, rather than everyone being tipped out on to the streets at the same time, people will have their exit from pubs and clubs staged, and we hope that they will behave better.

On that basis, I ask the hon. Member for Woking (Mr. Malins) to withdraw the motion. I have been sympathetic to his earlier amendment, but I am afraid that he has run out of luck now. I cannot accept that we should simply have ASBOs, rather than the new drinking banning order, which will be of significant use in dealing with such issues and is welcomed by the police and local authorities.

The hon. Gentleman asked what the penalty for a breach of a drinking banning order would be and whether it could be a custodial sentence. I must correct him for the record. I made it clear in Committee:

> "There will ... be potential for offenders to receive custodial sentences for persistent breaches of the community sentence imposed for breach of a drinking banning order."—[*Official Report, Standing Committee B,* 18 October 2005; c. 91.]

He will know from his extensive experience that the courts will have the power to make a community order as well as to impose a fine. There would be a range of options including curfews, exclusion orders and unpaid work. In Committee, he welcomed the range of options available to courts through community orders because that meant that magistrates could respond more flexibly to the kind of mischief and problems with which we are trying to deal. He was not correct if he thought I said that there could never be a custodial penalty, because clearly there could.

Jeremy Wright: The Minister advanced the same argument in Committee. She might remember that I asked her a question about the matter. Does she accept that it would be perfectly feasible for people to breach the community penalty that they received for breaching a drinking banning order, yet to be able to continue with the drinking banning order? In other words, they could decide not to drink, even though they would have breached their community penalty. If people can do that, does it not underline the point made by my hon. Friend the Member for Woking (Mr. Malins) that the response to the breach of a drinking banning order should directly be a custodial penalty? Such an option would remain available, would it not?

Hazel Blears: No. We have a taken a view on this and do not think that there should be a direct custodial penalty. A community order can be made and if the case returns to the courts after the breach of that order, it will be for them to decide the appropriate penalty. It is perfectly proper for the courts to do that. That will sharpen up the distinction between antisocial behaviour orders and drinking banning orders. I am sure that hon. Members are not in the business of saying that people should go to prison for up to five years if the breach of the order has been to enter the single pub or club from which they have been barred from entering. It is important that penalties are proportionate to the breaches that they address.

The hon. Member for Woking has alleged on several occasions that prosecutions for being drunk and disorderly have decreased dramatically in recent years. In 1997, there were 31,891 such prosecutions and in 2003, there were 31,343. The number of prosecutions has stayed pretty constant. As he knows, some 86,000 fixed penalty notices have been issued for a range of offences, so there are more sanctions against drunk and disorderly behaviour than there were in the past.

[Hazel Blears]

The hon. Gentleman repeated a point that he made in Committee about a parliamentary question that he tabled and my response to it. The reason for the discrepancy was the fact that the question related to Greater London and my response in Committee related to national figures. I pointed that out in Committee, so I am surprised that he simply tried to repeat his point today to no good effect.

Opposition amendment No. 4 would change the definition of premises to which prohibitions might apply. The Bill currently provides that a drinking banning order prohibits an individual from doing things described in the order. The prohibitions must include whatever the court considers necessary with regard to the subject entering premises that sell alcohol and club premises. The definitions of the premises are in line with those in the Licensing Act 2003.

We had a general discussion in Committee about the possibility of people being banned from supermarkets or garages. It is unlikely that the courts would want to ban individuals from entering supermarkets unless that proved absolutely necessary due to the circumstances of a specific case.

If the intention were simply to stop a person from obtaining alcohol, that would not be sufficient under the Bill. The Bill gives the courts flexibility. They may impose a whole range of prohibitions, such as not going out with certain groups of people to certain premises, but they must include a prohibition on entering specific licensed premises. People will thus be stopped from entering the bars, pubs and clubs to which they really enjoy going. That is an attempt to change their behaviour, which is an important aspect of the Bill.

Mr. Malins: The Minister said that the order must include a prohibition preventing someone from entering certain licensed premises. Can she specifically tell the House whether a drinking banning order can forbid someone from going into a supermarket to buy alcohol, but not simply from going into a supermarket? Can she confirm on the record that that is the case?

5.30 pm

Hazel Blears: If the hon. Gentleman looks at the Bill, he will see that clause 1(2) states:

> "Such an order may impose any prohibition on the subject which is necessary for the purpose of protecting other persons from criminal or disorderly conduct by the subject while he is under the influence of alcohol."

"Any prohibition" may therefore be impo[illegible]y the court. Clause 1(3) lists the mandatory requirements of such a prohibition. A supermarket prohibition could therefore be made under clause 1(2), but not under clause 1(3)(a) or (b).

Under amendment No. 28 the hon. Member for Hornsey and Wood Green seeks to reintroduce an earlier amendment that required the court to receive a report on the subject's mental and physical health and substance addictions. We had a long discussion about that Committee, and I accept that the hon. Lady has changed "must" in her earlier amendment to "may". However, local authorities already have a duty under the National Health Service and Community Care Act 1990 to assess anyone who may be in need of community care services. If there is any evidence to suggest that someone is suffering from a syndrome or problem that prevents them from understanding the order social services authorities must make sure that they are subject to an assessment, which should run alongside the collection of evidence and an application for an order. I do not want inordinate delay and a bureaucratic system. Drinking banning orders, as we have discussed, are meant to be a short, sharp shock. They enable the court to deal proactively with someone accused of committing an offence under the influence of alcohol. If we include a panoply of provisions to cover the handful of such cases, the courts will be inhibited from using the power to protect the decent, law-abiding majority. We must be aware of vulnerable individuals, but we must not predicate all our legislation on one or two specific cases; otherwise we will undermine its very purpose.

Lynne Featherstone: Does the Minister not accept that the judiciary, in its judicious interpretation of the phrase that the court "may" require a report, would apply the provision only to cases where they deemed it necessary to receive a medical report? Such a requirement would therefore not have an adverse effect on the vast number of drinking banning orders that may be imposed.

Hazel Blears: The hon. Lady knows that the courts have discretion when looking at the cases that are brought before them. They must be satisfied that two requirements are met: first, someone must be guilty of offending behaviour; and, secondly, it must be necessary to make the order. The court will consider a range of factors when deciding whether the second requirement has been met. May I advise the hon. Lady that my comments are meant kindly? She has talked a great deal about human rights, which are important. However, we have to achieve a balance of human rights, and respect the human rights of the decent, law-abiding majority whose peaceful existence is threatened when people drink far too much and get out of control, causing the nuisance that happens far too often. Getting that balance right is important, but in this instance she is wrongly seeking to put the rights of the perpetrator above those of decent members of the community.

Amendments Nos. 13 and 14, which were tabled by the Opposition, seek to include a definition of "disorderly" to cover

> "conduct which would offend an ordinary person but which falls short of a criminal act."

We had a long discussion about that in Committee. There is no need to define the word "disorderly" in the Bill. It is not defined in relation to the offence of being drunk and disorderly in section 91 of the Criminal Justice Act 1967. The Select Committee on Home Affairs concluded that it would be a mistake to try to define more closely the current definition of antisocial behaviour. The courts are perfectly aware of behaviour that is disorderly, and of behaviour that results in a criminal act. In Committee, I gave the hon. Member for Woking an example of disorderly behaviour. If a large group of people are marauding through an area, kicking over bins and causing excessive noise, they may not necessarily commit a public order offence, but they are certainly guilty of disorderly behaviour.

The hon. Gentleman talked about high spirits, but in Committee some telling examples were given, particularly by my hon. Friend the Member for Brent, South (Ms Butler), who said that "high spirits" was not an accurate description of the problems in her community.

Amendment No. 5 would require that for orders on conviction the court must be satisfied that the individual was drunk, rather than under the influence of alcohol. That would raise the threshold at which a drinking banning order could be obtained and could lead to a wide range of offenders who were under the influence of alcohol escaping the prohibitions imposed by a DBO. I think that it is for the courts to come to a view based on the evidence before them on whether an offender was under the influence of alcohol when they committed an offence. I ask hon. Members to think about the sort of problem that we are trying to tackle. The courts are well placed to determine whether someone was under the influence of alcohol. I direct the House's attention to the second limb of the offence, which is that for an order to be made, it must be necessary to protect the rest of the community. The courts will examine that closely before making an order.

Amendment No. 6 would ensure that a court must consider only applications by the Crown. That would defeat part of our purpose, which is to encourage the proactive use of DBOs. The court would have to wait for the Crown to make an application; it would not be able to consider the matter of its own volition. That would weaken our proposals.

Liberal Democrat amendment No. 30 would reimpose automatic reporting restrictions in proceedings for an order on conviction involving young people. Several hon. Members have said that they consider it useful not to bind the court to automatic reporting restrictions. That does not mean that restrictions cannot apply in specific, narrow cases if they are necessary for the protection of the individual. I happen to believe that if people have gone out, deliberately got drunk, got involved in violent behaviour under the influence of alcohol, and acted in a such a way that the court finds it necessary to make an order to protect the rest of the public, it is extremely hard to make a case for their name and details being kept a secret from the rest of the community, who have been the victims of that behaviour. Far from being a badge of honour, being banned from one's favourite pubs and clubs is likely to be a good incentive to change one's behaviour. In addition, it is important that local people are able to report it to the police if they see the individuals in question in pubs and clubs from which they are banned, so that action can be taken in relation to the breach.

Government amendment No. 43 gives district councils the same right as county councils to make applications for DBOs, which is entirely right and proper. Government amendment No. 42 is merely a small consequential amendment. The other Government amendments are welcome tidying measures. Clause 23 is to be removed because, on reflection, we realised that the DBO provisions make the Licensed Premises (Exclusion of Certain Persons) Act 1980 superfluous. We can achieve everything that we want to achieve through the DBO route, which is a much better provision. The 1980 legislation is extremely narrow—it depends on a conviction on the licensed premises themselves.

The DBO is—dare I say to the hon. Member for Woking?—a more modern and appropriate way in which to deal with the mischief we encounter in our communities these days. I ask him and his hon. Friend the Member for Beaconsfield (Mr. Grieve), who has taken a very legalistic approach to various pieces of our legislation, to think carefully about making sure that legislation is modern, flexible, about changing behaviour and able to cope with the new challenges that we face, rather than cleaving to the traditional interpretation of the law and focusing simply on prosecution. Making available ASBOs and DBOs is about making sure that our criminal justice system is modern, flexible and able to meet the challenges of this day and age.

Mr. Malins: I confess to being disappointed by the Minister's response. The truth of the matter is that the Government have presided over a massive rise in binge drinking and alcohol-related violence, which they are doing very little to stop. The existing laws are not being enforced, but all the Government want to do is introduce a new flagship policy on the basis that a headline and a new Act will solve all their problems—tell that to the people on the streets who are suffering as a result of alcohol-fuelled violence.

New clause 1 seeks to amend the ASBO legislation to make it more flexible. Why on earth can the Minister not accept that making ASBO legislation more flexible is a good idea? She does not want to accept any arguments from this side of the House, as a result of which I want to put the new clause to the opinion of the House.

Question put, That the clause be read a Second time:—

The House divided: Ayes 155, Noes 327.

Division No. 88] **[5.41 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baldry, Tony
Baron, Mr. John
Bellingham, Mr. Henry
Beresford, Sir Paul
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Butterfill, Sir John
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evennett, Mr. David
Fallon, Mr. Michael
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark

Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howard, rh Mr. Michael
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. Peter Atkinson and Michael Fabricant

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Begg, Miss Anne
Beith, rh Mr. Alan
Bell, Sir Stuart
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cable, Dr. Vincent
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Darling, rh Mr. Alistair
Davey, Mr. Edward
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Dowd, Jim
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hughes, Simon
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Mr. Charles
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
MacDougall, Mr. John
Mackinlay, Andrew
Mactaggart, Fiona
Malik, Mr. Shahid
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony

Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Russell, Bob
Ryan, Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Swinson, Jo
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Hywel
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wilson, Sammy
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Tony Cunningham and
Mr. Tom Watson

Question accordingly negatived.

New Clause 2

CRIMINAL JUSTICE ACT 1988 (AMENDMENT)

'(1) The Criminal Justice Act 1988 (c. 33) is amended as follows.

(2) In subsection (6)(b) of section 139 (offence of having article with blade or point in public place), for "two years" substitute "five years".'.—*[Mr. Malins.]*

Brought up, and read the First time.

Mr. Malins: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Michael Lord): With this it will be convenient to discuss the following: New clause 7—*Offence of having article with blade or point in public place (amendment)*—

'(1) The Criminal Justice Act 1988 (c. 33) is amended as follows.

(2) In subsection (6)(b) of section 139 (offence of having article with blade or point in public place), for "two years" substitute "seven years".'.

Government amendment No. 45

Amendment No. 20, in page 26, line 36 [Clause 24], leave out 'section 141A' and insert 'sections 139 and 141A'.

Amendment No. 21, in page 27, line 5 [Clause 25], leave out 'section 141A' and insert 'sections 139 and 141A'.

Mr. Malins: During the debate, I shall refer to—*[Interruption.]*

Mr. Deputy Speaker: Order. Will hon. Members who are not staying for the debate leave the Chamber quickly and quietly, please?

Mr. Malins: Over the years, I have become increasingly used to people walking out, rather than in, when I begin to speak. Today is no exception.

Conservative Members feel strongly about new clause 2 and I hope to test the opinion of the House on it. New clause 7, which the Liberal Democrats tabled, is roughly along the same lines. I hope also to speak briefly about amendments Nos. 20 and 21.

As was said in an earlier debate, knife crime has rocketed in the past eight years. Recent reports show that knife crime in England and Wales has leaped by as much as 90 per cent. in two years in some areas. Figures that were released not long ago under the Freedom of Information Act 2000 show a total of nearly 25,000 knife crimes last year logged by the 30 police forces that supplied figures. The highest rise in knife crime was recorded by Nottinghamshire police. In Nottinghamshire, offences involving blades increased from 338 in 2002 to 650 last year—a rise of 92 per cent. The number of muggings that involve knives has shot up. That worries us all, including the police. The assistant chief constable of Devon and Cornwall, Tony Melville, who is the Association of Chief Police Officers' spokesman on knife crime, stated:

> "Lots and lots of people are carrying knives in public places—in many parts of society it now seems to be a credible and normal thing to carry a knife."

I have some experience of our courts sitting judicially. The offence of carrying a bladed article, which is contrary to section 139 of the Criminal Justice Act 1988, is not only prevalent but increasing. It is a terrifying experience for a complainant or victim to witness somebody in the street taking out a knife. Far too many people carry knives for offensive purposes. Doctors report a marked increase in the number of patients who

[Mr. Malins]

arrive at accident and emergency with stab wounds. Such crime is not only on the increase but deadly serious and must be stamped out.

I have listened to witnesses who gave evidence in criminal trials and recounted with terror how they felt when someone in the street drew a knife. They suffered nightmares for months afterwards. The amount of knife crime has undoubtedly increased—there is a culture of the blade. Many young people believe it is brave to carry a knife. In truth, it is cowardly. However, the number of prosecutions against people for carrying knives and the level of detection remain abysmally low. The courts do not pass sufficiently stiff sentences. They seem sometimes to have forgotten the importance of deterrence.

I strongly commend new clause 2 to the House because it would send a signal to the knife-carrying fraternity that we want to see them severely punished. Under section 139 of the Criminal Justice Act 1988, it is an offence to carry a bladed article in a public place. There are certain defences, including having a reasonable excuse or lawful authority, but that is the basic offence. It applies to knives with a blade of 3 in or longer. Earlier today, the prevalence of knife-carrying in schools was mentioned, but it is happening not only in schools but out on the streets. I suggest that the police, if asked their opinion, would say that knife-carrying is one of the fastest-growing offences at the moment. It is therefore essential to give the courts the facility to sentence people on indictment to more than two years in prison for this quite dreadful offence.

6 pm

Some statistics might be of interest to the House. Charges relating to bladed articles have run at between roughly 4,500 and 6,500 a year over the past five years. In 1999, about 4,500 people were proceeded against for carrying a bladed article, of whom about 3,500 were found guilty. In 2003, about 6,800 were proceeded against, of whom 5,311 were found guilty. One might have thought that more people would go to prison for such a serious offence. Being confronted at any time, but particularly at night, by someone carrying a blade in the street is the most terrifying experience.

Mr. Greg Knight (East Yorkshire) (Con): Will my hon. Friend confirm that the wording of his new clause provides for an increase only in the maximum sentence for such offences, and not the minimum? The courts would therefore still have full discretion to impose a lesser sentence if they felt that the circumstances of the case warranted that.

Mr. Malins: My right hon. Friend is absolutely right. The new clause would simply give a different maximum sentence, not a different minimum. By giving the courts that power, the Minister would permit them to retain the flexibility that they sometimes need. It would not at any stage prevent a court from imposing the sentence that it thought fit, be it considerably less than five years or even less than the current maximum of two years. As my right hon. Friend says, however, it would permit the heavier sentence of five years to be passed in the worst cases. Critically, it would also send a signal to the knife-carrying fraternity that we will not put up with them and that Parliament is beginning to take notice of this increase in crime.

As I said, 5,311 persons were found guilty of the offence of carrying a knife in a public place in 2003. How many of them were actually placed in custody? We might think that 50, 60 or 70 per cent. ought to have been placed in custody—these figures include repeat offenders—but the truth is that only 755, out of well over 5,000, faced a custodial sentence. That means that the people who carry knives on our streets understand that their chances of being caught are very slim, that detection rates are dropping, that they are unlikely to be prosecuted and that their chances of receiving a custodial sentence on conviction are only about one in seven. Times have never been better for the knife carrier, and it is high time that Parliament sent a message to the knife carrier that times are going to get worse.

It is clear that knife crime has increased dramatically in the past few years, but I shall not go further into the figures. I shall simply repeat the fact that it is a terrifying crime. I cannot see any reason for the Government to object to new clause 2, which simply says that the maximum penalty for carrying a bladed article should be increased from two to five years. Such a sentence would not have to be imposed in every case. The advantage of such a measure is that it would send a signal to the courts that Parliament takes knife-carrying very seriously. It would send a signal to the people who carry knives that the maximum sentence that they could face had been increased from two years to five. It would also send a signal to the victims of knife crime that we take their side and want the courts to be much more robust in dealing with those who carry knives.

Amendments Nos. 20 and 21 also stand in my name in this group. The Bill creates an offence of

> "using someone to mind a weapon".

I have no criticism of the Government for introducing this measure; indeed, I would go further and say that it is much to be valued as a tool in our armoury against people who are part of the knife culture. The amendments are designed to tease out from the Minister whether bladed articles are included in the description "dangerous weapon" in clause 24.

Let me set the scene. Under clause 24, a person is guilty of an offence if

> "he uses another to look after, hide or transport a dangerous weapon for him".

The clause goes on to state that "dangerous weapon" means

> "a weapon to which section 141A of the Criminal Justice Act 1988 (c. 33) applies (knives and bladed weapons)".

It is not entirely clear to me that section 141A actually applies to a bladed article, although such an offence is covered in section 139 of the Act. Will the Minister explain whether minding a weapon—which, under clause 25, carries a sentence of up to four years—includes minding a bladed article? For example, if it is an offence to mind or look after a knuckle-duster, a sword or some other weapon that is undoubtedly an offensive weapon per se, and the offender is liable to up to four years in prison, I can understand and readily accept that. However, the purpose of my two probing amendments is to determine whether a bladed article is covered by the description "dangerous weapon". If it is, we shall find ourselves in a slightly odd situation.

The maximum penalty for carrying a bladed article in public is at present two years in prison, but if I were to ask someone to look after that bladed article off the street, it would be an even more serious offence, carrying a four-year prison sentence. That would be slightly odd. Frankly, it is more serious for me to carry a bladed article in the street than to ask a friend to look after it in case I wanted to carry it in the street next week. The friend would thereby keep it off the street. It is strange, if I am right, that I am liable to four years for the second of those activities—asking my friend to look after it—but liable to only two years if, in effect, I am carrying it on the street.

If bladed articles are included, can the Minister cover what appears to be an odd situation in terms of sentencing powers? If they are not included among dangerous weapons, can she tell us whether it is an offence if I ask somebody to look after a bladed instrument on the basis that I might shortly need to take it out on the street for offensive purposes? If that is not an offence, why not? The culture of the knife is on the up and it is vital that Parliament recognises that and sends a signal to the criminal fraternity, the world at large, the judiciary and victims of knife crime that we recognise how terrible it is and propose to give the courts a higher sentencing option in relation to the dreadful offence of carrying a bladed article in a public place. I can see no arguments from the Minister that can possibly resist my proposition in the new clause.

Lynne Featherstone: I want to speak to new clause 7, which is not dissimilar to new clause 2, except that our provision exceeds that of the Conservatives by two years. I agree with everything that the hon. Member for Woking (Mr. Malins) said, because having a bladed article in a public place is punished with two years' imprisonment whereas carrying a firearm is an offence punishable by up to seven years' imprisonment.

Whether one is murdered by a knife or gun, the result is precisely the same—one is dead. That exactitude of outcome needs to be reflected by an exactitude of punishment, and perhaps more so in the case of knives as the incidence of knife purchase, carrying and use has soared in recent years, as has been said. That needs to be tackled. In response to an oral question from my hon. Friend the Member for Winchester (Mr. Oaten), the Home Secretary said that he would examine bringing gun and knife crimes more into line. The Bill provides the ideal opportunity for the Government to address that differential.

I acknowledge that this part of the Bill presents a difficulty, and I appreciate what the Government are trying to achieve in relation to the reduction of knife crime. I fear, however, that one of their measures—raising the age at which one can purchase a knife to 18—might bring the law into disrepute, as it is difficult to imagine how it could be prosecuted. Under the Bill, all knives, however commonly available, would be subject to the offence if purchased under-age. The enforceability and effectiveness of the provision must therefore be questioned. It is ridiculous that people can get married and have children at 16 but not buy their cutlery. Someone under 18 might also legitimately ask a third party to purchase a knife for them, and no satisfactory answer has been given as to the culpability of the third party if a knife so circuitously purchased were used to kill.

A gun has limited use, but knives do not, so we believe that it would be better to strengthen the law in other areas and to propose restrictions on carrying in a public place and restrictions on what type of knife might fall under the provision. In relation to increasing the sentence for carrying knives in a public place to parity with that for guns, we believe that we are better able to tackle irresponsible and criminal use of knives and the mischief that the Government seek to address if we still allow the purchase of knives where that is done responsibly and for a harmless purpose.

Mr. John Redwood (Wokingham) (Con): I strongly support my hon. Friend the Member for Woking (Mr. Malins) in raising this important point. Many of us have seen a growing incidence of knife-based crime in our communities, which is alarming. I am pleased that he is campaigning on the issue and is trying to get the Government to take suitable action to deal with it. I am also pleased that the Government are legislating and I hope that the Minister will explain, if she does not welcome my hon. Friend's initiative, what else could be done to reassure people that knife crime can be brought under control.

6.15 pm

I also hope that the Minister and the Government can reassure us that there is no intention to obstruct the defence to alleged crimes of carrying a knife in a public place that someone has just been to the shop to buy new kitchen knives and is transporting them home, has taken a broken or damaged knife to a repair shop and is taking it home, or is getting a knife sharpened. Of course, it must be a legitimate defence that someone is carrying a dangerous-looking knife in the course of their trade—when people come to fit carpets or other floor coverings they often carry really frightening-looking knives, but they seem effective at doing their job, and such people would not be using them for criminal purposes. Although there is nothing about that in the Bill or in my hon. Friend's new clause, I hope that the Minister will reassure us that that is implied and will carry forward from previous legislation. Some mistaken comments have been made, which are unfortunate. We want a world in which law-abiding citizens, if they need a knife for the purpose of their trade or wish to take new knives back to their home, should be free to do so.

A stronger signal should be sent out, however, that the rising tide of knife crime is unacceptable and that if people are caught in public places with knives around their person for no good reason, very strong action will be taken. Although a person carrying a knife might not go out with a criminal intent, if they get involved in an argument or come under the influence of drink all sorts of dreadful things might happen that could not happen if that person has been persuaded not to carry the knife in the first place.

Hazel Blears: I thank Members for welcoming the Government's legislation on these issues. We are all concerned about the rise in people carrying knives and, in some cases, being prepared to use them. We therefore need strong legislation.

I am afraid that I cannot agree, however, that the maximum penalty for the offence of possession—two years—is inadequate. To set that in context, there is a

[Hazel Blears]

different though related offence—possession of an offensive weapon, under the Prevention of Crime Act 1953—which has a maximum penalty of four years. Which offence people will be charged with, and which offence is fulfilled, is a matter of circumstances. It is sometimes said that the second offence of possession of an offensive weapon is hardly ever prosecuted. I am happy to reassure Members that figures for 2004 showed that around 5,800 people were convicted of the more serious offence, which has a maximum penalty of four years, which is broadly the same number as were charged with the lesser offence of possession of a knife or bladed weapon. It is not a little-used offence, which is why the prosecuting authorities and police consider carefully which category defendants ought to fall into.

An "offensive weapon" means any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him or some other person. Clearly, therefore, the nature of the weapon, and the intention of the person carrying it, are an issue. There are certain key factors that put the offender into one category rather than the other. The first is the weapon itself—there is a whole schedule of different weapons that cannot be perceived as having any innocent use, such as butterfly knives, disguised knives and sword sticks, which are offensive weapons per se. If one is caught with those, one is automatically subject to the offence that carries the higher maximum penalty of four years. An offender can be charged with that more serious offence if he is in possession of, say, a kitchen knife, but threatens others with it—as was mentioned, if he draws it in the night, frightens people with it, or it is shown that he planned to use it. Someone who draws what would otherwise be an innocuous item in a threatening way, with intention to use it, may be judged to have committed the more serious offence, which carries a maximum of four years' imprisonment. The two-year maximum relates to the simple act of being in possession of a knife that is capable of being used non-violently in a public place. As the hon. Member for Woking says, we want to ensure that decent law-abiding citizens can still buy knives that could be used entirely legitimately without falling foul of the law. There is already a defence of having a knife with good reason or lawful authority.

I think we agree that maximum penalties should generally be proportionate, the aim being to indicate the relative seriousness of the crime. New clause 2 would raise the maximum sentence to five years, while the Liberal Democrats' new clause 7 would raise it to seven. I do not think that we are in the business of having a Dutch auction, but a comparator might be the offence of causing actual bodily harm, which carries a maximum penalty of five years in prison. Injury caused by that offence can be minor, but it is nevertheless real injury. Someone who simply possesses a knife without any intention of using it or threatening anyone with it could be subject to a higher maximum prison sentence than someone who had actually caused physical injury. That is why we believe that a two-year sentence is adequate for the former offence. Of course those who use knives are subject to penalties for offences ranging from actual bodily harm, grievous bodily harm and wounding with intent to much more serious offences, such as murder. Obviously severe penalties are available for those who use their knives.

The Sentencing Guidelines Council and the sentencing advisory panel are consulting on the "seriousness" test, in the context of a weapon's use as an aggravating factor. We entirely agree that higher sentences should be imposed on those who use knives in violent crime, but we think that that should be done through the Sentencing Guidelines Council. I hope that neither the hon. Member for Woking nor the hon. Member for Hornsey and Wood Green (Lynne Featherstone) will press their new clauses.

Government amendment No. 45 merely corrects an error in the drafting of clause 24. We want to make it clear that the definition of "dangerous weapon" does not include air weapons or components thereof.

Amendments Nos. 20 and 21 are a little more complex. I am grateful to the hon. Member for Woking for welcoming some of our proposals, and I hope that I can now be equally generous to him. The amendments concern the definition of "dangerous weapon" in clause 24. In its present form, the clause applies to

> "a firearm other than an air weapon or . . . a weapon to which section 141A of the Criminal Justice Act 1988 . . . applies (knives and bladed weapons)."

Amendment No. 20 would alter the second part of the definition to include section 139 of the 1988 Act, which contains a wider definition than the one in section 141A. It includes articles with a blade or point per se—not necessarily a knife or a bladed weapon. Compasses have been used as an example in the past. Section 141A includes such articles only if they were made or adapted to cause injury to a person.

A screwdriver, for instance, might have been specially sharpened for use as a weapon. It would fall within the section 141A definition of a knife or bladed weapon, because it would have been turned into a weapon. It would not, however, be covered by the wider definition sought by the hon. Gentleman, which would include objects that had not been made or adapted to cause injury.

Mr. Malins: Let us suppose that I say to a friend, "Please transport my bladed article—which is a knife—to the such-and-such estate or the such-and-such park, because once I am on that estate or in that park I want to carry it." It appears that that would not be an offence.

Hazel Blears: An unlawful purpose would have to be involved. That is part of the definition. I do want to consider the hon. Gentleman's amendment, because I want to be certain that there is no gap in the law and that the section 141A definition covers the circumstances that we want it to cover. I am not sure that the hon. Gentleman's amendment achieves that, because the definition would apply only if both section 139 and section 141A applied. Perhaps inadvertently, the hon. Gentleman has narrowed the definition rather than extending it.

The hon. Gentleman said that if a person persuaded someone else to hide a weapon, the maximum sentence could be four years rather than two. In creating a "minding" offence, we sought to put the penalty at the higher end of penalties relating to knives, because we consider that a serious offence. It is not a mandatory minimum, as in the case of guns; it is a maximum sentence to give the courts discretion to establish where the offence might lie. I do not entirely accept that there is a contradiction, because we have genuinely tried to place such offences at the higher end of the scale.

My reservation about the hon. Gentleman's amendment is that I do not want to muddy the water. I do not want to obscure the primary purpose of clause 24, which is to ensure that people do not seek to persuade others to conceal their weapons and thus evade prosecution and punishment. I do not want us to become so remote as to implicate what may be innocent articles that people have asked others to mind for them in innocent circumstances. We had a long debate in Committee about shotguns being left in the back of cars, and about whether that constituted inadvertence, negligence or recklessness. I do not want to repeat that debate now, but I assure the hon. Gentleman that I will look at his proposals again and consider whether there is a need for amendments to plug any gap that needs to be filled.

Mr. Malins: I warmly thank the Minister for her constructive approach to my amendments. I think that we all want to ensure that someone who said, "Please transport my bladed article across the [illegible] and give it to me at the other side, because I intend to do something with it tonight which I do not want to tell you about because it is not very kind" would be guilty of an offence. It was very thoughtful of the Minister to say that she would consider the matter.

This is a rare situation. The Minister has been kind enough to express sympathy with two of my amendments, and she is thinking of acting on them. I may achieve a first before long and have an amendment accepted by the Government, even if my drafting is not quite up to it.

Let me return to the important principle of a maximum sentence. I repeat that it is a maximum, not a minimum. Conservative Members believe that a maximum sentence of two years for carrying a bladed article is too low, in view of the enormous increase in such offences. The Minister said that the maximum sentence for carrying an offensive weapon was four years. We do not need to discuss what constitutes an offensive weapon; we know that a knuckleduster, for instance, is an offensive weapon per se. On the other hand, items made or adapted for offensive purposes can also come under the definition of offensive weapons. A perfectly innocent item such as a baseball bat, or a cricket bat—I apologise to the cricketers among us, if there are any—*[Interruption.]* I understand that there are distinguished cricketers on the Conservative Benches; and I forgot to mention your vital role, Mr. Deputy Speaker, in relation to parliamentary cricket, which is on our minds all the time and is much appreciated. Anyway, carrying a cricket bat in public with unlawful intent would put someone in the frame for carrying an offensive weapon. Actually, I would rather come across someone carrying a cricket bat in public than a bladed article. On that note, I believe that it is important to test the House's opinion on whether the maximum sentence for vicious, nasty offence of carrying a bladed article in public should, in these difficult times, be lifted to five years maximum. I believe that it should and I hope that the House does, too.

Question put, That the clause be read a Second time:—

The House divided: Ayes 199, Noes 277.

Division No. 89] **[6.30 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Baron, Mr. John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evennett, Mr. David
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Goldsworthy, Julia
Goodman, Mr. Paul
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Laws, Mr. David
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maude, rh Mr. Francis
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark

Pritchard, Mark
Pugh, Dr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Williams, Hywel
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Michael Fabricant and
Mr. John Randall

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Begg, Miss Anne
Bell, Sir Stuart
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Dowd, Jim
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Fisher, Mark
Flello, Mr. Robert
Flint, Caroline
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hillier, Meg
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
MacDougall, Mr. John
Mackinlay, Andrew
Mactaggart, Fiona
Malik, Mr. Shahid
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine

Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Speller, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Ian Cawsey and
Tony Cunningham

Question accordingly negatived.

Clause 1

DRINKING BANNING ORDERS

Amendment proposed: No. 28, in page 2, line 20, at end insert—

'(5) Before making a drinking banning order, a court may receive a report from an appropriate officer about the proposed subject of the order, which contains information about the subject and, in particular, about whether there is any reason to suspect that he may be—

(a) suffering from substance addiction (including alcohol dependence);

(b) a person falling within section 1 of the Mental Health Act 1983; or

(c) suffering from any other recognised physical or mental illness or condition which could either—

(i) affect his ability to restrict his intake of alcohol,

(ii) cause him to engage in criminal conduct while under the influence of alcohol, or

(iii) affect his ability to comply with a drinking banning order.

(6) In subsection (5) above "an appropriate officer" means—

(a) where the proposed subject is aged 18 or over, an officer of the National Offender Management Service, a doctor or a social worker of a local authority social services department;

(b) where the proposed subject is aged under 18, a social worker of a local authority social services department or a member of a youth offending team.

(7) If the court determines that the proposed subject of a drinking banning order may be a person falling within subsection (5)(a) to (c) above, the court shall not make a drinking banning order unless satisfied, on receipt of medical evidence, that—

(a) his ability to understand and comply with the order will not be significantly restricted by reason of his being a person falling within subsection (5)(a) to (c) above; and

(b) compliance with the order, either alone or in combination to any other order or sentence to which he is subject, would not have a deleterious effect on his mental or physical health.'.—*[Lynne Featherstone.]*

Question put, That the amendment be made:—

The House divided: Ayes 190, Noes 286.

Division No. 90] **[6.42 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Baron, Mr. John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
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Dorries, Mrs. Nadine
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Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Ferron, Tim
Featherstone, Lynne
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Gove, Michael
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Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
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Hayes, Mr. John
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Hendry, Charles
Herbert, Nick
Hollobone, Mr. Philip
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Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Laws, Mr. David
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
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Lilley, rh Mr. Peter
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Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maude, rh Mr. Francis
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Osborne, Mr. George
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Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Mr. Dan
Ruffley, Mr. David
Russell, Bob

Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
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Simpson, Mr. Keith
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Teather, Sarah
Turner, Mr. Andrew
Tyne, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
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Webb, Steve
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Widdecombe, rh Miss Ann
Wiggin, Bill
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Sir Robert Smith and
Jo Swinson

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Begg, Miss Anne
Bell, Sir Stuart
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Dowd, Jim
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Fisher, Mark
Flello, Mr. Robert
Flint, Caroline
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
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Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
MacDougall, Mr. John
Mackinlay, Andrew
Mactaggart, Fiona
Malik, Mr. Shahid
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela

Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Hywel
Wilson, Sammy
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Ian Cawsey and
Mr. Parmjit Dhanda

Question accordingly negatived.

Clause 11

INTERPRETATION OF CHAPTER 1

Amendments made: No. 42, in page 9, line 14, leave out paragraph (c) and insert—

'(c) every local authority in whose area the place where that individual normally resides is situated; and'.

No. 43, in page 9, line 21, leave out paragraphs (b) and (c) and insert—

'( ) a district council in England;'.—*[Hazel Blears.]*

Clause 12

ALCOHOL DISORDER ZONES

Lynne Featherstone: I beg to move amendment No. 38, in page 10, line 25, after 'retail', insert

', provided that the premises have been proven to contribute to alcohol-related disturbances'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments:

No. 39, in page 10, line 28, at end insert

', provided that the premises have been proven to contribute to alcohol-related disturbances'.

No. 17, in page 10, line 28, at end insert

', provided that in every case the local authority and the Secretary of State think it reasonable so to do.'.

No. 18, in page 10, line 28, at end insert

', provided that no charges shall be payable by any persons or clubs unless the local authority is satisfied on the basis of evidence that it is reasonable to impose charges on those particular persons or clubs.'.

No. 15, in page 10, line 31, leave out from 'the' to end of line 32 and insert

'purpose of reducing alcohol-related disorder in the locality.'.

No. 16, in page 10, line 33, leave out from 'as' to end of line 37 and insert—

'(a) the Secretary of State considers appropriate for securing that the funds that he considers appropriate are available (after the costs of the scheme have been met from the charges) to be used for any purposes specified or determined under subsection (2); and

(b) are commensurate with the level of responsibility for alcohol-related disorder in the locality of the persons or clubs so charged.'.

No. 40, in page 11, line 9, leave out 'and'.

No. 33, in page 11, line 13, at end insert

'; and

(c) the sale of alcohol has not contributed to alcohol-related disorder in the relevant alcohol disorder zone.'.

No. 41, in page 11, line 13, at end insert

'and

(c) the holder of the premises licence has implemented and taken the steps necessary to make the designation of the premises unnecessary, in accordance with the action plan set up by the local authority or the local chief officer of police.'.

No. 8, in page 11, line 22, leave out 'may' and insert 'must'.

No. 7, in page 11, line 23, at beginning insert 'the imposition,'.

No. 9, in page 11, line 29, after 'appeals', insert 'to the court'.

No. 12, in page 20, line 36, at end insert

'or to a term of 51 weeks imprisonment or both'.

Lynne Featherstone: I suppose that this chapter is probably where lies most legislative disorder. In all the amendments, I am trying to separate the chaff from the wheat, the good from the bad, and the honest and good landlord from the misbehaving landlord. We have concerns about the one-for-all and all-for-one approach in the imposition of alcohol disorder zones. We have been promised that guidance will make a differential in charging between the good and the bad, but as yet we have not seen formal guidance of any clarity that would allow us to have confidence that there will be a sufficient differential so that good landlords are not penalised.

There should be cause and effect, and punishment should be set out in the Bill. There seems to be more emphasis on location than on behaviour. I am not sure that that is a good principle or approach in terms of charging. We need a more causal link to establish whether premises or a pub have contributed to alcohol-related disturbances. Amendments Nos. 38 and 39 would establish a causal link between the alcohol-related disturbance and the licensed premises, be they a club, a pub or whatever.

If responsible establishments are caught in an area where ADZs are brought into being and those responsible find that they have to pay the charge, that is not only unfair but is a disincentive for licence holders to maintain good standards, when they are effectively to be penalised by the irresponsibility of other establishments. This approach appears to be somewhat contrary to the Government's consultation paper, "Drinking Responsibly", which has very much targeted responsible premises.

As for amendment No. 33, as I have said, there needs to be a more causal link. For example, an area might border an alcohol disorder zone. That area might be blamed for disorders that occurred when it had nothing to do with the adjacent area. However, it could be included in an exemption. The adjacent area would bear the brunt of the result of drunken and disorderly behaviour.

[Lynne Featherstone]

In stepping out of an ADZ one might go down a road along which there is a quiet pub where citizens are drinking responsibly until various times of the night, causing no disturbance. However, people coming from the ADZ make a noise and are riotous, and therefore are responsible for an extension of the zone. Through no fault of their own, the good pub owner becomes subject to charges.

The terms of amendment No. 41 were not even considered in Committee. They raise an interesting point to explore with the Minister. It reads:

"the holder of the premises licence has implemented and taken the steps necessary to make the designation of the premises unnecessary, in accordance with"

an agreed

"action plan set up by the local authority or the local chief officer of police."

7 pm

Once consulted on and agreed by the local authority and police officers, some establishments will comply with the eight-week action plan and spend money to facilitate and adopt it. However, they might get to the end of the eight weeks and find that others in the group have not adhered to it and have not undertaken the steps agreed. The local authority will then impose the ADZ and charge those establishments that had done everything that was asked of them. They will be punished alongside those who did not follow the plan. That is inordinately unfair and was not considered in Committee. I hope that the Government take that on board.

Ms Sally Keeble (Northampton, North) (Lab): I am pleased to be able to speak against the amendment. The proposals for the alcohol disorder zones are an important tool to deal with the specific syndrome that has developed around drinking in some of our towns and inner cities. Of course some licensees are good, but others are worse. However, the sum effect of having a large number of drinking venues in a small area is a cycle of behaviour that is destructive to the environment in a town centre and to behaviour in general. It also has an effect on what happens to crime and disorder in those areas.

We all know of that type of behaviour, which I described to some hilarity in Committee. It ranges from the mildly disorderly to the outrageously criminal. Some serious fights can happen in the course of an evening. If we are to crack that behaviour, which damages the economy in the town centre, spoils the environment and is a massive drain on police resources, we must have an effective tool. The alcohol disorder zone provides just that. It makes it possible to consider the servicing of a designated area and to make the industry realise that if it is going to take large amounts of money from young people in the area, it also has to deal with the consequences of their behaviour.

Many sections of the leisure industry oppose the measure. Indeed, I consulted some licensees in my area and they were opposed to it. I can understand why. No one wants to pay out money, and they do not want to pay what they perceive to be an extra amount when they have already paid their business charges. However, there is good reason for saying that it is appropriate to charge people in the sector extra for the services that they receive.

One argument to support that is the amount that is made out of alcohol. When I went around with the police in my patch some time ago, I talked to licensees about the money that people spent across the bars. Northampton is reckoned to be part of the golden triangle for 18 to 24-year-olds, and they have one of the highest levels of disposable income of people in their age group anywhere in the country. The owner of one of the venues in the town centre thought that some of the best clients spent about £1,200 a person a month just on drink. That is an astonishing amount. High profits are to be made, and it is only fair that the industry is told about the costs of running the sector.

Any town centre business has to pay for a certain level of policing because town centres need extra policing. They also need more street cleaning because there is a heavier footfall. I would also argue—the industry needs to consider this—that the cost of policing the late-night leisure industry is a disproportionate burden that should not be borne by general council tax payers. There is a disproportionate amount of littering from all kinds of sources. There is also more substantial cleansing because of people's behaviour when drunk. In addition, there is the completely disproportionate cost of policing.

The policing of Northampton town centre—I guess other areas are the same—is a drain on the routine police resources that are supposed to cover the whole county. It is unjust that people who expect to pay for policing to cover burglaries and crime in the suburbs should have the staffing resources pulled into the town centre on a Friday and Saturday night to manage the behaviour of one section of the community—the young people—and to manage objectionable events, such as fights, which can also be serious crimes. People do not think that the police should spend their time chasing drunken young people and managing their behaviour in the middle of town. The football industry has had to take account of its special policing needs and the costs fall on the clubs. We should say to the leisure industry in certain areas, "Look. The costs are disproportionate and you have to bear some of them."

I hope that Northampton borough council takes note of the Bill and uses it to sort out the town centre. The problem with the amendment, as with other amendments throughout our deliberations, is that it would make the measures unworkable. That is wrong. On the causal link, the problem is what happens in a town centre as a whole, not in one pub. Young people will go from one licensed premises to the next in the course of the night. They will end up in the worst place, where the drinks are cheapest, but there will be problems right the way down the line. It is wrong to table an amendment that would make the provision unworkable.

The Liberal Democrats have to be honest. If they amend the provision and make it unworkable, they cannot turn around at a later date and say, "By the way, we want this, that and the other town centre to have an ADZ because it will sort out the problems." If we are to tackle the problem, the legislation must be workable. Tabling wrecking amendments shows that they oppose the provision and are using weasel words to get around it.

I oppose the amendment. It is much better for the Liberal Democrats to stand up and say that they oppose alcohol disorder zones, if that is the truth of the matter, and I accept that there is an argument against them. However, I very much support the proposal. It is an important tool.

Lynne Featherstone: That is not the case. We think that we have to tackle town centre disorder and believe in the "polluter pays" principle, but we want to make the legislation more workable because there might be the unintended consequence of small businesses going broke. Does the hon. Lady think that it would have been more convincing if the Government had widened the powers of local authorities to apply saturation policies and limit the number of establishments? She is right: most trouble is caused where many places are close together.

Ms Keeble: When we talked about another provision in Committee, the Liberal Democrats said that we could not issue drinking banning orders without psychiatric reports. That was nonsense—I was going to say nutty—because, again, it would have made the provisions unworkable. Young people move around a town centre where there are a number of licensed premises, drinking as they go. It is ridiculous to ask, "Where did you drink the particular tot that got you over the top?" One might just as well ask where they ate their fish and chips that night and ban the fish and chip shop.

Lynne Featherstone: In that case, why does the hon. Lady reject the idea of capping the amount that could be charged? In Committee, the Government rejected a cap of 3 per cent. of the rateable value, which might have provided some security to the businesses involved. Given that there will be no cap, businesses are scared that they will go broke.

Ms Keeble: Of course businesses will claim that they will go broke, but that happens for all kinds of different reasons. The issue is how to manage the behaviour that is seen in town centres and encourage the industry to act more responsibly. The Bill contains a range of measures, and the provision for alcohol disorder zones is an important one. The zone and the charging can be structured in various ways, but it will not work if only applied to bad licensees. No one will admit to being an irresponsible licensee.

Lynne Featherstone: Does the hon. Lady agree that if more complete and definitive guidance on charging had been available, we might have been less nervous about the provisions?

Ms Keeble: No, I do not, because some areas have had voluntary charging schemes, that have worked fine. However, the problem with a voluntary system is that it cannot be implemented in areas where the licensees are being difficult. I can understand it if hon. Members need more information about charging regimes and regulations, but that is very different from tabling an amendment that would make the proposal unworkable. The proposals would be tough on the industry, but the voluntary schemes have proved that the industry is capable of dealing with them. Some sectors of the industry are also making a large amount of money. The schemes will be tough for some businesses, but they will also be an important weapon for the local authorities and police to have in their arsenal to deal with what has become a real problem. It is a problem not only in the demands it places on the police and local services, but for the viability of certain town centres. The sort of things that go on in Northampton town centre on Friday and Saturday nights every week are also damaging for business.

I support the Government's proposals and I oppose the Liberal Democrats' amendments because they would make the proposals unworkable.

Mr. Malins: In contrast to the hon. Member for Northampton, North (Ms Keeble), whose contributions in Committee I respected, I view the Liberal Democrats' amendments favourably. They draw our attention to an important aspect of the alcohol disorder zones, which is the basic unfairness of blanket coverage across a locality instead of targeting premises that are more culpable than others.

Clause 12 creates the power to impose charges on licence holders, but it is vague and uncertain. I cannot see how the House can properly be expected to debate the clause when it contains so many references to the Secretary of State making regulations on important matters. I may have missed something, but I do not think that I have seen details of those important regulations. For example, clause 12(2) states:

> "The Secretary of State may by regulations make provision requiring a local authority"—

to do something. Clause 12(4) states:

> "Regulations under this section fixing the rates of charges may fix different rates for different descriptions".

How wise can we be about the rates that might be fixed?

7.15 pm

Clause 12(7) states:

> "Regulations providing for a discount . . . may make a discount"—

in certain circumstances. We have not seen those regulations. Clause 12(8) states:

> "The Secretary of State may by regulations make provision about . . . the payment, collection and enforcement of charges."

I do not know whether the Secretary of State has made those regulations yet. If he has, I hope that someone will draw them to my attention, because the House needs to look at them carefully. Perhaps the Minister will be able to tell us when the regulations will be published. Can we be sure that they will be available for debate in the other place? May we have a date for the production of the regulations? The vagueness and uncertainty of clause 12, coupled with what may be a basic unfairness, trouble my party, and that is why the Liberal Democrat amendments are commendable.

I tabled amendments Nos. 17, 18, 15, 16, 8, 7, 9 and 12. It may well be the case that we will wish to test the opinion of the House on amendment No. 18, which addresses the fundamental proposition that we face tonight. Clause 12(1) states:

> "The Secretary of State may, by regulations, make provision for the imposition by a local authority of charges to be paid to the authority for each month by"—

[Mr. Malins]

licence holders, in effect. Amendment No. 18 would add the words:

> "provided that no charges shall be payable by any persons or clubs unless the local authority is satisfied on the basis of evidence that it is reasonable to impose charges on those particular persons or clubs."

I seek to establish the principle that charges should be paid by licensed premises and clubs only if there is some tangible evidence that they are culpable in relation to the incidents of alcohol-related disorder in their area. It would be nonsense to penalise small and innocent licence holders when the problems have been created by others.

We all know that there is immense alcohol-related disorder on the streets at night, but when it happens in our constituencies we know the premises from which the trouble emanates. The provisions would condemn sports clubs, cinemas that sell alcohol and restaurants from which no trouble emanates—or if it does, it does so rarely. They should not be punished for the problems caused by some pubs. I know a pub in the north-east of England where I tried my luck on the slot machine. I put a token into the slot, pulled the lever and instead of three cherries coming up, a sign says, "Next drink free" or "Next drink half price" or "Sorry, next drink normal price". Many premises contribute to the incidence of alcohol-related disorder in their area by their conduct. Happy hours are extended for a long time. Some pubs give young girls free drinks to get young boys to go into the pub. We know that pubs serve people who are drunk and who should not be given drinks in that condition But how different are they in terms of guilt for disorder in their area? How different is their position from that of other licensed premises? It is that essential element of fairness that leads me to propose strongly to the House my amendment No. 18, which requires the local authority, before imposing charges, to be

> "satisfied on the basis of evidence that it is reasonable to impose charges on those particular persons or clubs".

The Government are getting extremely used to quoting the police and saying that if the police say something it must be right. I have a feeling that they said that in a debate in the House last week. The Government said "Well, the police think so, therefore it follows that it is right." In that case, what do the Government say about the fact that the Association of Chief Police Officers does not like the concept of alcohol disorder zones? ACPO takes the view, as do many others, that such zones not only highlight hot spots but may in some cases exacerbate problems and attract troublemakers to an area.

Will the Minister deal with what is meant by the word "locality" on page 11, line 43? Yet again, the meaning of the word is vague and needs to be defined carefully by the Minister. The Collins dictionary defines it as a neighbourhood or an area, but other dictionaries offer a different explanation and state that it is a site or the scene of an event.

Amendment No. 17 is the forerunner to amendment No. 18. It takes an alternative approach to line 28 on page 10, requiring that in every case, before imposing charges,

> "the local authority and the Secretary of State think it reasonable so to do".

I have already spoken to amendment No. 8.

May I refer the Minister to subsection (6) of clause 12 which deals with the possible exemptions from charges for which regulations may provide? Again, we are no wiser about which exemptions will be laid down in relation to persons or licence holders who will be exempt from charges. The provision refers only to regulations that "may provide", so will the Minister discuss with us the position of non-normal, slightly unusual, licensed premises?

The explanatory notes are well worth reading, as they state that the purpose of subsection (7), which deals with regulations providing for discounts or exemptions,

> "is to ensure that premises such as restaurants, cinemas and gyms, which do not significantly"—

a word of some interest: what is meant by it?—

> "contribute to the problems of alcohol-related violence and disorder, do not have to pay the charge."

Can the Minister tell us what will be the position of those premises? These are key questions. Many licence holders and holders of club registration certificates will want to know whether they will be exempt and are scratching their heads about that interesting point in the explanatory notes—I appreciate that the Minister did not draft the notes personally—which states that a person may be safe if they do not "significantly contribute" to the problems of alcohol-related violence. May we cover restaurants, cinemas and gyms?

May we also cover private clubs? In every constituency, there are a number of law-abiding private clubs, mostly sports clubs, but also political clubs with a licence where people mainly go to drink. Many premises need to be covered, so we need an explanation from the Minister of what the regulations will say. Who will be covered and who will not?

Jeremy Wright: Does my hon. Friend agree that more alcohol is consumed in some restaurants than in some pubs, so those restaurants would be contributing more substantially to the problems that the Government want to address, yet their purpose as restaurants is not primarily the supply of alcohol?

Mr. Malins: My hon. Friend makes a good point. That is undoubtedly true of some restaurants. He hammers home the point that we need a real explanation from the Minister about which premises will and will not be covered, and in what circumstances premises would find themselves saved from the need to impose the charges.

Ms Keeble: In some areas, the distinction may be a fine one, but does the hon. Gentleman accept that there is a world of difference between a restaurant where people have something to drink with their meal and a vertical drinking place where young people drink as much as they can and are shoved out on to the street? It is the second that causes the problems in a large number of our town centres.

Mr. Malins: The hon. Lady makes a fair point, but we must decide what the Bill says and means. Although it is undoubtedly true that standards of behaviour vary between premises, it is equally true that the clause will affect little corner shops or specialist trade off-licences whose contribution to alcohol-related disorder is zero. Of course, many of us think that some pubs need attention and that some restaurants might, but some pubs might not. That is where the measure is so vague. In Committee and throughout our debate today, there has been a complete absence of further explanation from the Government about what on earth they mean by the clause, so it is difficult for us to decide whether it is appropriate.

Will the Minister make the clearest possible statement about clubs such as night clubs, where people predominantly go to dance—or do they? Do they go to such clubs for alcohol? I do not dance—*[Laughter.]*—if I can help it. By mistake, I took rock and roll dancing lessons about two years ago. It was a pathetic sight. However, people in the trade want to know about the position of night clubs where there is a serious combination of music and heavy drinking. Will they be exempted under subsection (6)?

Ann Coffey (Stockport) (Lab): I am sure that the hon. Gentleman accepts that constituencies differ, as do town centres. Does not he feel that the appropriateness of the provisions in a particular area—their effect on restaurants and so on—would be taken into account by the crime partnership before considering an alcohol dispersal zone? Is not it a tool that can be used effectively in places where local crime partnerships feel it important? I cannot understand why he does not want to give that option to councils, such as Stockport, which have huge problems of alcohol-related disorder in their town centres.

Mr. Malins: The hon. Lady makes a sensible and accurate point about different problems in different constituencies. One would want to ensure that sensible discretion is used, but I remind her of what I said a few moments ago: we are debating a Bill and we need to ensure that it leaves the House in a state that we can understand and predict. Although the hon. Lady and I might agree that premises that are not the cause of alcohol-related disturbance should not be charged, that is not in the Bill. We need much more explanation from the Minister about the meaning of the clause.

Clause 12(2) deals with the use to which sums received by the local authority will be put and is a tremendous example of vagueness. It states that the Secretary of State may make regulations—terrific—

> "requiring a local authority that imposes charges . . . to use sums received by them in respect of those charges for the purposes specified . . . under the regulations."

How on earth are hon. Members supposed to have a meaningful debate about that? Frankly, it could be no more than a tax-raising exercise by local authorities. Why is it not possible to insert, as I seek to do in amendment No. 15, a requirement that the purpose should be to reduce alcohol-related disorder in the locality, as opposed to any purpose that the Government might deem appropriate when they make some regulations, as suggested in the Bill.

7.30 pm

Ms Keeble: I assume that the hon. Gentleman's point relates to policing and crime, but does he not accept that major issues, such as cleansing and other services, are key to what happens in the town centre and closely linked to drink-related behaviour? The proposals are not just about policing costs. Street cleaning and design are important in helping to deal with the problem, as the Minister would agree.

Mr. Malins: Funnily enough, that may be true, but the problem is that none of it is set out in the Bill and we will never see the regulations. It is right to insert a requirement that the money must be used for the purpose of reducing alcohol-related disorder in the locality. Frankly, if the Government had introduced a Bill in which they had set out certain other purposes for which it should be used, including street cleansing, as least we would have something to debate tonight, whereas the truth is that we have nothing to debate at all.

Mr. Lee Scott (Ilford, North) (Con): Constituencies such as mine do not have a primary town centre and public houses are in residential areas, where vast disturbance is caused to residents. Does my hon. Friend agree that, in such areas, money should be directed to stop the cause: antisocial drinking and antisocial behaviour? Surely, that would make more sense.

Mr. Malins: Again, my hon. Friend makes a good point—I cannot but agree with him—but in a sense he reinforces the fact that we simply do not know what the Government have in mind under the Bill. We would like to know what they have in mind.

Amendment No. 16 takes the matter not much further in the sense that it is a repetition in a different part of the Bill of a point that I made earlier, and it is to the effect that the charges should be

> "commensurate with the level of responsibility for alcohol-related disorder . . . of the persons or clubs so charged."

Surely the Minister would feel it appropriate to accept amendment No. 8. Clause 12(7)(b) states that the Secretary of Sate "may" by regulation make provision about the payment, collection and enforcement of charges. I may have misunderstood the word "may"—it may have some parliamentary meaning that has completely escaped me—but I am not sure about that. It seems that the word "may" means that she may or may not. I see absolutely no reason why the word "must" should not go into the Bill, as I suggest in amendment No. 8. Likewise, amendment No. 7 says that the regulations should deal with the imposition of charges, which is to say the basis on which charges are imposed on licensed premises.

Amendment No. 9 is quite important and relates to clause 12(8)(b), which states that the Secretary of State may by regulation make provision about

> "appeals against decisions determining such questions."

The appeals point is very important indeed. My amendment suggests that the appeals should be made to the court. The reason I tabled that amendment is, yet again, that the Government have included the most vague statement: they may make regulations about appeals. We must face the fact that some licensed premises or, indeed, trade organisations will decide that they want to appeal against the imposition of such charges on their own premises. What can we debate about the appeal?

[Mr. Malins]

Bills that relate to crime normally at least include a provision of appeal to a court and deal with matters such as legal aid. One can get one's teeth into that, but it seems quite vague to say that regulations can make provision about appeals. Can the Minister specifically tell us today to whom the appeals will be made? Is there an undoubted provision for appeal? Who has the ability to overturn—if she thinks that it is not improper to overturn—the decision of the local authority?

Amendment No. 12, which is linked to this group, relates to a different clause, which deals with selling alcohol persistently to children—one of the new offences that we discussed at some length in Committee. My amendment is simply a probing amendment. Whereas I always thought that it was an offence to sell alcohol to under-18s, the Government suggest another offence of persistently selling alcohol. There might be another offence next year of persistently selling alcohol persistently. It is either an offence or it is not.

The Minister may tell me how many people have been charged in the past 12 months with selling alcohol to under-18s. Does she know? Perhaps she would like to intervene to tell me now, because that might shorten my next comments. It appears that she is not entirely sure whether anyone has been charged with the existing offence under the law.

Ms Keeble: Police officers have told me about the difficulty of using young people's evidence to get a conviction. The offence of selling alcohol to children is phenomenally difficult to prosecute. The police might know that it is going on, but they find it difficult to get the evidence.

Mr. Malins: It may indeed be a difficult offence to investigate and bring charges, which is clearly why the Government have made it so much easier by giving us the new offence of doing it three times. Of course, that will ease the position, and the hon. Lady's undoubtedly sincere doubts about the ability to enforce the law will be eased by the fact that, now that it is an offence to do it three times, it will be a matter of great simplicity for the police force.

I merely wonder in amendment No. 12 whether a custodial sentence for that very serious offence should be inserted in the Bill. I shall bring my remarks to a close by saying that those who are engaged in the wine, spirit and pub world are universally worried—very properly so—about the whole concept of alcohol disorder zones and would undoubtedly support my proposition that the charges should be imposed only where there is an element of guilt.

The Campaign for Real Ale was one of the first to write to me saying that the zones might

"inhibit moves towards a more responsible drinking environment by treating",

as the Bill does,

"all licensees the same regardless of steps taken to encourage responsible drinking."

CAMRA, like many others, believes that there should be discounts for well-run community public houses. Justice, which is a very respected organisation, is again

"concerned that these zones discriminate insufficiently between premises that are a cause of alcohol-fuelled crime and disorder and other premises that merely happen to be in the same locality."

It is concerned about clause 12(7)(b), which provides that

"premises whose main purpose is the sale of alcohol may not be exempted from charges."

It believes that

"those premises that are not contributing to offending behaviour should be exempt from charges.

It is also right in saying that

"premises for which exemptions are allowed by clause 12(7) may include those that are contributing substantially to disorder—there may even be legal argument as to whether nightclubs are included."

I hope that the Minister will comment on that.

I had a long meeting with Tesco, which represents several people interested in the supermarket trade. It, like many others, is extremely responsible in its approach to the sale of alcohol. There is a strong argument that such supermarkets should be excluded from the provisions altogether, because the main purpose of entering them is not to buy alcohol. The Government's assertion that off-licence shops and supermarkets are a significant cause of alcohol-fuelled disorder is not good because their consultation in January conceded that any causal link between the behaviour of an individual and off-sales of alcohol was "tenuous".

The British Retail Consortium is among other bodies that have added their objections to the concept. It talks about its attitude towards responsible retailing and expresses concern about the absence of an appeal. Interestingly, it points out that

"this legislation applies to all retailers who hold a licence to sell alcohol. This would include shops such as John Lewis, Boots and Next who sell alcohol at promotional times of the year but are in no way connected with the problem of alcohol fuelled violence."

Will the Minister confirm whether such premises would be exempt?

The Wine and Spirit Trade Association, which is a responsible body, says:

"We are concerned that the introduction of alcohol disorder zones . . . will have unintended consequences."

It says that the zones will

"penalise small businesses on the basis of their location and will levy charges on responsible business to pay for less-conscientious retailers."

It feels strongly about the matter. Apparently, Home Office officials have made it absolutely clear that

"all restaurants and hotel bars will be exempt from charges".

Will the Minister confirm whether the Home Office has said that? If so, is it wise?

A principal objection is the catch-all and unjust nature of alcohol disorder zone provisions. I repeat again that the Association of Chief Police Officers opposes the concept. The British Hospitality Association is worried on behalf of restaurants, cinemas and gyms. It is concerned about the unfairness of many of the provisions that face it.

Amendment No. 18, which addresses charges in alcohol disorder zones, would ensure that we include in the Bill at least a reference to the fact that payment should be made by those who are culpable, rather than those who are not. The rest of my amendments draw the House's attention to the fact, which must by now be absolutely plain, that clauses 12 and 13 are riddled with uncertainty and vagueness. The Minister has a duty to the House to put us straight on exactly what she means.

Ann Coffey: I was not intending to speak in the debate, but I have been somewhat incensed by comments made by Opposition Members.

The hon. Member for Woking (Mr. Malins) read into the record many objections to the proposals by a variety of interest groups in the licensed trade. My constituents are hugely worried about alcohol-related disorder and offences in the town centre. The problem arises not only on Friday and Saturday nights, but on Thursdays, Wednesdays, Tuesdays and Mondays. Young people go out for the night, visit numerous pubs and night clubs in the area and end up the worse for wear. They can be assaulted while in a vulnerable state, or assault other people while fuelled by alcohol. There are ways of prosecuting such people, but if we accepted the Liberal amendments we would have to find out which pub caused the alcohol level that induced the violent offence, which would be absolutely impossible. If the Liberal amendments were accepted, nothing would happen. We would have a totally ineffective measure on the statute book.

Philip Davies (Shipley) (Con): Does the hon. Lady accept that the police in Stockport and her constituents will have a fair idea about the premises that cause the most problems? Does she not think that it would thus be possible to identify the premises from which most problems come?

7.45 pm

Ann Coffey: Yes, but suppose that a young person who had committed an offence had had four pints in one pub, two vodkas in the next pub and a couple of drinks of whatever in another pub. Which pub should be prosecuted? The situation would be absolutely impossible.

Mr. James Paice (South-East Cambridgeshire) (Con): Perhaps the answer to the hon. Lady's question lies in the fact that it is an offence to sell alcohol to an intoxicated person, so the last pub must be the culprit.

Ann Coffey: That is very interesting, but I defy the hon. Gentleman to identify the point at which a person drinking alcohol reaches the point of total, rather than relative, intoxication. The process of becoming intoxicated is gradual. A person is not, one moment, not intoxicated and, the next, intoxicated. That makes it almost impossible to prove which pub is relevant to the intoxication.

An alcohol disorder zone is a good idea because all licensed premises in that area will have a duty to ensure that anyone drinking in them, or indeed leaving them, is in a proper state. Until we are able to establish alcohol disorder zones, everyone will suffer from the current problem of young people on the streets who are in a state in which they should not be. I do not want to see any more young people being knifed and beaten up in Stockport town centre by other young people who are drunk because they have been out in pubs and clubs that are not responsible enough to control their behaviour: enough is absolutely enough.

Stockport council will not have to apply for the town centre to be an alcohol disorder zone—the crime and disorder partnership need not bother. However, the council should be given the option of doing so because that is what local democracy is about. The tool should be available for it to make such an application and local people can then hold it responsible for their actions.

We in Stockport are fed up with the situation. We are also fed up with the mealy-mouthed words of Opposition Members about any proposal that the Government make to try to sort things out—live in the real world.

Mr. Redwood: I share the passion of the hon. Member for Stockport (Ann Coffey) to see something done about drunken and disorderly conduct in town centres. The issue before the House is not whether we wish to tackle such gross abuse of our town centres at night—everyone in the House wishes to do so—but how we can do that most effectively and justly.

I support the amendments tabled by my hon. Friend the Member for Woking (Mr. Malins), especially amendments Nos. 18 and 16, which go to the heart of the issue. It would be not merely unjust to impose a tax or levy on licensed premises or restaurants with licences that are perfectly well run, but totally ineffective. Just as the hon. Member for Stockport is passionate about wishing to control disorder in Stockport, I am passionate about wishing to control disorder anywhere in our country, especially places near my constituency. However, I do not for one moment believe that if we impose an extra tax or levy on those who run orderly premises in our society, it will have any impact on disorder. We need to get to the cause of the disorder.

Licensed premises in some towns and other centres might be breaking the rules of their licence, or breaking the law. If they are knowingly selling alcohol to minors, they should be prosecuted. If they are knowingly selling alcohol to people who have already had too much—and visibly so—we are all in favour of action being taken. However, Conservative Members are worried about an ineffective and unjust proposal that will allow any premises with a licence to be clobbered because people misbehave, although many such premises will have had nothing whatsoever to do with the offence and the misbehaviour.

It is likely that in many cases a locality will mean a complete town centre. In a town such as Reading, which I know well because it is just over the border from my constituency, or even a small and relatively well-ordered town such as Wokingham, it will be difficult to draw a line between different streets. Drunkenness spills out across the town centre, and councillors are likely to want to make the whole area into a zone. It is therefore vital that the Minister tells us in general what exemptions would be permitted inside such a large area, which will include many licensed premises that have nothing to do with the trouble.

[Mr Redwood]

The Government argue that the people who cause the problems ought to be made to pay. However, those problems are caused primarily not by individuals running licensed premises and businesses but by the drunks themselves. How do the Government propose to make sure that they pay their fair share towards cleaning up the mess and dealing with the damage, and towards the cost of the extra health and policing services that are needed?

Why do the Government think that it makes good or effective law to charge innocent people who are trying to run decent businesses in a town centre and who may offer a countervailing pressure to the unruly behaviour of a minority in a limited number of premises? That would not improve the situation, and would clearly make it worse. The only thing that it is likely to do is drive more of the decent businesses out of town centres to areas where they will not become part of a zone, thus compounding the problem in the town centre, where the wrong kind of businesses will remain. I hope that the Government take seriously the amendment tabled by my hon. Friend the Member for Woking, and introduce a provision along those lines.

Jeremy Wright: I, too, support the amendments that my hon. Friend the Member for Woking (Mr. Malins) has tabled, particularly amendment No. 18. Alcohol disorder zones have the potential to be not only unfair but counter-productive in many ways. The unfairness has been dealt with in detail by other hon. Members, so I will not address it at length. However, the problem does not, as the hon. Member for Northampton, North (Ms Keeble) suggested, stem from the fact it is difficult to isolate individual premises that supply the drink that makes someone drunk or pushes them beyond that point, causing them to come into conflict with the forces of law and order. The problem is that the Government are introducing proposals that financially penalise businesses that operate in the alcohol disorder zone, whatever they do, whether it is right or wrong.

Under those circumstances, the burden of proof rests with the Government to demonstrate that all those businesses share the blame. There is a risk that the proposals will be counter-productive. In Committee, the Minister talked about various programmes and schemes, including the "best bar none" scheme, to which premises could subscribe. They could sign up to best practice proposals and do everything that the Government and the rest of society expected of them by refusing to serve people who were drunk, by behaving responsibly, and by operating their businesses in a way that minimised any disorder outside their premises, but they would still be liable for payment in an alcohol disorder zone. If that is the case, there is a danger that those businesses will simply throw up their hands and say, "Why should I bother? Why should I sign up to all the schemes that the Government want me to join and still have to pay my money?"

Ms Keeble: I argued that we could not trace the final pint. However, the industry will, by its very nature, incur extra costs. I will not go into detail, but I believe that the industry should bear a greater proportion of the costs.

Jeremy Wright: If the hon. Lady is saying that people who supply alcohol to individuals who become drunk and cause disorder should bear the burden of costs, I agree. However, I do not agree that we should assume that every supplier of alcohol is therefore irresponsible. The assumption made by those who framed the proposal is that people who live or operate and work in a particular area of town that the council has designated an alcohol disorder zone must be contributing to the problem and will therefore be charged for the expense of sorting it out. That is fundamentally unfair. If we want premises to comply with all the wonderful schemes and positive measures that have been introduced they will not be encouraged to do so if they are subject to a financial penalty, whether or not they take those measures. The Government must address that difficulty if alcohol disorder zones are to be as effective as they want them to be and, even more worryingly, if they are not to cause our town centres, pubs and clubs to be less inclined to do precisely the things that they would like them to do.

Sammy Wilson (East Antrim) (DUP): I welcome the concept of alcohol disorder zones and I trust that one day the legislation will be extended to Northern Ireland, where there are areas of great disorder associated with licensed premises. There is the added effect of sectarian behaviour by the people who use those premises.

The principle of the polluter pays together with the use of market forces to meet the social costs incurred by businesses is well established. Our debate has centred on whether everyone engaged in the licensed trade is responsible to some extent for those social costs. A number of hon. Members have concluded that some people in the licensed trade sell alcohol but do not contribute to the social costs and, if we accept that argument, the legislation is unjust and unfair. I have listened closely to all the arguments, and some Members said that some individuals are more culpable than others. It was said that some are culpable, but others are not culpable at all.

We have heard a wide range of examples, but when people sell alcohol, especially in an area with a collection of pubs and licensed premises, everyone is culpable to some extent. As has been pointed out, when people go out for the night, they often go from pub to pub until the alcohol in their blood stream builds up and they engage in antisocial behaviour. It is difficult to pinpoint the premises concerned because, as all our constituents know, the disorder is not always associated with premises. It does not happen inside or immediately outside the door—it could happen half a mile away. It is therefore difficult to identify who is culpable.

Jeremy Wright: Does the hon. Gentleman accept that it is possible to sell alcohol responsibly? If so, can a responsible seller of alcohol work next door to an irresponsible one in an alcohol disorder zone, and would it be right to penalise him?

Sammy Wilson: Whether one sells alcohol responsibly or not, someone could buy one drink in one pub and another drink in another pub. A youngster could visit 10 pubs, and in each of them people could sell him alcohol responsibly. In each pub, he would have only one drink but there would be a cumulative effect, so that that youngster, or a group of youngsters, would go out and behave in a disorderly way.

Philip Davies: Is not the hon. Gentleman, with the nodding approval of Government Members, making a case for banning alcohol altogether?

Sammy Wilson: No, I am not. I am arguing that where there are antisocial effects as a result of commercial activity there must a way of recouping the costs. I would like to put some questions to the Minister.

Mr. Brian Binley (Northampton, South) (Con): Before you do—

Mr. Deputy Speaker (Sir Alan Haselhurst): May I remind the hon. Gentleman again about correct parliamentary language?

Mr. Binley: Thank you for your guidance, Mr. Deputy Speaker.

Does the hon. Gentleman recognise that, very often, the people in question will have three or four pints outside any given zone before entering the zone and enjoying themselves further until they reach the point where they are beyond the pale? Does he accept that, in his terms, people outside the zone are equally culpable?

8 pm

Sammy Wilson: It is a difficult question. We have to define the zone fairly well, but just because there are difficulties we cannot take the view that we should not try to recoup some of the costs associated with alcohol-related disorder.

I accept that some sellers of alcohol are more irresponsible than others. I therefore ask the Minister for some reassurance regarding the practical implications of the measure. The Bill provides for the fixing of

"different rates for . . . different descriptions of premises"

and different rates of discount. Will the Minister give examples? Will such conditions and provisions ensure that differentiation of premises is possible? I do not accept that we can take a black-and-white view in which some are wholly guiltless and make no contribution to the problems. We would run into great difficulties if we tried to do so. No landlord will say, "I am a bad landlord." All will say that they are good landlords, but we know that some try to get as much money as they can from youngsters in as short a time as possible. Those people will be penalised more than those who attempt to reduce the effects of the sale of alcohol.

Jo Swinson: The hon. Gentleman talked about someone going to 10 pubs and having one drink in each. Does he agree that it is likely that the landlord of the 10th pub is being less responsible because the chances are—it depends on the individual's tolerance—that by that point the individual is already intoxicated and selling alcohol to them is already an offence? Does he agree that enforcing the existing law is a way of dealing with the problem.

Sammy Wilson: That point has been made, and I accept it. However, it is not just the last landlord—others have contributed to the individual's drunkenness. Disorderly behaviour does not require a person to be totally drunk—sometimes their inhibitions are lowered simply by the consumption of some alcohol. It would be difficult to establish a cut-off point—to determine the point at which the person became drunk and hold only the one landlord responsible.

I seek some assurances from the Minister because I believe that there should be some differentiation. I shall listen carefully to her reply.

Hazel Blears: I have to tell the hon. Members for Woking (Mr. Malins) and for Hornsey and Wood Green (Lynne Featherstone) that I am unable to be as generous on this group of amendments as I was in earlier debates. I propose to resist every one of them.

The whole idea of alcohol disorder zones is that they will be a last resort. It is not that we think that police and local authorities should seek an ADZ in the face of one or two irresponsible premises. They should use the powers under the Licensing Act 2003 and the much strengthened powers available under our new licensing legislation to bear down on individual premises. An ADZ is designed to deal with a significant number of premises and a general problem, and the process of applying for an ADZ makes that clear. In Committee we debated the process at some length—there will be an initial proposal, then an action plan and time to implement it, and only if that does not work will the point of designating an alcohol disorder zone be reached. Just as drinking banning orders are designed to achieve behaviour change on the part of individuals, ADZs are intended to secure behaviour change on the part of licensees of licensed premises, nightclubs and other organisations. Our aim is to ensure that people take some collective responsibility for the problems that all too often beset us in our town and city centres. The hon. Member for East Antrim (Sammy Wilson) made some good points about differentiation, which I shall deal with later in my speech.

Liberal Democrat amendments Nos. 38 and 39 are about culpability—their aim is to make a connection between the behaviour and the charge. My hon. Friend the Member for Stockport (Ann Coffey) gave a most passionate explanation of the policy and made it clear that if we were to accept the amendments, ADZs would be unworkable. The note I made asks, "Was it the gin and tonic in the cocktail lounge that caused the bad behaviour, or was it the pint of lager in the Rat and Parrot that made the people drunk and get involved in a fight later, when they were seeking a kebab or a taxi?" It is almost impossible to ascertain which was the drink that tipped someone into committing the sort of violent crime and disorder that we want to tackle.

Having said that, we have tried to ensure that the charges that we shall introduce relate to the degree of risk emanating from individual premises and reflect as far as possible the extra services that will be provided to those premises, whether they be extra enforcement visits by the police, extra test purchasing by trading standards to determine whether alcohol is being sold to under-age youngsters, or extra street cleaning directly outside the premises to deal with the unfortunate behaviour of the patrons of those premises. A real attempt is being made to make sure that we take a bespoke approach.

Mr. Ellwood: I am pleased to hear the Minister talk about behaviour change because more emphasis should

[Mr Ellwood]

be placed on that aspect. Bournemouth has a lot of challenges with the night-time economy. Clause 12(2) states that provision will be made for a local authority to impose charges. What might the maximum charge be?

Hazel Blears: I am aware that the hon. Gentleman's constituency experiences a lot of night-time disorder and I commend his local police force, which was one of the first to issue fixed-penalty notices in the city centre, which has made a big difference. I am not in a position to say that there will be a specific maximum charge; I am trying to ensure that there is some local flexibility regarding different premises.

I say to the hon. Member for Woking that no, we do not have the regulations before us. However, since before the Committee stage the hon. Gentleman has had a fairly extensive paper that set out the range of costs based on the level of interventions and on factors such as basic pay, allowances, national insurance and superannuation. The paper offered a detailed calculation of the potential costs. It described several options for charges and we decided on option 1, which is to aim as far as possible for bespoke charges for individual premises without creating a completely bureaucratic system. The paper discussed exemptions from the compulsory charge—restaurants, hotels, theatres and gyms would be exempt under the two limbs of the exemption clause. We set out the process for obtaining an alcohol disorder zone designation and, in annexe B, we set out in some detail all the types of activity that could be funded under an ADZ, including employment of door staff and taxi marshals and additional street cleaning. It is uncharacteristically unfair of the hon. Gentleman to say that that information was not provided. The paper was a lengthy exposition of the matters that will be covered in regulation and guidance.

Mark Pritchard: Does the Minister agree that local knowledge will be extremely important in relation to alcohol disorder zones? If she does, does she have peace at night when she considers the Home Secretary's plans to regionalise police forces such as West Mercia police, which has that local knowledge? Regionalisation of police forces will not increase local knowledge, but diminish it.

Hazel Blears: I sleep very peacefully in my bed, when I get to it, knowing that this Government are introducing neighbourhood policing in every community across the country, which will make a real difference to our constituents.

The hon. Member for The Wrekin (Mark Pritchard) has taken issue with the hon. Member for Woking, who tabled an amendment that would allow the Secretary of State to make decisions in Whitehall. The power is meant to be local and flexible, which has divided opinion on the Opposition Benches.

The hon. Member for Woking has said that the Association of Chief Police Officers does not support alcohol disorder zones. In its letter of 18 March, however, it stated that it did see alcohol disorder zones as a welcome step forward. It said that it responded to its long-held concern that the industry needs to shoulder greater responsibility for the disorder to which excessive drinking gives rise. Similarly, the Local Government Association supports alcohol disorder zones, so it is entirely wrong to characterise alcohol disorder zones as a policy introduced by the Government without the support of important stakeholders.

Mr. Redwood: Can the Minister see that it is difficult for hon. Members to make a fair judgment on the proposal if we do not know how big a charge might be imposed on businesses in such zones and what kind of discount might be available in certain circumstances? If she wants us to eat her dish—she says that it is tasty—she should tell us its price.

Hazel Blears: We will introduce regulations, which will be subject to debate, but today we should debate the principle of alcohol disorder zones.

I am happy to confirm to the hon. Member for East Antrim that different charges will be based on a risk assessment of extra enforcement activity in relation to individual premises, and the risk assessment for a 1,000 capacity nightclub may be very different from that for a small local pub. We will also examine discounts, which cannot be introduced until we have introduced the principles and standards code of practice to which the industry will sign up. Once that agreement is in place, people who abide by the provisions in the code of practice will be eligible for discounts, which, at least partially, addresses the point raised by the hon. Member for Hornsey and Wood Green that people who comply with the action plan should be subject to a lower charge. When bar and pub owners do their best to be responsible, it should be acknowledged.

I want to discuss the individual amendments, because we need a little time to discuss some of the other provisions in the Bill. I reject the amendments that seek to establish an audit trail and culpability, which is not the idea behind alcohol disorder zones. I reject the amendment tabled by the hon. Member for Woking on decisions being made in Whitehall, which would be extremely bureaucratic. This is a local power and it should be used locally. When an area is defined, tension may arise, which is why I said in Committee that the police and the local authority must be careful when they draw the boundary and make sure that it is not either too wide or too narrow to catch the mischief that they are seeking to address.

Opposition amendments Nos. 15 and 16 would prescribe the purposes to which funding may be put, but we do not need to include such a provision in the Bill. I made it clear in Committee that the range of additional interventions will be set out in regulations and guidance and I discussed police enforcement and trading standards test purchasing. For example, environmental health officers can deal with excessive noise, which causes a significant problem for many of our constituents, and areas such as street cleaning are important, too.

Liberal Democrat amendments Nos. 33, 40 and 41 seek to widen the exemption. At the moment, the exemption has two limbs—whether the principal use of the premises is the sale and supply of alcohol and whether the principal reason why people visit a premises is to obtain alcohol. In order to obtain an exemption, people must meet both limbs of that test, and as I said in Committee, hotels and restaurants—I also mentioned gyms and theatres in my letter—would meet that exemption test.

The Liberal Democrat amendments seek to narrow the exemption test in one way and to widen it in another. Under those amendments, an irresponsible hotel or restaurant would be responsible for the charges, despite having met the test. However, that returns us to the first issue, which is that one would have to be able to see that that individual premises was causing the problem. If an individual premises causes a problem, consideration should be given to using the powers in the Licensing Act 2003 to address that narrow point.

Amendment No. 41 seeks to widen the limb, but it is not appropriate. It would allow people who comply with the action plan not to contribute to costs, but that might be difficult. If the action plan included making a financial contribution in order to facilitate the introduction of proper street-cleaning services, the viability of the alcohol disorder zone might be at risk if several premises did not have to contribute.

8.15 pm

Lynne Featherstone: In Committee, I tabled an amendment about moneys going on other services, such as cleaning, but the Minister said that it was not necessary because services in an alcohol disorder zone will be provided by the police and the local authority only, so there will be no need to distribute any other money.

Hazel Blears: I said that the local authority could commission services, so it is necessary to authorise the police and the local authority only to spend the money.

Amendments Nos. 7 and 9 address the regulations. In Committee, I said that regulations will be introduced to cover appeals on payment collection and enforcement of the charge. I cannot give the hon. Member for Woking the precise details of the appeals process, but the procedure to appeal against local authorities' charging facilities is well established and I am sure that we will follow it. If we intend to depart from that course, I will let him have the information.

Amendment No. 9 includes a more general right of appeal to a court and, again, we have been over that ground before. The process of making an alcohol disorder zone includes sufficient checks and balances to make a formal appeal structure—which would simply drag out the process—unnecessary. The joint local authority and police trigger means that both of those bodies must consent, and there is also a formal consultation process, the eight-week period to allow the commencement of an action plan and a formal three-monthly review of designation. Those robust checks and balances should be sufficient for us not to have a formal appeal process.

The final issue concerns the offence of persistently selling alcohol to under-age youngsters, which is clearly important. The hon. Member for Woking wants to increase the fine to a level not exceeding £10,000. However, the Licensing Act 2003 increased the fine from £1,000 to £5,000, which is proportionate, and it also includes the power to suspend a licence for up to three months, which is a vigorous remedy. A premises licence holder could be based in London while their business is located in Manchester, and if their offence is simply a matter of neglect, even if it is criminal neglect, a custodial sentence would be a harsh punishment.

I have dealt with all the amendments and urge the House to resist them all. The alcohol disorder policy is a policy of last resort, but it will be hugely welcome in some of our town and city centres. I hope that it will result in the good, responsible pubs and clubs getting together, taking collective responsibility and helping to change behaviour.

David Lepper (Brighton, Pavilion) (Lab/Co-op): On alcohol disorder zones being a last resort, does the Minister agree that in an area in which a problem clearly exists, local authorities should consider the power in the Local Government Act 2003 to introduce, with the consent of local businesses, business improvement districts, which would deal with many such problems at a much earlier stage?

Hazel Blears: My hon. Friend has concluded the debate on a very positive note. We want to encourage people to enter into voluntary arrangements, which has happened in many city centres across the country—for example, Manchester Citysafe and the Tranquility project in Stockton, which has brought peace to that area. Businesses are increasingly realising that it is in their best interests to tackle such problems locally. A safe night out is the kind of night out that people will return to week after week after week, because they have a great time without experiencing the problems of alcohol-fuelled disorder that unfortunately beset far too many of our communities.

I urge the House to resist the amendments.

Lynne Featherstone: All Members want to tackle alcohol-related disorder on the streets of our cities, and I give credit to them for that. This debate is about trying to find the best way to do that. The amendments were tabled because the Government are asking us to take so much on their say-so. I hope that more detail will be made available on charging and capping when the Bill goes to another place. With that hope in my heart, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: No. 18, in page 10, line 28, at end insert—

', provided that no charges shall be payable by any persons or clubs unless the local authority is satisfied on the basis of evidence that it is reasonable to impose charges on those particular persons or clubs.'.—*[Mr. Malins.]*

Question put, That the amendment be made:—

The House divided: Ayes 183, Noes 274.

Division No. 91] **[8.20 pm**

AYES

Afriyie, Adam
Alexander, Danny
Amess, Mr David
Ancram, rh Mr Michael
Arbuthnot, rh Mr James
Atkinson, Mr Peter
Bacon, Mr Richard
Baker, Norman
Baldry, Tony
Baron, Mr John
Beith, rh Mr Alan
Bellingham, Mr Henry
Benyon, Mr Richard
Beresford, Sir Paul
Binley, Mr Brian
Blunt, Mr Crispin
Bone, Mr Peter
Boswell, Mr Tim
Brazier, Mr Julian
Brokenshire, James
Brooke, Annette
Browning, Angela
Burns, Mr Simon
Burt, Lorely

Butterfill, Sir John
Cable, Dr. Vincent
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dorries, Mrs. Nadine
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evennett, Mr. David
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, David
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Laws, Mr. David
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Mr. Dan
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Smith, Sir Robert
Spelman, Mrs. Caroline
Spink, Bob
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Williams, Hywel
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Wright, Jeremy

Tellers for the Ayes:
Mr. John Randall and
Michael Fabricant

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Begg, Miss Anne
Bell, Sir Stuart
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Dean, Mrs. Janet
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dodds, Mr. Nigel
Doran, Mr. Frank
Dowd, Jim
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq

Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
MacDougall, Mr. John
Mackinlay, Andrew
Mactaggart, Fiona
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Michael, rh Alun
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ryan, Joan
Salter, Martin
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Wilson, Sammy
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Vernon Coaker and
Claire Ward

Question accordingly negatived.

Clause 23

EXCLUSION ORDERS IN RESPECT OF LICENSED PREMISES

Amendment made: No. 44, in page 26, line 6, leave out Clause 23.—*[Hazel Blears.]*

Clause 24

USING SOMEONE TO MIND A WEAPON

Amendment made: No. 45, in page 26, line 34, after 'part', insert 'of'.—*[Hazel Blears.]*

Clause 27

PROHIBITION ON SALE OR TRANSFER OF AIR WEAPONS EXCEPT BY REGISTERED DEALERS

Mr. Jonathan Djanogly (Huntingdon) (Con): I beg to move amendment No. 108, in page 29, line 30, leave out subsection (2).

Mr. Deputy Speaker: With this it will be convenient to discuss the following:

Amendment No. 109, in page 29, line 40 [Clause 28], after 'weapon', insert

'with a muzzle energy in excess of 1 joule'.

Amendment No. 110, in page 30, line 24, leave out Clause 29.

Government amendment Nos. 46 to 48.

Mr. Greg Knight: On a point of order, Mr. Deputy Speaker. Will you confirm that if, as now appears likely, there is no debate on the final group of amendments, which begins with amendment No. 112, that absence is not through lack of interest or importance but would relate solely to the terms of the Government's guillotine motion?

Mr. Deputy Speaker: The right hon. Gentleman is right. We are proceeding in the way in which the House has already agreed. The time spent on each group of amendments is entirely a matter for those taking part.

Mr. Djanogly: With little time on the clock, I declare my interest as the holder of a shotgun licence, the owner of an air rifle and a member of the British Association for Shooting and Conservation.

I am belatedly pleased that the Government have tabled amendments to deal with some matters that we raised in Committee. However, many thousands of people continue to be worried by the uncertainty that has been caused by the manner in which the Bill has progressed. We wholeheartedly support measures that will have a genuine, practical effect on reducing gun crime in the UK and making our systems safer. However, we do not support clauses that create laws for the sake of being seen to be tough on gun crime, but whose effect will be felt almost exclusively by legitimate users of weapons, not the criminals on whom we intend to crack down.

The root of the remaining problems with part 2 is that we do not believe that sufficient consultation has been held with affected as well as expert bodies. Where is the firearms advisory committee, which should have been

[Mr. Djanogly]

the proper body to consult about the Bill? The Government said that they would form that committee before abolishing their previous consulting committee, but they failed to do that.

The Government have yet to publish anything that relates to the 4,000-odd responses to the May 2004 consultation paper on controls on firearms. I submitted a request under the Freedom of Information Act 2000, but it elicited the entirely unsatisfactory response that the information would still not be released. This adds further weight to our grave concerns about the fundamental basis of this part of the Bill.

On amendment No. 108, our position remains that the impact of the changes to the law two years ago should be assessed fully before yet further laws penalising legitimate users of air weapons are introduced. Clause 27 requires anyone who sells air weapons by way of trade or business to register with the police as a firearms dealer. The Minister said in Committee that the registration fee was likely to be £150 per establishment. Will she please confirm that that is the case?

In Committee, the Minister undertook to provide information on how the licensing regime was to work. On Thursday night last week, we received a letter which hardly explained the situation. Perhaps she could now explain, for example, what a fishing store would have to do in order to continue to be able to sell air weapons, and how long it would take to do it. Clause 27 would prohibit any person other than a registered dealer from selling or transferring air weapons. Where is the evidence that airguns are misused through being obtained through trade sources rather than private sales? It is hard enough to accept these changes to the Bill so late in the day, but to do so without being given anything to support, explain or justify the clauses relating to air weapons is quite another matter. As I said in Committee, clauses 27 and 28, when taken together with clause 29, will have a serious and unjustifiably adverse effect on legitimate users of airguns and on persons carrying on the business of selling them.

Amendment No. 108 seeks to remove the burdensome, impractical and pointless requirement to keep a register of air weapons. I want to address the amendment in the context of clause 27 as a whole, because they are inextricably linked. I raised this issue in Committee, but the Minister did not address it at the time. There are an estimated 7 million air weapons in circulation in this country. I do not think that the Government are proposing that those 7 million weapons should be registered; I believe that only future sales will be affected. Perhaps the Minister will confirm that. If that is the case, how would the measure work in practice? If clause 27 does not propose to register the existing 7 million air weapons, will not subsection (2)—which would require a register of transactions—be futile? There will be 7 million unregistered air weapons in circulation, and this proposal would merely impose a disproportionate administrative burden on registered firearms dealers. The requirement to maintain full records of air weapons sales in a firearms register would simply be unnecessary red tape.

Fewer than 50 per cent. of airguns are sold by registered firearms dealers. The majority are sold by sports shops, fishing shops and similar outlets. No evidence has been produced to show that airguns sold through registered firearms dealers are more or less likely to be misused than those sold through other retail outlets. There is no evidence that retailers who are not registered firearms dealers are irresponsible in selling airguns to the public. Nor is there evidence to suggest that the proposed restrictions will improve public safety.

A simpler system would involve creating a lawful check on the sale of firearms, but without the need for registration. One such system could involve ensuring that any person who wished to sell air weapons should apply in writing to the police for written authority to do so. This would essentially be a much simpler system of licensing. If the police believed that the applicant was not a fit person to sell airguns, they could refuse to give their authority. The applicant could then be given the right of appeal. As we said in Committee, a modified form of licensing would be more acceptable, but no changes have been forthcoming from the Government since then. Rather than requiring full registration, regulation could be achieved by using simpler, less restrictive regimes. What I continue to find most bizarre is that the Home Office consultation paper of May 2004 stated that

> "we do not therefore believe that there should be a system of licensing or further restrictions on the sale of air guns".

I must ask the Minister why the Government are ignoring their own advice.

Banning the sale of air weapons except through registered firearms dealers approved by the police is an impractical, draconian, burdensome and disproportionate measure, and the Government have failed to provide any evidence that it will have any effect on violent crime. It will serve only to penalise business people and sports persons involved in shooting.

In the Home Office regulatory impact assessment, the Home Office recognises that licensing all air weapons would result in a significant decrease in sales of air weapons and a significant impact on business. The assessment stated:

> "We understand that the majority of air weapons are sold through small dealers and tackle shops, so small firms would be affected disproportionately."

It remains unclear exactly how many small sellers would actually convert to getting a firearms licence. The cost and inconvenience could be disproportionate, and again, business as well as sport could suffer.

The more important point for the Minister to show is exactly how that will reduce violent crime involving air weapons. While the clause will make it more difficult for lawful users to acquire air weapons, there is no evidence that that will affect the level of misuse.

Stewart Hosie (Dundee, East) (SNP): I am listening carefully to the hon. Gentleman, as I did in Committee. He is very much opposed to a licensing scheme, and I know that he was very much opposed to a personal purchaser licensing scheme. In the light of that, can he explain why the Conservative group on Dundee city council, along with the Labour and Liberal group, voted tonight for such a licensing scheme?

Mr. Djanogly: I have no idea why the Conservative group voted for such a scheme. The policy of this Conservative group is that the scheme as proposed by the Government is unworkable and impractical. If we are to have any scheme at all, that which is offered tonight is not the correct one.

Amendment No. 190 relates to clause 28, which requires the sale of air weapons by way of trade or business to be face-to-face. Once again, we find ourselves asking where exactly the evidence is to support this draconian measure. It is appreciated that the clause is intended to outlaw all sales via the internet or mail order, but in Committee the Minister raised more questions than she answered. We tabled the amendment to draw attention to that. Under the amendment, the clause would be restricted to apply only to air weapons with a muzzle energy in excess of 1 J. As we discussed in Committee, that is not regarded as a lethal barrelled weapon, and is the kind commonly used in airsoft and other legitimate activities. To recap on our little Committee chat on muzzle energies, which Members will remember, 1 J is the equivalent impact to a tennis ball being bounced against the floor.

Mr. Philip Hollobone (Kettering) (Con): I am grateful to my hon. Friend for raising the sport of airsoft. I have been contacted by Mr. Christie from my constituency, on behalf of 100 airsofters in Kettering who are very worried about the implications of the Bill. I welcome my hon. Friend's contribution on that subject.

Mr. Djanogly: My hon. Friend makes a valid intervention, not least because, as a result of timetabling, unfortunately, we will not reach the relevant amendments on airsoft, which, he will be pleased to know, we defended in Committee, and I would have done so again today if I had had the opportunity.

The point about the muzzle velocity is that it is very low impact—that is the sort of air weapon that I suspect would be involved in the majority of mail order sales. Precisely for those reasons, we believe that air weapons with a muzzle energy of 1 J or less should be exempted from this unnecessary red tape. We raised legitimate concerns about internet sales from outside the United Kingdom, and the Minister assured us that she was doing all that she could in relation to internet sales and ensuring international co-operation on that front. Will she tell us how she plans to achieve that international co-operation, and what plans are in place to facilitate that?

In relation to internet sales, a major source of concern is sales originating outside the United Kingdom, where guns are more readily available and often cheaper. About 2,500 registered firearms dealers are spread across Great Britain, of which between 1,000 and 1,200 sell airguns by retail. The remainder are specialist dealers or those who do not sell by retail. There are between 1,000 and 1,200 retailers of airguns that are not registered firearms dealers. Thus there are some 2,400 retail outlets for airguns spread across England, Wales and Scotland. It follows that in many areas, particularly rural ones, direct access to a retailer of airguns would involve considerable time and expense without mail order.

As we well know, clause 29, to which amendment No. 110 relates, raises the age from 17 to 18 at which a person may purchase or hire an airgun or ammunition for an airgun. The clause also raises the minimum age from 17 to 18 at which a person may have with him an airgun or ammunition for that airgun. We remain totally unconvinced as to the justification for raising the age limit for buying an air weapon from 17 to 18. The Minister has repeatedly avoided giving any evidence to show that 17-year-olds are heavily involved in air weapon misuse.

The fact is that the evidence needed to justify the clause has not been forthcoming. Airguns are the gateway to other shooting sports and unjustified diminution in airgun sales will therefore have a knock-on effect on all shooting sports. Furthermore if a reduction in the number of retail outlets is coupled with a requirement for face-to-face sales, people in rural areas will be hit especially hard, and many will be deterred from acquiring airguns.

8.45 pm

Jim Sheridan: So far the hon. Gentleman has concentrated on sports clubs and rural communities. Has he anything to say about the Bill's effect on urban communities, particularly in inner city areas such as those in London where gun crime is rife and people have been killed and maimed daily?

Mr. Djanogly: If the hon. Gentleman thinks that restricting airgun sales to those aged 17 or 18 will have any material impact on violent crime by youths in our inner cities, he has another think coming.

Mr. David Heath (Somerton and Frome) (LD): May I ask a question that is relevant to what was said by the hon. Member for Paisley and Renfrewshire, North (Jim Sheridan)? Surely the effects of airgun use on an inner city estate are very different from the effects on a constituency such as mine or that of the hon. Member for Huntingdon (Mr. Djanogly), where most people who use airguns will use them responsibly as part of their sport. Should we not be extremely careful about imposing unnecessary restrictions on the sporting use of guns—a road down which we have gone before—if it will not have the practical effect for which we all hope, which is the reduction of illegal gun use in cities?

Mr. Djanogly: That is a fair point. The truth is that the measures that we are discussing now will not have the effect that the Government want. Of course, we are discussing elements of a much larger Bill. Along with other Conservative Members and, indeed, Liberal Democrats, I made it clear in Committee that we wanted to reduce gun crime. We have a problem with specific issues, and this is one of them.

As I have said, changes in firearms legislation should be soundly based on consultation and evidence, not just on a perceived need to be seen to be doing something for the sake of it. According to the regulatory impact assessment, the vast majority of the 4,000-odd responses to the consultation paper that commented on air weapons—incidentally, we have not had access to those responses: they were received by the Government, but not by us—favoured tackling misuse, but suggested that that should not be achieved through further restrictions on possession or sale.

The Anti-Social Behaviour Act 2003 tried to deal with airgun abuse—for instance, by raising the age at which airguns could be purchased to 17—but it is less than two

[Mr. Djanogly]

years old, and there has not been time for its effects to be properly monitored and evaluated. Having consulted widely, we maintain that it would be wrong to impose further restrictions in the absence of alternative evidence.

Tightening the restrictions will penalise the shooting community, and there is no evidence that it will have any benefit in reducing airgun misuse. It will merely deprive 17-year-olds of the opportunity to be taught safely and responsibly how to handle firearms. Training young people to shoot can be valuable in teaching skills, discipline and responsibility. Introducing them to safe, responsible firearms use makes it far less likely that they will ever misuse guns. If young people were prevented from having reasonable access to airguns, all shooting sports would suffer, with little or no effect on crime figures. This attack on airgun ownership constitutes a veiled attack on shooting and on entry to the sport.

Bizarrely, on page 11 of its consultation paper of May 2004 relating to specifically to age limits, the Home Office categorically recommends that there should be no further restrictions on the sale of airguns because of the disproportionate enforcement effort.

David T.C. Davies (Monmouth) (Con): Will my hon. Friend confirm that when we last tried to restrict the sale of handguns for sporting use, there was no increase in illegal gun use, and that it has gone through the roof since this Labour Government took office?

Mr. Djanogly: My hon. Friend makes an important point, which I would have brought up myself if we had enough time, but we will need to move on to other groups of amendments. I agree with what my hon. Friend said.

It is obvious that all improper use of airguns should be an offence, irrespective of the age of the perpetrator, but existing legislation provides for that. The way to crack down on weapon misuse is through better enforcement of existing legislation. That is what will impact on gun crime. Tinkering with age limits in respect of air weapons will do little but anger and upset people who use guns safely and responsibly. The Minister has simply failed to explain how the clause is likely to reduce crime, never mind violent crime, so we believe that clause 29 should be removed entirely from the Bill. I intend to divide the House on amendment No. 110.

Finally, I want to say that in respect of Government amendments Nos. 46 to 48, we are very pleased to see that the Minister has listened to our legitimate concerns about shooting beyond premises with consent. We want to thank the Minister for acting on our concerns in that regard, even though once again, she has unfortunately provided a defence rather than an exemption.

Mr. Paice: I congratulate my hon. Friend the Member for Huntingdon (Mr. Djanogly) on the way in which he has proposed the amendments. I support them all, but I want to comment particularly on amendment No. 110 and the matter of raising the age from 17 to 18. As my hon. Friend noted, the Anti-social Behaviour Act 2003 raised the age limit from 14 to 17 only two years ago. At that time, I took on the same role as my hon. Friend of challenging the Government. It is fair to say that, even at that stage, there was little evidence that increasing the age at which one could buy or use, without supervision, an airgun from 14 to 17 would make any difference. What is abundantly clear now is that, since that Act came into force, there is no evidence that it has made any difference and there is certainly no evidence that the gap between 17 and 18 is a problem issue.

That is not to say, as I said umpteen times in Committee, that there are no problems with airgun misuse. We know that there are—in rural as well as urban areas—but there are already 30 different offences on the statute book for the misuse of airguns. As my hon. Friend rightly said, the answer lies with proper enforcement of those 30 existing offences. That is what the Government should be concentrating on, rather than this wilful act that appears to come from the "something must be done" school. What can we do about airguns? Let us raise the age limit from 17 to 18 without any evidence that it will do any good. If the Minister seriously believes that it will make any difference to airgun crime, let us hope that in the few minutes left for debate, she will stand up and present the evidence.

How many young people between 17 and 18 have been convicted for one of the 30 offences to which I referred earlier? In how many cases would the offence not have been committed if those young people had been unable to get hold of an airgun? It would be helpful if the Minister provided us with that information. Since the Anti-social Behaviour Act 2003, how much violent crime has been reduced by the fact that the age was increased from 14 to 17? Can the Minister provide us with some clear examples and statistical evidence—not just wishful thinking or what the Government think or believe—from the Dispatch Box this evening to justify taking away the opportunities of a group of 17-year-olds whose only interest is in using airguns lawfully, legally, safely and often in connection with their occupation in the countryside? That is the sort of evidence that she must put before the House if we are to accept that clause 29 will make any difference whatever.

Finally, we want to hear the Minister's justification for her stance, so she should tell the House what is wrong with simply ensuring that the 30 existing offences are properly enforced. Before she answers that, she might just check her book, so that she can give us the statistics on how many people have been prosecuted in the past few years. She will find that the figure is woefully small, compared with the existing problems. If the Government enforced the law properly, they would not need to take steps such as this.

Hazel Blears: I have not seen such passion in the House for some time. It is clear that Conservative Members are very attached to their guns—and they doubtless mean to stick to them during this debate.

I will resist the Opposition's amendments and I shall explain why. It is worth reminding the House of how serious this problem is. In 2003–04, 13,756 crimes were committed in which air weapons were used; in 2,395 cases, they caused injury; in 156 cases, they caused serious injury. Occasionally, someone is killed with an air weapon, as happened in the tragic cases of two-year-old Andrew Morton and 12-year-old Alex Cole. The misuse of air weapons is a serious problem and this Government are determined to meet it with effective action.

David T.C. Davies: Will the Minister give way?

Hazel Blears: No. We have heard a lot tonight about legitimate shooting and I have no doubt that there are legitimate shooters who act responsibly, but the Bill's purpose is to deal with people who use weapons irresponsibly, just as its purpose is to deal with those who use alcohol irresponsibly. It is about directing our action at the mischief that undoubtedly is caused in our communities. If the hon. Member for Huntingdon (Mr. Djanogly) represented a slightly different area, he would know that older people, in particular, have been plagued by the misuse of air weapons. Various members of the Committee, such as my hon. Friend the Member for Brent, South (Ms Butler), pointed out that some older people are cowering in their homes because people are taking pot-shots at them and their families. So I make no apologies for trying to ensure that sufficient restrictions are in place.

Amendment No. 108 would remove the requirement for air weapon retailers to keep a register of transactions, but that register is an important part of the controls. It removes purchasers' anonymity and should deter casual and irresponsible sales, which is what we want to achieve. At the moment, people can buy air weapons at car boot sales, through mail order and on the internet. Requiring that a register be kept and that air weapons be sold face to face brings a little more rigour to the system. I do not pretend for a moment that we are introducing a licensing system for the millions of air weapons in existence, but we are doing what we can, in a practical and proportionate way, to ensure that the sale of air weapons is at least a little safer. I realise that the licensing fee is £150, but that is for three years, so it is not an onerous requirement for those stores and shops that want to be responsible air weapon retailers. I am sure that many of them will be delighted to register with their local police force to enable them to sell their weapons properly.

Amendment No. 109 would modify the requirement in clause 28 by applying it only to air weapons with a muzzle energy in excess of 1 J, but such weapons are already included. I discovered in Committee that weapons of 1 J or greater are the only ones that meet the firearms definition of a lethal barrelled weapon in the Firearms Act 1968. Lethality does not occur until a muzzle energy in excess of 1 J is reached, so a weapon with a muzzle energy of less than 1 J is not a lethal barrelled weapon and does not fall within the definition of a firearm. It is very strange for me to be telling the hon. Member for Huntingdon (Mr. Djanogly), an avowed shooter and an expert on the technicalities of such matters, that his amendment is therefore superfluous; nevertheless, I ask him to withdraw it.

Amendment No. 110 would remove from the Bill the increase in the age limit. It is right and proper that we bring the air weapons provision into line with that for knives, because we want to ensure that young people have access to potentially dangerous weapons only in the proper circumstances. Young people will still be able to shoot at approved clubs under adult supervision, or, if they are aged 14 or over, on private premises with the occupier's consent. That gives them sufficient ability to shoot under proper conditions.

I am glad that Government amendments Nos. 46, 47 and 48 have been welcomed by the Opposition. They clarify the situation in cases where people fire an air weapon beyond the boundary of one premises and into another, with consent.

Amendment, by leave, withdrawn.

Amendment proposed: No. 110, in page 30, line 24, leave out clause 29.—*[Mr. Djanogly.]*

Question put, That the amendment be made:—

The House divided: Ayes 146, Noes 315.

Division No. 92] **[8.59 pm**

AYES

Afriyie, Adam
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brazier, Mr. Julian
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Butterfill, Sir John
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dorries, Mrs. Nadine
Duddridge, James
Duncan Smith, rh Mr. Iain
Ellwood, Mr. Tobias
Evennett, Mr. David
Fallon, Mr. Michael
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Horwood, Martin
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark

Pritchard, Mark
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Spelman, Mrs. Caroline
Spink, Bob
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Syms, Mr. Robert
Taylor, Dr. Richard
Tredinnick, David
Turner, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Wright, Jeremy

Tellers for the Ayes:
Mr. John Randall and
Michael Fabricant

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Burt, Lorely
Butler, Ms Dawn
Byers, rh Mr. Stephen
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Dean, Mrs. Janet
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dodds, Mr. Nigel
Doran, Mr. Frank
Dowd, Jim
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Harris, Dr. Evan
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Holmes, Paul
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Huhne, Chris
Humble, Mrs. Joan
Hunter, Mark
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
MacDougall, Mr. John
Mackinlay, Andrew
MacNeil, Mr. Angus
Mactaggart, Fiona
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Michael, rh Alun
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Russell, Bob
Ryan, Joan
Salmond, Mr. Alex
Salter, Martin
Sanders, Mr. Adrian
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew

Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stringer, Graham
Stuart, Ms Gisela
Swinson, Jo
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Matthew
Teather, Sarah
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Hywel
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Sammy
Winnick, Mr. David
Winterton, Ms Rosie
Wishart, Pete
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Claire Ward and
Mr. Vernon Coaker

Question accordingly negatived.

It being after Nine o'clock, MR. DEPUTY SPEAKER, *put forthwith the Questions necessary for the disposal of the business to be concluded at that hour, pursuant to Order [20th June].*

Remaining Government amendments agreed to.

Order for Third Reading read.

9.15 pm

Hazel Blears: I beg to move, That the Bill be now read the Third time.

I am grateful to Members on both sides of the House for their constructive approach during consideration of the Bill in Committee and on Report. Many helpful points, including points of clarification, were raised in Committee, which have enabled us to make more explicit the intention of the Bill and to improve it. I thank the right hon. Member for Bromley and Chislehurst (Mr. Forth) and my hon. Friend the Member for Bootle (Mr. Benton) for their excellent chairmanship of our discussions.

I also thank the hon. Member for Caithness, Sutherland and Easter Ross (John Thurso), who is not in the Chamber. I learned more about the Atholl Highlanders during the proceedings of the Bill than I could ever have contemplated. I also know more about managing a rural estate, which is how the hon. Gentleman seems to spend some of his time. The Committee stage was extremely good-natured.

I hope that Members will agree that we responded positively to many of the points raised and that the Bill we are sending to the other place has been significantly improved by the scrutiny process. I welcome the broad measure of cross-party support for many of the provisions. In Committee, we shared the desire to tackle gun and knife crime and to try to reduce the unacceptable, alcohol-fuelled violence and disorder, which we unfortunately see on too many of the streets of our towns and cities, to protect the decent, law-abiding majority of people.

The British crime survey data show considerable falls in violent crime since 1997—a total fall of 34 per cent., which is significant by anybody's reckoning—but we are not complacent, nor would the public want us to be. Too many people are still victims of crime, including violent crime. Too many people live in fear of crime and we need to tackle that, too. We are doing everything we can to try to make a real difference and the Bill contains a good cross-section of provisions, giving the police and local communities the powers they need further to reduce violent crime, particularly in relation to knives, guns and alcohol.

Although most people drink responsibly, we all agree that the scale of alcohol-fuelled violence is too high. I believe that responsibility for ending the binge-drinking culture rests both with individuals, because it is important that they make correct choices about drinking, and with the people who run pubs, clubs, supermarkets and off-licences. I realise that the hon. Member for Woking (Mr. Malins) wanted to make a distinction between on and off-licence premises in terms of responsibility, but I reject such a distinction. If Members consider the results of the recent test purchasing in off-licence premises, they will see that there is still a significant problem of such premises selling to under-age youngsters. It is not simply a problem for the on-licence trade. Everybody has to take responsibility and the alcohol disorder zone provisions are about ensuring that collective responsibility.

We debated drinking banning orders at some length. I hope that Members will accept the difference between drinking banning orders and ASBOs, although I do not have a great deal of real hope in the case of the hon. Member for Woking. There is a significant difference. We want the orders to be used proactively by the courts whenever people come before them.

There is a series of exceptions to the drinking banning order, because we want to ensure that people can access their home, education and place of work, even when they are under a drinking banning order. We also said that people should still be able to attend their place of worship. That could help them to desist from the demon drink, so it will certainly be included as part of the guidance.

We debated alcohol disorder zones again today. The Bill tries to build on the efforts already made by responsible licensees. My hon. Friend the Member for Brighton, Pavilion (David Lepper) referred to business improvement districts. We talked about the Citysafe scheme in Manchester and similar schemes in Swansea, Leicester, Cardiff and York, where licensees are working voluntarily with their police and local councils to tackle the problems.

Members have expressed concerns that good operators will be caught with the bad ones. The hon. Member for East Antrim (Sammy Wilson) put the point extremely well: everybody is culpable but there should be differentiation in the degree of culpability. We shall try to achieve that in the regulations.

I am disappointed that the Liberal Democrats have continually moved amendments that—in the words of my hon. Friend the Member for Northampton, North

[Hazel Blears]

(Ms Keeble)—would ensure that the provision for alcohol disorder zones was unworkable. We should be honest enough to say either that we support the principle of such zones and ensure that we have practical, effective legislation or that we do not support such zones and would do away with them. What causes me immense frustration is that, time and again, the Liberal Democrats will the ends but not the means.

The Liberal Democrats say that they are against antisocial behaviour, but they will not support ASBOs. They say that they are against gangs hanging around, but they will not support dispersal orders. They say that they want to tackle alcohol-fuelled violence, but are not prepared to support alcohol disorder zones. In politics, it is important that we are clear about what action we want to take. Theirs is a party that has not been in government and is not likely to be in government. It simply wills the ends but not the means to get there. Sometimes, government is about making some pretty hard decisions.

Mr. Kevan Jones: Does my right hon. Friend agree not only that the Liberal Democrats say one thing in the House and do another thing in the country, but that, tonight, Liberal Democrat Front Benchers have supported the perpetrators of crime, rather than the victims?

Hazel Blears: My hon. Friend makes a good point. When he put it to the Liberal Democrats earlier that perhaps they would like to include in their "Focus" leaflets their support of the human rights of the perpetrators of antisocial behaviour, he got a resounding silence from them.

Part 2 seeks to address a number of serious problems associated with armed crime and the misuse of imitation firearms, air weapons and knives. I am pleased that it has generally received broad support, although some minor issues have been raised. The appalling deaths and injuries that have been caused by gun and knife crime deeply hurt families and communities and leave a legacy of fear.

Ms Celia Barlow (Hove) (Lab): Does my right hon. Friend agree that airguns, which are sometimes called BB guns, can be used recreationally? Although I do not take part in such recreation, I am concerned that such legislation might damage sports such as airsoft or historical re-enactments. Does she agree that perhaps a distinguishing mark on the barrels of such guns could play a part in reducing the criminal use of such items?

Hazel Blears: It is excellent to see that Labour Members are interested in practical legislation that can work. I am delighted at my hon. Friend's suggestion. She will know that we have made some amendments to cover historical re-enactments and museums, and she makes an excellent suggestion in relation to airsoft. Clearly, if imitations are not realistic, they can be used in that fashion.

I may as well be even in my disappointment as between the Liberal Democrats and the Conservatives. I was disappointed with the Conservatives in relation to mandatory sentences for people who seek to get others to hide and mind their guns for them. We included a provision that mandatory five-year sentences, such as those for the possession of weapons, would be imposed for seeking to use particularly children to mind illegal guns. Frankly, I was amazed at the Conservatives. The hon. Member for Huntingdon (Mr. Djanogly) said:

> "For this crime, it seems inappropriate that the sentence should be mandatory".—[*Official Report, Standing Committee B,* 20 October 2005; c. 187.]

The Opposition must know that, since we introduced the mandatory five-year sentence for being in possession of an illegal gun, people have reduced their usage of real guns and moved to using imitations, which is why we have the provisions on the banning of realistic imitations.

Ms Dawn Butler (Brent, South) (Lab): I, too, was extremely disappointed with the Opposition's attempts to remove the mandatory five-year sentence. With a constituency such as mine, where we have a firearms-related incident every 17 days on average, the removal of such sentences would be absolutely detrimental to the good work that the police are doing in ensuring that gun crime is reduced. We should act responsibly when the Government introduce measures that will effectively save people's lives and ensure that younger people do not take up guns because they know that doing so will carry a mandatory five-year sentence.

Hazel Blears: My hon. Friend has a great deal of personal experience of these really devastating problems in her community. I am sure that Labour Members not only share her disappointment, but are shocked by the Opposition's position and the fact that they divided the House to vote against mandatory sentences, which was a great surprise.

Mr. Fraser Kemp (Houghton and Washington, East) (Lab): Does my right hon. Friend agree that the restrictions on airguns in the Bill are good news for one of my constituents, Andrew Ross, who was shot in the face three weeks ago? He needed six stitches and nearly lost an eye. Such restrictions are an important step forward. If, as I hope, the Bill is passed tonight, will she join my call to urge forces throughout the country to have an amnesty for airguns? If fewer such weapons are lying around in people's houses, it is logical that people such as my constituent will be safer.

Hazel Blears: I entirely agree with my hon. Friend that the restrictions will help to ensure that air weapons are better regulated. As I said earlier, there were 156 serious injuries involving air weapons last year. He suggests an amnesty. If such weapons are no longer being used, they should be kept out of the hands of people who could misuse them, so his suggestion would be a positive way forward.

Gordon Banks (Ochil and South Perthshire) (Lab): I commend the Bill because in the smallest county in Scotland, of which my constituency is part, in the first seven months of the year, 41 of the 50 crimes involving firearms related to airguns. There was an incident similar to that raised by my hon. Friend the Member for Houghton and Washington, East (Mr. Kemp) when a 13 or 14-year-old boy was shot under the eye. Anything that can be done to tighten the registration of, and restriction on, such armaments must be a step in the right direction to make our society and communities much safer.

Hazel Blears: Yes. I know about my hon. Friend's personal commitment to the issue because I was delighted that he recently presented me with a petition through which many of his constituents expressed their worry about the misuse of air weapons.

Mr. Hollobone *rose—*

Hazel Blears: I give way to the hon. Gentleman with the striking tie.

Mr. Hollobone: I thank the right hon. Lady for her compliment. I raise a genuine constituent's concern. Mr. Cockayne from Kettering is a member of the Great War Society, which has a distinguished record of re-enacting scenes from the great war. The Governments of France and Belgium have invited the society to re-enact the battle of the Somme in July 2006—the right hon. Lady will know that that has special significance. Mr. Cockayne wants to know whether members of the society will be allowed to leave the country with their deactivated original weapons and then be allowed back into the country with those weapons when they return.

Hazel Blears: Yes. The Bill now provides an exemption for deactivated weapons, so they will not fall under the category of realistic imitation weapons, which will be banned from being manufactured and imported. If the weapons are deactivated, those people will be able to take part in their activity. I have been keen throughout the Bill's passage to try to ensure that we do not cast our net too wide and affect people who do extremely good work, especially with schoolchildren, by re-enacting and taking part in living history lessons to try to bring such history alive. I am conscious of the excellent work done by people in my constituency in that regard.

We had a good debate on air weapons and I think that we have dealt sufficiently with the matter. I was disappointed that we did not have the chance to debate primers because I was looking forward to telling hon. Members that I had learned about not only muzzle joule energy, but percussions caps for UN metallic-cased ammunition. Our chance has now disappeared, but those matters have added to the sum of my knowledge, if not to the sum of human knowledge.

We did not have the chance to discuss imitation firearms, but I am glad that we have been able to include in the Bill exemptions for television and theatrical productions, historical re-enactments and museums. We have struck a pragmatic and realistic balance between the mischief at which we are aiming, which is the misuse of realistic imitations—the use of which has increased by 66 per cent. in the past year, so we need to crack down on that—and protecting legitimate use.

Adam Afriyie (Windsor) (Con): I echo a question asked by my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice). How many such crimes were committed by children aged between 17 and 18? Although the Minister cited many other figures, she did not tell us that information.

Hazel Blears: No, I am afraid that I do not have to hand the figures on 17 to 18-year-olds. However, a strong case has been made about the danger of young people obtaining weapons that could be misused at the age of 18. As I have set out, there is a range of circumstances in which youngsters as young as 14 can continue to use air weapons provided that they do so under supervision. I am sure that the hon. Gentleman welcomes such provisions, which aim to achieve the right balance, so that people have the freedom to use their weapons, but certainly do not have the freedom to misuse them and harass good, decent, law-abiding citizens.

I have nothing further to add save to commend the Bill to the House. As I said, violent crime has been reduced by 34 per cent. since the Government came to power, which is an excellent record. There is always more that we can do, however, to try to make sure that the people of this country have the right to live in safe and secure communities. The Government will try to achieve that with every measure that we introduce to try to ensure that the criminal justice system and the police service are on the side of the decent, law-abiding majority. I commend the Bill to the House.

9.30 pm

Mr. Malins: I should like to begin in the same way as the Minister by telling the House that all the members of the Committee have good reason to be grateful to our Chairmen, my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) and the hon. Member for Bootle (Mr. Benton), and to the Clerk of the Committee, who looked after us very well during the course of our deliberations.

I particularly thank the Minister, because throughout the Committee, she, like the rest of us, ensured that our debate was reasoned and measured. Although there were disagreements, as is always the case, there were also points on which we agreed, and we approached everything in a constructive manner. I should like to thank my hon. Friends who contributed a great deal in Committee. My hon. Friends the Members for Hertsmere (Mr. Clappison), for Hertford and Stortford (Mr. Prisk) and for Rugby and Kenilworth (Jeremy Wright) were particularly helpful, but I should like to give special mention to my hon. Friend the Member for Huntingdon (Mr. Djanogly) for taking on his shoulders the heavy burden of dealing with firearms matters. I am grateful to him for that work.

The majority of correspondence that hon. Members received before the Bill went into Committee was sent by people who were interested for personal reasons—they often had relevant hobbies—in the provisions on firearms. We all received many letters from concerned constituents. I thank the hon. Member for Hornsey and Wood Green (Lynne Featherstone) for her contributions in Committee. We had some useful exchanges with Government Back Benchers, including the hon. Member for Northampton, North (Ms Keeble). Although I rarely agreed with her, and she rarely agreed with me, that does not alter the fact that such exchanges are worth while.

The Bill has completed its Committee and Report stages, and it will shortly proceed to the other place. Earlier, the Minister said that one or two of our amendments may find favour with her, given what they set out to achieve, although not necessarily as drafted. That shows the House of Commons at its best. From

[Mr. Malins]

time to time—I wish it happened more often—Governments accept Opposition amendments if they think that there is merit in them. I therefore look forward very much to hearing the Government's proposals on those amendments, sooner rather than later. We have been talking for weeks about the Violent Crime Reduction Bill, which draws our attention to three areas that are of great concern to everyone in the House of Commons and in Parliament generally. First, drink-fuelled crime and alcohol-related disorder are a huge concern. The Minister properly said that the figures are too high, and there is concern about the problem on both sides of the House, particularly among Members who represent urban areas. I understand and respect that concern, because sometimes people from urban areas see things differently. They are not always correct, but they see things differently from people who come from areas that are not so urban. I understand the difference, and accept that there is a balance to be struck.

Hon. Members have expressed throughout our debates—this is a non-party point—their great concern about the increase in binge drinking and alcohol-related violence on our streets. Earlier today, I remarked that all of us are concerned about binge drinking among very young people. Something must be done about it. I hope that hon. Members will accept in the spirit in which it is intended my comment that a number of us may have drunk too much when we were 18, 19 or 20, but in our day it was most unusual to see binge drinking and heavy drunkenness among much younger children such as 13, 14 or 15-year-olds. The fact that we see that quite a lot now is troubling, not least because of the health implications. Setting aside for the moment the obvious public and criminal costs, I fear that there is a generation growing up now who have become used to heavy doses of alcohol in their mid or early teens. We should all worry about that very much.

Tackling drink-fuelled crime is important and the Government's approach in the Bill is to introduce two new measures: drinking banning orders and alcohol disorder zones. I have said throughout our debates that I feel that the existing law is in many respects sufficient to cover the mischief with which we are attempting to deal. There is a variety of offences in the criminal law relating to alcohol-fuelled disorder and violence, as well as the range of penalties and criminal offences that—I repeat—the Home Affairs Committee has said are underused by the police. What is important is to enforce existing law, rather than consistently to give in to the apparent need to make new law, which is the Government's answer to everything. If existing law were seriously enforced, we might not be having this debate now. It is a great worry that current law is not being enforced. During his remarks on guns, my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice) referred to 30-odd offences on the statute book the proper enforcement and policing of which would ensure that we did not need to debate much of what we have debated today.

I hope to goodness that the drinking banning order proves successful. I have my doubts, but I wish it well. We have expressed our concerns about alcohol disorder zones and argued throughout—we voted on it—that those premises that are not to blame should not be in the same position as those premises that are clearly to blame.

We had a long debate on knives. All of us on both sides of the House accept that knife crime—in particular, the offence under section 139 of the Criminal Justice Act 1988 of carrying a bladed article—is increasing dramatically. That is a great worry, yet the only reference to that crime in the Bill is in the fairly narrow, perhaps relevant in their own way but not generally applicable, clauses that deal with knives in schools—a growing problem, with up to 60,000 children aged between 11 and 16 carrying knives in school, which is a terrifying statistic—and the offence of using someone to mind a weapon. The offence of carrying a bladed article in public is one that we must address much more strongly, so I was disappointed by the Government's response to our new clause in which we proposed a new maximum—not minimum—penalty for that offence, increasing it from two years to five years. The Government did not take our arguments on board and made no conciliatory comments in that respect.

My hon. Friend the Member for Huntingdon carried on his own shoulders a great deal of the burden of our debates on firearms. Tonight, he spoke on the clauses that deal with air weapons, and we were able to force a Division. However, the time ran out, although I do not blame the Minister because it was one of those things. I wish that we had had more time to debate the amendments covering ammunition and realistic imitation firearms and re-enactments, but I repeat that no blame attaches to the Minister.

On firearms, my hon. Friend the Member for Huntingdon has made it clear, and I shall make it clear, too, that today's position is different from that a couple of weeks ago. Conservative Members thank the Minister for her reasonable and responsive approach to many of the matters that we raised in Committee, and we are pleased that the Government have tabled amendments that go some way to assuaging our concerns and those of the millions of law-abiding weapon users who stand to be affected by the legislation. However, many thousands of people are still concerned about the uncertainty surrounding the Bill's progress—we know that from our correspondence.

I repeat our support for the intent behind the clauses on weapons, because we support wholeheartedly measures that will have a practical effect on reducing gun crime in the UK and making our citizens safer. However, we do not support creating laws for the sake of being seen to be tough on gun crime, the effect of which will be felt almost exclusively by legitimate users of weapons and not by the criminals on whom we intend to crack down. My hon. Friend the Member for Huntingdon and I take the view that clause 32 is one of most inherently flawed clauses in the entire Bill. It stands to penalise collectors and create a further unnecessary administrative burden while doing virtually nothing to combat violent crime.

Thousands of sportsmen use ammunition loading presses and dies for a number of reasons, including to save money, to help the environment and to improve accuracy. The ability to reload can save up to 50 per cent. of the cost of factory ammunition, allowing clay pigeon shooters who use a significant number of shotgun cartridges to save money. I have made those points because we were unable to debate these important matters on Report, Mr. Speaker.

Finally, realistic imitation firearms were thoroughly debated in Committee, but sadly we have not debated them today, so some concerns have still not been fully addressed. It is good news that the Government realise the serious unintended potential of clause 35 for groups such as re-enactors and museums, but serious concerns linger that it provides only such groups with a defence against a criminal offence.

We must stand up for utterly law-abiding citizens, whom we should not seek to penalise with any of our legislation, and I hope that the other place returns to that point. I was sad and sorry when I received hundreds of letters from those who indulge in the harmless and in many ways laudable sport of airsoft. Their letters—they wrote to many other hon. Members, too—asked why they, who are innocent, must pay the price.

I have three points for the Minister. First, I wish the Bill good fortune in the other place. Secondly, it is vital that we focus on what works: I hope that the Government demonstrate a real need for the particular measures in the Bill and explain why current legislation has been deemed ineffective. Thirdly, I hope that the general principle, with which surely all hon. Members agree, that there is no point in punishing the innocent in the vain belief that it will help to punish the guilty is raised in the other place. That principle goes across the Bill, and it will affect premises that serve alcohol and law-abiding people who are involved in the gun trade. One of my great fears is that we are rapidly moving towards a situation that has arisen under previous Governments whereby we tend far too much to penalise those who are innocent, honest and genuine in the belief that we will affect the mindset of those who are wicked and criminal. The truth is that we will not. It is very important to take that on board.

I say a final word of thanks to the Minister for her courtesy. Conservative Members look forward to seeing the progress of the Bill in the other House. We are united in our belief, as are the Government, that there are vital issues that need to be tackled. Although we disagree with their approach to many of those issues, we share a common purpose and will always work towards that end.

9.45 pm

Mr. Kevan Jones: I add my congratulations to the Minister on steering the Bill through. It is an excellent Bill that adds to the existing menu of laws and other restrictions that are being introduced to control antisocial behaviour in our neighbourhoods.

I wish to concentrate on two aspects, the first of which is firearms. There are lots of scaremongering stories in the press suggesting that the Bill limits the freedom of people who use replica weapons. In Committee, my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott)—unfortunately she is not here tonight—graphically described the siege mentality in parts of her constituency as regards the use of replica guns. Any move to ensure that one less life is taken on the streets of our cities has to be welcome.

I welcome the restrictions on air weapons. My hon. Friend the Member for Houghton and Washington, East (Mr. Kemp) mentioned one of his constituents in that context. The *Newcastle Evening Chronicle* has run a well-supported campaign in the north-east on introducing tougher measures on air weapons. Its readers will welcome the Bill, which increases such powers. In my constituency, which is semi-rural, the misuse of air weapons leads to tragic events, including the shooting and mutilation of people's pets, as well as wildlife. The Bill will be welcomed by numerous constituents who have written to me asking for tougher controls on the use of firearms.

I am pleased that the Mobile Telephone (Re-Programming) Bill, which I introduced as a private Member's Bill in the last Parliament, has been incorporated into the Bill. That Bill ran out of parliamentary time, although I did secure my Christmas Day (Trading) Bill. The theft of mobile phones—a crime against the young—is a growing menace in our cities. The amount of money involved in the theft and reprogramming of mobile phones is mind-boggling. The police and the industry believe that the Bill will be a welcome new piece of weaponry in their armoury in bearing down on a crime that did not exist 30 years ago but now plagues many communities. The police in the north-east have told me that there is a clear connection between the stolen mobile phone trade and drug dealing. The Bill makes it an offence to offer the service of reprogramming mobile phones. That gives the police much-needed weaponry to bear down on such crimes, albeit that the perpetrators will probably find ways around it.

We have discussed antisocial behaviour caused by alcohol misuse. The Bill will improve our communities in that respect. Many of the problems in my constituency are caused not by public houses but by youngsters who have access to alcohol and hang around on street corners and estates, making people's lives a misery. I was struck in Committee and today by the difference between the world that I live in and that of the hon. Member for Woking (Mr. Malins). Perhaps he still lives in a quaint age in which people in villages in his constituency think that people getting drunk at weekends is down to high spirits. I certainly do not, and neither do many of my constituents.

I have enjoyed debating the Bill. It will lead to better regulation in our constituencies, and it will be warmly welcomed in North Durham.

9.49 pm

Lynne Featherstone: I should like to put on record my thanks to the hon. Member for Bootle (Mr. Benton) and the right hon. Member for Bromley and Chislehurst (Mr. Forth) for chairing my first Committee and to the Minister and all hon. Members for a constructive and instructive debate. Despite the Minister's comments, I welcome the Government's attempts to deal with a scourge in all our communities—the twin evils of alcohol and the rise in the use of weapons.

I fear that the Bill will have to deal with more disorder than it would otherwise have done. Although I have much sympathy with the Government's position on relaxing licensing laws, problems are already arising in that local residents' and local authorities' decisions are being overturned. That is a great pity. One of the main ideas was staggering the hours at which people would leave pubs, yet I understand that, instead of leaving at 11 pm or 12 am, they all come out at 2.30 am or 3 am. That will create problems for the alcohol disorder zones and make matters more difficult.

[Lynne Featherstone]

Again, despite the Minister's comments, I support the idea of alcohol disorder zones. I am disappointed that she does not wish me to criticise what I find so difficult about the matter: the lack of regulations or guidance that show what differentials can be made in the charging regime so that different levels of culpability can be appropriately charged. However, we are short of time and I do not want to dwell on that.

I have learned more about weaponry than I ever wanted to know during our debates. One outstanding matter, which we had no time to reach, was determining the lethal Joule energy output. I am not sure that I could make a judgment on that because I understand that Ireland allows 4 J whereas 1 J is allowed here. I do not know at what point one dies or what test should determine that. I had thought about lining people up and ascertaining at what Joule output they keeled over, but I am not sure that that is the right way to approach the matter.

Stewart Hosie: It is not very liberal.

Lynne Featherstone: The hon. Gentleman should ask my children—I am not very liberal with them, either.

Weapons are a scourge of our time. In some parts of my constituency, young people aspire to criminality and owning guns. Guns and knives are what makes you cool—what makes you the man. However, we need more than legislation to tackle that; we need more work on the ground to change the prospects, future and mindset of those who are so lost that they do not even want a way out. The Bill does not tackle that charter of despair. It deals with some of the important symptoms of what is going on but we need to do more work.

I welcome the beginning of parity between knife and gun crime, especially the moves against imitation firearms, which are a growing evil. I remember visiting SO19, where one is put in front of a training video with a gun, put in a position whereby someone runs towards one with a gun, and given a split second to decide whether to shoot or not. I would undoubtedly have shot, but the person was running past to save me from something.

We will have to ascertain whether some of the alcohol disorder zone and drinking banning order chickens that we have hatched come home to roost. I hope that the Bill will curb some of the worst excesses associated with guns and alcohol but we all need to put on our thinking caps and consider how to tackle the root cause of the twin evils.

9.53 pm

Jim Sheridan: I shall be brief. I am conscious that other hon. Members have served in Committee and been present all day waiting to be called.

I should like to concentrate on gun crime and especially knife crime. Knife crime is a menace in every community that we serve. In my experience in the west of Scotland, knife crime is reported with alarming regularity in all our newspapers almost daily. If any independent testimony were needed to verify the frightening use of knives in our towns and cities, police and hospital staff could give chapter and verse. Hon. Members would be horrified at the extent of knife crime in the west of Scotland, not only at weekends but every day of the week. History and experience of knife crime becomes crucial evidence for toughening existing laws. That is why I fully support the Bill and raising the minimum age at which a young person can carry a knife from 16 to 18.

I should also like to pay tribute to Strathclyde police, who are a force to be reckoned with. They deal very severely with knife crime. They have seen at first hand the way in which the gun and knife cultures have grown in the west of Scotland in the past 20 years, resulting in knives, blades, swords and Stanley knives becoming the weapons of choice among the gangsters and criminals. Anyone who has spoken to members of their local hospital staff will understand the problem that they, too, face in regard to health and safety. The country would be facing an increase in murders of tidal-wave proportions if it were not for the tremendous skill and professionalism of our surgeons and nursing staff.

I want to talk briefly about amnesties. Looking round the Chamber, I imagine that, with one or two exceptions, I am probably the only one here who will remember the amnesty in the early '70s led by the late Frankie Vaughan. He organised a very successful amnesty in the streets and housing estates of Glasgow. Some of our modern celebrities could go a long way if they were able to do the same thing.

A frightening development in gun crime has been the conversion and modification of imitation guns so that they can fire live ammunition, in which there has been a 66 per cent. increase in the 12 months up to this year. I have said that no area is exempt or excluded from the threat of gun crime. However, if further proof is needed, last week in a neighbouring constituency to mine in Renfrewshire, the police raided a flat and removed a 12-bore pump-action shotgun, a bolt-action .22–250 rifle, a 12-bore single-barrelled sawn-off shotgun, a converted replica pistol, and 98 bulleted cartridges. I hope that this legislation will enable the police to do even more to get guns and knives off our streets.

9.56 pm

Stewart Hosie: There is a great deal in the Bill to be commended, not least the provisions regarding real firearms and realistic imitation firearms. As the Minister and other Members who served on the Committee know, however, our primary concern is airgun crime, although attempts to tackle real gun crime remain vital, as I said in Committee and I am happy to put on record again.

I shall explain our concerns about airgun crime. In 2003–04, there were 68 firearms murders, 1,195 attempted murders, and more than 10,000 crimes involving real firearms in England. In Scotland over the same period, there was one murder, four attempted murders and fewer than 200 crimes in which the firearm was identified as a real one. The figures for handguns are even more stark. There were 5,123 crimes, including 35 murders, in England, compared with only 29 handgun crimes and no murders in Scotland. The Government are absolutely right to tackle this scourge and to clamp down on it as hard as they possibly can. I do not want to see the handgun crime that causes so much misery in parts of the south-east of

England spreading to Scotland and other parts of the UK. In Scotland over that same period, however, there were 415 airgun crimes, compared with 194 crimes involving a real firearm—more than 200 per cent. more.

I welcome the amendments that have been made to the Bill. The Minister knows that I have concerns about the licensing scheme relating to vendors rather than purchasers. I am being deliberately brief, but I hope that, if the Minister looks at the statistics in a year or two and finds that the measure has not been sufficiently robust, and if airgun crime continues to rise, the Government will revisit this issue and look more sympathetically at a purchaser licensing scheme, rather than a vendor licensing scheme.

9.59 pm

Hazel Blears: With the leave of the House, Mr. Speaker, I do not think that I have anything to add except to thank the hon. Members for Woking (Mr. Malins) and for Hornsey and Wood Green (Lynne Featherstone) and all the officials who have helped us throughout our consideration of the Bill. I commend the Bill to the House.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6)(Standing Committees on Delegated Legislation).

Prisons

That the Northern Ireland (Sentences) Act 1998 (Specified Organisations) Order 2005 (S.I., 2005, No. 2558), dated 13th September 2005, a copy of which was laid before this House on 14th September, be approved.—*[Mr. Heppell.]*

Question agreed to.

Mr. Speaker: With the leave of the House, I shall put together motions 3 to 8.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6)(Standing Committees on Delegated Legislation).

Civil Partnership

That the draft Civil Partnership (House of Commons Members' Fund) Order 2005, which was laid before this House on 13th October, be approved.

That the draft Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005, which was laid before this House on 17th October, be approved.

Family Law

That the draft Civil Partnership (Family Proceedings and Housing Consequential Amendments) Order 2005, which was laid before this House on 19th October, be approved.

Judgments

That the draft Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005, which were laid before this House on 27th October, be approved.

National Lottery

That the draft New Opportunities Fund (Specification of Initiatives) (No. 2) Order 2005, which was laid before this House on 11th October, be approved.

Disabled Persons

That the draft Disability Discrimination (Private Clubs etc.) Regulations 2005, which were laid before this House on 19th October, be approved.—*[Mr. Heppell.]*

Question agreed to.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9)(European Standing Committees).

Common Agricultural Policy: Reform of the Sugar Sector

That this House takes note of European Union Document No. 10514/05, draft Council Regulation on the common organisation of the markets in the sugar sector, and draft Council Regulation amending Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the Common Agricultural Policy and establishing certain support schemes for farmers, and draft Council Regulation establishing a temporary scheme for the restructuring of the sugar industry in the European Community and amending Regulation (EC) No. 1258/1999 on the financing of the Common Agricultural Policy; and supports the Government's objective of achieving a more sustainable, market-based approach, in line with the reforms already agreed in June 2003 and April 2004 in other sectors, and consistent with the European Union's wider trade and development objectives.—*[Mr. Heppell.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9)(European Standing Committees).

EC External Action—New Instruments for Co-operation

That this House takes note of European Union Documents No. 13864/04, Commission Communication on the Instruments for External Assistance under the Future Financial Perspective 2007–2013, No. 13687/04, Draft Council Regulation establishing an Instrument for Pre-Accession Assistance (IPA), No. 13688/04, Draft Council Regulation establishing a European Neighbourhood and Partnership Instrument, No. 13689/04, Draft Council Regulation establishing a financing instrument for development co-operation and economic co-operation, No. 13690/04, Draft Council Regulation establishing an Instrument for Stability; and agrees with the Government that they provide a good basis for discussion of external actions spending (Heading 4) in the next Financial Perspective 2007–2013.—*[Mr. Heppell.]*

Question agreed to.

COMMITTEES

Ordered,

That Mr Russell Brown, John Bercow, Mr Brian Binley, Mr William Cash, Mr Martin Caton, Colin Challen, Mr Nick Clegg, Jim Dobbin, Mr Steven Dorrell, Paul Farrelly, Mr John Macdougall and Lynda Waltho be members of the Select Committee appointed to join with a Committee of the Lords as the Joint Committee on Consolidation, &c., Bills.—*[Rosemary McKenna, on behalf of the Committee of Selection.]*

PETITIONS

IsItFair Campaign

10 pm

Mr. Robert Walter (North Dorset) (Con): I wish to present a petition on behalf of the IsItFair council tax protest campaign in my constituency. I want to refer particularly to the lead signatory of the petition, Mr. Brian Jaye, one of the leading activists in this campaign nationally, who told me today that he sees this as a human rights issue, which he is prepared to take to the European Court of Human Rights.

The petition declares:

> That the year-on-year, inflation-busting increases in council tax are causing hardship to many and take no account of ability to pay; further that the proposed property revaluation and re-banding exercise will make an already flawed system even worse.
>
> The Petitioners therefore request that the House of Commons votes to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a system that is free from any geographical or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.
>
> And the Petitioners remain, etc.

To lie upon the Table.

10.2 pm

Mr. Oliver Letwin (West Dorset) (Con): I wish to present a petition on behalf of many hundreds of my constituents. I have the advantage of being able to be brief, because my hon. Friend the Member for North Dorset (Mr. Walter) and I are presenting the same petition in the same terms, although from different constituents. That is likely to be the case for many other constituencies around Britain. The petition is of course cast in the same terms and arises from the same concerns about inflation-busting council tax rises that are unaffordable for my constituents:

> That the year-on-year, inflation-busting increases in council tax are causing hardship to many and take no account of ability to pay; further that the proposed property revaluation and re-banding exercise will make an already flawed system even worse.
>
> The Petitioners therefore request that the House of Commons votes to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a system that is free from any geographical or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.
>
> And the Petitioners remain, etc.

To lie upon the Table.

Water Charges (South-West)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Heppell.]*

10.2 pm

Julia Goldsworthy (Falmouth and Camborne) (LD): I welcome this opportunity to bring the issue of high water bills and water poverty in the south-west to the attention of the House. My hon. Friends and many other colleagues in the House have been assiduous in drawing Ministers' attention to the issue over many years, through debates, questions and meetings, and the Minister has been good in responding. The fact that many Members across the south-west are still plugging away on it bears testament to the fact that it remains a major unresolved issue in my part of the world.

The problem of unaffordable water bills in the south-west is not new. It was originally caused by the privatisation of the water industry, which led to massive increases in south-west water bills. While many of the facts that I will set out are already known, because the issue has been so well debated, it is important that we re-rehearse some of those facts for the record.

We know that the problems were caused by a series of fundamental errors in the privatisation process under the Conservatives in the 1980s. Water companies and private investors initially made big profits on privatisation, because of big discounts. The amount of money set aside for a "green dowry" massively underestimated what the coastline clean-up would cost. The result was huge increases in water bills once that was realised, and the south-west's great expanse of coastline meant that it bore the brunt of clean-up costs, leaving us with the highest water bills in the country. That has been the case since then.

Mr. Dan Rogerson (North Cornwall) (LD): My hon. Friend rightly pointed out that there has been considerable investment in the sewerage infrastructure around the coastline of the south-west peninsula as a result of various clean-up initiatives. Does she agree that that investment has not just led to high water bills now, but is likely to lead to higher water bills for people in the south-west because of the cost of maintaining the infrastructure in future years?

Julia Goldsworthy: My hon. Friend is right—the clean-up will leave a legacy. People will have to maintain the cost of the infrastructure, and because the peninsula is rural and isolated the costs will be higher than they would be otherwise.

Since water privatisation, people living in the area covered by South West Water have consistently paid the highest bills in the country. This year's increases were about 17 or 18 per cent., and by 2009–10 the bills will hit an average of nearly £700 a year. That is not the only problem, however. As well as paying the highest water bills, people in the south-west have some of the lowest incomes and the highest house prices in the country.

Cornwall is the poorest county in the country. Wages are £100 a week lower than the national average and houses are among the most unaffordable. The peninsula also has more pensioners than the national average, and many people subsist on low fixed incomes. For people on low fixed incomes—hard-working families, pensioners and other individuals—the cost of water becomes increasingly unaffordable as increases rise, year on year, above inflation. They are the same people who find increases in unfair council tax unaffordable, but at least some people have the option of council tax benefit if they are on the lowest incomes. No such support is available to help these people to meet the cost of their water and sewerage, essential utilities.

Water bills and council tax were the two main issues that I encountered on the doorstep in the run-up to the last general election. While people in my constituency understood that the unfairness of the council tax was a national problem and they were not the only ones suffering, they were outraged that they were being discriminated against and facing a disproportionate burden compared with the rest of the country when it came to their water and sewerage bills.

The figures are depressing. Towards the end of the decade, some of the poorest pensioners in the south-west could be spending 7 per cent. of their disposable incomes on water and sewerage. Indeed, WaterVoice estimates that it could be as much as 10 per cent. The average working household will be spending twice as much of its disposable income on water and sewerage as the national average. The poorest households in the country will be those paying the highest water bills—bills that are set to increase by 25 per cent. by 2010.

Alison Seabeck (Plymouth, Devonport) (Lab): The hon. Lady is right to speak of the disproportionate effects of water bills on low-income pensioners. According to the Department for Work and Pensions, 250,000 children across the south-west are living in households in the bottom quintile of income distribution. If we are to address pensioner and child poverty, we must find a means of mitigating the effects of water charges, particularly in our region. I hope that the hon. Lady welcomes the proposed south-west affordability pilot, which may provide information enabling us to deal with part of the problem.

Julia Goldsworthy: I am coming to that—and I understand that, slowly, the Government are as well.

Given the amount that is being paid, it is not surprising that people are so enraged about the increases. People in London pay an average of £200 a year, about £4 a week. That is relatively insignificant compared with the figure, three times that amount, that my constituents will be asked to pay by the end of the decade. It is the further increases that have aggrieved people so much. Before the increases they were unhappy about their water bills, but prices were stable and they were prepared to swallow hard and pay. Now, with the likelihood of further dramatic price hikes, the issue is bubbling up again.

The Government know of the problems but, as the hon. Member for Plymouth, Devonport (Alison Seabeck) pointed out, they have failed to address the inequalities adequately. While they publicly acknowledge in debates and meetings that water poverty is a problem in the south-west, we have seen no action to tackle the structural problems that have caused the increases. There has been a cross-Government review of water affordability and, following that—as the hon. Lady also mentioned—we have heard the announcement of a water affordability pilot in the south-west. It was heralded a year ago, conveniently ahead of the general election, but we were not told a year ago that it would not be up and running until well into 2006. So far, no customer in the south-west has seen the benefit of the pilot or of any reduction in water bills. Sadly, under the present Government they do not look likely to.

The reality is that the pilot will benefit only a small number of people—a fraction of the percentage of the population who are paying the bills—who are already on water meters. They will see benefits in some respects, such as a benefits entitlement check, advice on debt management and repayment planning, water efficiency advice and the installation of water-efficient appliances and devices such as hippos for toilet cisterns, tap inserts and efficient shower heads. As my hon. Friend the Member for North Cornwall (Mr. Rogerson) has already said, the pilot takes no account of the infrastructure costs of providing sewerage to housing. For many people, that is the largest part of their bill. It is not the water they use—no matter how efficient they are, they will still face massive bills on account of sewerage costs.

Mr. Anthony Steen (Totnes) (Con): Does the hon. Lady agree that as the largest part of the water bill is for sewerage charges and as they have been inflated by the EU, which has insisted on increased quality of bathing and ordinary drinking water, the Government should help with those charges, as the water charges are quite reasonable?

Julia Goldsworthy: I certainly agree that the Government should do so, but residents and visitors to the south-west alike appreciate having clean beaches to visit.

Andrew George (St. Ives) (LD): My hon. Friend is aware that all the regulations that the hon. Member for Totnes (Mr. Steen) mentioned were already telegraphed by the time that privatisation was under way. Does she agree that the proposed pilot for 2006 has not even reached its scoping level and will benefit only up to 1,000 out of 600,000 households in the south-west?

Julia Goldsworthy: I agree, and I am as disappointed as my hon. Friend about that. The concern is that it will not help the people—many of whom will be older or on low incomes—who are not currently on a metered water supply. Certain households would not benefit from switching to a meter because they use a high volume of water, perhaps because one of the household members is ill or because it is a large family. The pilot does not even begin to tackle the structural problems that are due to the existing tariff structures and high sewerage costs that generate high bills for some people.

The pilot may help around the edges, but it does not address the fundamental problem that 3 per cent. of our population is having to pay the costs of maintaining 30 per cent. of our coastline, and the costs required to regenerate and maintain water and sewerage infrastructure across a large, peripheral and rural area are higher than in urban areas. That is the fundamental issue that has not been addressed.

[Julia Goldsworthy]

I think that I am right in saying that my colleagues and I are not particular about exactly how this problem is resolved, providing that it is dealt with. Many new suggestions have been made about how to help reduce the bills. One example is the introduction of new tariff structures. In previous debates, the Minister has said:

> "We have not shut down the idea of review of structures, prices and tariffs. We remain open to new ideas about them."—[*Official Report*, 10 November 2004; Vol. 426, c. 312WH.]

If he has not shut down that idea, I would welcome any information about the work that his Department has undertaken to review those structures, prices and tariffs and about what conclusions were reached.

Another alternative was suggested by WaterVoice, which drew attention to the Water Charges Equalisation Act 1977. Enacted by the Labour Government, it recognised the problem caused by disparities in water bills across the country. Of course, it was repealed in 1983 by the Conservative Government and several years after that came water privatisation.

Adam Afriyie (Windsor) (Con): The hon. Lady is casting aspersions on the former Conservative Government of eight years ago and she has demonstrated concern about privatisation, but she has not advanced any positive suggestions about what the Liberal Democrats would do. Is she proposing that water and sewerage charges should be harmonised throughout the UK?

Julia Goldsworthy: I am proposing a variety of suggestions. The last one is another precedent set by a Labour Government—indeed, this Labour Government—in an attempt to mitigate the unfair costs that some people face in respect of utility bill payments.

My hon. Friend the Member for Truro and St. Austell (Matthew Taylor) unearthed an interesting piece of information from Trade and Industry questions the other week. The Minister for Energy helpfully informed him that the typical household electricity bill in Scotland saw a saving of £27 a year—the result of a subsidy to electricity consumers in northern Scotland introduced in April this year. My hon. Friend also asked the Minister for Energy to have a word in the ear of Department for Environment, Food and Rural Affairs Ministers to explain why such a subsidy was required in northern Scotland to keep down fuel bills and reduce fuel poverty.

Surely the Minister recognises that increasing water bills in the south-west will pose very similar problems. I encourage him to make a foray on to his own patch on this issue, as the Trade and Industry Minister was very keen to ensure that he did not trespass on his. What are the Minister's views on the potential applicability of such an idea to water consumers? He will doubtless agree that it would appear hypocritical for his Government to provide support in one part of the United Kingdom but not in another.

This problem has a very long history. I hope that tonight's debate will bring some hope to my constituents and that they will finally get a fair deal on water bills. They do not care what form the solution takes, just as long as it results in bills that are more affordable. I do not consider that an unreasonable request.

10.15 pm

The Minister for Climate Change and the Environment (Mr. Elliot Morley): I congratulate the hon. Member for Falmouth and Camborne (Julia Goldsworthy) on making a case that, as she rightly stated, has been made on many occasions by various Members of this House, including her predecessor, who was very active on this issue. That case was also made recently by my hon. Friends the Members for Plymouth, Sutton (Linda Gilroy) and for Plymouth, Devonport (Alison Seabeck), and by a delegation organised by the hon. Member for Truro and St. Austell (Matthew Taylor).

I start by considering the very roots of the problem. I know that the hon. Member for Windsor (Adam Afriyie) said that the previous, Conservative Government are completely blameless on this issue, but the green dowry is a real problem that stems from 1989, when, as part of the privatisation process, the then Government wrote off existing debt of some £5 billion for all water companies. They also provided an additional cash injection of £1.5 billion—the so-called green dowry—in recognition of the upgrades that a number of companies would need.

Of course, hindsight is a wonderful thing, but it seems questionable whether the green dowry for the south-west was anything like sufficient at that time to compensate for the poor infrastructure, especially given the important point that it was calculated that such infrastructure investment would not be needed, as sea disposal of sewage was considered acceptable in 1989. It is not acceptable, and although there is no doubt that prices have gone up, people appreciate—as the hon. Member for Falmouth and Camborne said—that our beaches and rivers now enjoy record water quality. That is very desirable, but it is clear that it has come at a price. A better dowry for the south-west would have been sensible, recognising the scale of the problem in 1989. Had that happened, we would not face the difficulties that we currently face.

Adam Afriyie: The dowry to which the Minister refers dates from some 16 years ago. One can argue that the decision was right or wrong, but this Government have had eight years to resolve the situation. Surely he will come up with answers this evening, rather than simply laying the blame at the door of a previous Government in respect of events that took place many years ago.

Mr. Morley: Far be it from me to lay the blame on previous Conservative Governments; I am simply painting the background to the existing problems and describing their root. However, I will certainly touch on potential solutions.

I should point out to the hon. Member for Falmouth and Camborne that there are no easy answers to this problem, and one reason why is that the companies involved are private companies. I take it that the hon. Member for Windsor is not suggesting that we provide public subsidies for private companies, because that does not quite go with Conservative philosophy. It should not be forgotten that during the previous price round, the regulator, rightly or wrongly, cut bills by an average of just over 10 per cent. Although prices will rise between now and this time next year, which will affect customers in the south-west, in real terms they will still be paying less than they did in 1999. In 2006, the average bill will still be 2 per cent. lower, in real terms, than it was in 1999. These are nevertheless average prices, and such prices can mask disproportionate effects upon individuals. I am not being complacent about that. It is also fair to point out that the number of pensioners in relative poverty in the south-west fell by about a quarter between 1996–97 and 2002–03, from 270,000 to 210,000. It is true that pensioners' incomes in the south-west are marginally lower than those in Great Britain as a whole, but they are higher than in all regions outside London, the south-east and the east. Pensioners' incomes have risen faster than earnings over the past nine years.

In the country as a whole, pensioners' incomes have risen by 27 per cent., compared with 15 per cent. for wages, as a result of uprating the basic state pension in line with inflation, or by 2.5 per cent. each year, in uprating the guaranteed credit element of the pension credit in line with earnings so that the poorest pensioners will see year-on-year increases in income that are greater than inflation.

I stress these points because one of the ways in which the Government have approached the issue has been to tackle low incomes generally. That is a powerful argument. There are many different mechanisms in respect of utility prices, but low incomes are key to the problem. Affordability is also a key point. That problem applies throughout the country. There are certain improvements in the south-west that are dedicated to the area, including, in particular, water coloration and drinking water quality. There is also the issue of connecting homes to mains sewerage, which is a particular problem in the south-west. I understand that the current price round is designed to connect 261 properties to the mains, which is quite a lot. It is designed also to address sewer flooding, which is a problem in parts of the south-west, as it is in other parts of the country.

It would be wrong to think that the costs that fall upon south-west consumers are for the benefits of other people. Many of the costs are for the benefit of south-west customers and consumers. However, I recognise the point that the hon. Lady is making.

Andrew George: The Minister has given figures for average pensioner income. In the area that we are talking about, many pensioners come from a more wealthy background to retire in the area, which masks the underlying trend among local pensioners. Do the figures that the Minister has given reflect the figures for pensioner income throughout the far wider Government south-west zone than the area of South West Water, which is clearly geographically much smaller than the Government zone?

Mr. Morley: I do not dispute the point that the hon. Gentleman makes. There will be distortions as a result of wealthy pensioners who retire in the south-west, and that can mask real poverty. We are aware of that as a Government; we take it seriously.

I shall deal with the idea of lifting some of the price burden on to other areas to lower the price within the south-west. There are some problems, as I have said before when discussing these matters with hon. Members who have suggested that there should be cross-subsidy. Ultimately, all costs fall on the consumer. Ofwat sets an upper limit on prices. There is a strong argument for a strong and visible link between what the company spends and the customers who fund those moneys through their bills. If some of the cost is offset, that reduces the pressure on companies to ensure that they are offering the best service to their consumers.

There is also a problem with how we shift prices into other regions, because each region has its own problems and costs. The hon. Lady mentioned the Thames region. There is much discussion about the Thames interceptor, which would cost between £3 billion and £4 billion. As a result of particular problems with the Thames region, particularly with leakage, the level of increase in the region has been higher than in the south-west, although the overall bill is lower. I accept that.

On the logic of what the hon. Lady argues in terms of transferring costs, she must surely recognise that many consumers in the Thames region think that as the Thames runs through the capital, it is important that the river should be clean because of the Olympics and London's role as a national showcase, and that some of the cost should be spread to other people. How do we explain to poor people in Newcastle, Liverpool or Sheffield that their bills have to rise? Although what she proposes would help poor people in the south-west, it would also help wealthy people in the south-west—the very people who, as the hon. Member for St. Ives (Andrew George) said, have gone there to retire. How can we offload their charges on to poor people?

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): My hon. Friend mentions Newcastle, but someone on pension credit in the south-west will pay two to three times as much—perhaps 7 to 10 per cent.—as a proportion of their income as the equivalent person in Birmingham. I am sure he accepts that that is unfair and needs to be addressed.

I thank the Minister for meeting my hon. Friend the Member for Plymouth, Devonport (Alison Seabeck) and me last week, when he explained the difficulties. I also thank him for considering tariffs. However, will he encourage people to look across the piece to other Departments—the Department for Work and Pensions and the Treasury—to find solutions, rather than telling us that we cannot do something about a situation that is patently unfair?

Mr. Morley: My hon. Friend has a distinguished record on the subject, especially with her involvement in the Public Utilities Reform Group and the relevant all-party group. She raises an interesting point. I repeat that there are no easy solutions, but I also repeat that I have an open mind. I am willing to explore new ideas. She has some thoughtful ideas on how we might address the problem. They raise issues for DWP and other Departments, but I am happy to examine her ideas in detail.

The assistance for areas with high electricity distribution costs scheme has been presented as a panacea. I regret that that is not the case. I have, however, looked carefully at the AAHEDC—assistance for areas with high electricity distribution costs—scheme and can claim to be something of an expert on its intricacies and details. I regret to say that I cannot

[Mr. Morley]

understand how it could act as a solution. The electricity and water companies are very different. They have different infrastructure, operation and regulations. The big difference is that the electricity company has a national grid, on which the scheme is based, but water companies tend to be self-contained within their regions. There is no comparison.

Under the AAHEDC scheme, electricity suppliers in Britain subsidise the distribution company in northern Scotland. It works through National Grid Transco. The company collects a designated payment from all GB suppliers to be paid to the Scottish hydroelectric distribution company, which passes on its benefits to suppliers in its region by reducing its distribution use of system charges. The scheme is designed to assist the development of hydropower. That is part of its background and the reason for its existence. The benefits of hydropower are distributed throughout the grid. I am afraid that there is no comparison and, in that sense, the scheme is irrelevant. What is important is how it works.

There is no national grid for water. There are no network charges between water companies that can be adjusted in the same way. There are also other differences. The electricity scheme represents the continuation of a scheme that has been in place since 1943. As a matter of fact, it was put in place by a coalition Government. The scheme is not new. Indeed, the AAHEDC is a continuation of it. As I said, in part it is a form of support for renewable energy development. We have other mechanisms for renewable energy. The scheme is an early version of those. I am afraid that the comparison is a dead end.

Andrew George: The Minister says that there is no comparison, but the comparison between the support that the Government wish to give to renewable energy is equivalent to the support that we would wish to give to the tourist industry and the viability of the coast line around the south-west. That carries a premium by comparison with the clean-up costs in the rest of the country.

Mr. Morley: It does carry a premium, but other regions, companies and customer groups could make similar arguments about their circumstances. I mentioned Thames, but other parts of the country also have high costs. The hon. Gentleman's argument is a difficult one to make.

The issue is one of affordability for those least able to pay. We want to address that issue and that is why we have the vulnerable groups regulations. Last year, a cross-Government steering group reviewed the way in which lower income households are helped with their water and sewerage charges. The Government are working with Ofwat, the water companies and the Consumer Council for Water to take forward the recommendations of the affordability report. That includes looking into alternative tariff structures and charging options, and a pilot study in the south-west.

The first strand of work is to look at the scope for redistributing the burden among customers of a company through tariff and charge structures. We did review the water charging system in 1997–98 and that resulted in the Water Industry Act 1999, which introduced protection against disconnection, and the free meter option. I stress that for many people in the south-west going on to a meter would cut their costs—

Julia Goldsworthy: Not for everybody.

Mr. Morley: I do not dispute that, but I urge people to take up the option. It is free and they can try a meter for a year, after which they have the right to have it taken out if they do not think that it saves them money. That is a fair offer and I urge the hon. Lady to encourage her constituents to take it up.

We are open to new ideas on charging methods and tariffs. A working group will look at the current charging system and explore a range of tariff options. The group includes representatives from the Treasury, Ofwat, the Consumer Council for Water and the water companies. The group will consider how tariffs might distribute the total burden of a company's charges in ways that might address affordability. It will consider, for example, the block tariff, which has great scope for improving the situation.

As the hon. Lady says, we are setting up the south-west affordability pilot study, and I regret that it has taken some time. It is a new approach and we have to tender for the work, which takes a little time, although we have reached the closing stages. The pilot is limited—we never pretended otherwise—but it will benefit the most vulnerable, and that should be our priority.

Question put and agreed to.

Adjourned accordingly at twenty-seven minutes to Eleven o'clock.

House of Commons

Tuesday 15 November 2005

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

SCOTLAND

The Secretary of State was asked—

Alcohol Sales

1. **James Duddridge** (Rochford and Southend, East) (Con): What discussions he has had with ministerial colleagues about the sale of alcohol on public transport between Scotland and England. [26707]

The Secretary of State for Scotland (Mr. Alistair Darling): There are no proposals to amend the provisions with regard to the sale of alcohol on public transport between Scotland and England.

James Duddridge: I thank the Secretary of State for that clarification, but he will forgive me for not having been really sure. One thing seems to be happening in Scotland and the Home Secretary seems to be doing another in England. I can forgive the Secretary of State for Transport for not communicating with the Home Secretary, but can he explain why the Secretary of State for Scotland has problems communicating with the Secretary of State for Transport on rail matters, given that it is himself? Can he clarify those matters?

Mr. Darling: I understand the disappointment when a Member asks a question and receives an answer that he was not expecting. All I can say to the hon. Gentleman and the House is that there are no proposals to change the law.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): Does my right hon. Friend have any concerns about the sale or consumption of alcohol on public transport between Scotland and England? As far as I am concerned, there is nothing wrong with having a sensible drink and perhaps a meal while travelling on the train from Scotland to England.

Mr. Darling: I agree. Many people enjoy a drink on train services between Scotland and England, as they do on aeroplanes. As I said, the Government have absolutely no plans to change the law in that regard, nor have they any plans to change the law with regard to the consumption of alcohol on trains generally in England—in other words, on the non cross-border services. There are no plans to change the law at all.

Mrs. Eleanor Laing (Epping Forest) (Con): That was an interesting answer. Did the Secretary of State hear the Home Secretary speaking today at great length about promoting responsible drinking? Does he intend to promote responsible drinking in Scotland, too?

Mr. Darling: All of us would sign up to the proposition that people should act responsibly at all times whether they are on public transport, in a pub, on the street or wherever. That makes sense north or south of the border.

Devolution

2. **Miss Anne McIntosh** (Vale of York) (Con): What devolution issues the Advocate-General has considered since 18 October. [26708]

The Parliamentary Under-Secretary of State for Scotland (David Cairns): The Advocate-General has had a further 74 devolution issues intimated to her since 18 October.

Miss McIntosh: Is the Minister aware of the serious situation arising from the fact that the permanent regulations on Scottish legal aid have not yet been passed by the Scottish Legal Aid Board and the Scottish Executive, meaning that many counsel have to withdraw from representing clients, especially in appeal cases? Not only are their expenses not being met, but it is costing them money to represent clients in those circumstances. Will the Minister make urgent representations to the Advocate-General, the Lord Advocate and the Executive to ensure that those regulations, which were due to be adopted in September, will be passed at the earliest opportunity?

David Cairns: The hon. Lady asked a question in connection with legal aid at the last Scotland questions and I shall give her the same answer as she received then: issues to do with legal aid are devolved to the Scottish Executive and it is entirely a matter for them.

Mr. Alex Salmond (Banff and Buchan) (SNP): What advice was sought or given by the Advocate-General on the Government's terrorism legislation? We know that the Home Secretary, in an arrogant and dismissive attitude to Scots law, did not seek the advice of the Lord Advocate and we know that, in a craven way, neither the Lord Advocate nor the First Minister offered advice. The Advocate-General has a role in those matters, so will the Minister tell us whether she was treated in the same dismissive and contemptuous way?

David Cairns: The Advocate-General is a UK Law Officer and as such takes part in a wide range of discussions on all aspects of UK law. Terrorism legislation is entirely a reserved matter. Discussions took place between officials at the Home Office and the

Crown Office on how the issues would be implemented, but they are reserved matters and it was for the House to decide.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): Surely the Advocate-General should at least have suggested to the Home Secretary that he speak to the Lord Advocate about those matters. Is not the embarrassment now shared by the Home Secretary and the Lord Advocate, because of the failure to consult, the responsibility of the Advocate-General?

David Cairns: No, this is clearly a reserved matter and as such the Advocate-General can give advice, as she does on a range of issues as part of being a UK Law Officer. The policy issues were a matter for the House, and the House has decided that policy.

Smoking

3. **David Mundell** (Dumfriesshire, Clydesdale and Tweeddale) (Con): What assessment he has made of the possible economic impact of the proposed smoking ban in Scotland. [26709]

6. **David Taylor** (North-West Leicestershire) (Lab/Co-op): What assessment he has made of the likely impact of legislation to ban smoking in enclosed public places and workplaces in Scotland from 2006. [26712]

The Secretary of State for Scotland (Mr. Alistair Darling): In Scotland, health issues are the responsibility of the Scottish Executive. As the House will know, smoking is the greatest single, preventable cause of ill-health and premature death in Scotland.

David Mundell: I note the Secretary of State's response, but can he tell me what evidence there is that smoking is less dangerous in England than in Scotland? If there is no such evidence, why should my constituents who operate pubs and clubs across Dumfriesshire bear the commercial downside of this differential smoking policy, when smokers can simply go a few miles down the road to Carlisle for a night out?

Mr. Darling: The hon. Gentleman is right to suggest that smoking damages people's health no matter where they smoke. However, health is devolved to the Scottish Parliament, so it is entirely up to it to take a different view from the legislation that applies to England. The experience internationally—for example, in New York and Dublin—is that the ban has not been damaging in the way that its opponents feared. Indeed, many people enjoy the opportunity to go out to a place where they will not breathe in other people's smoke.

David Taylor: I am delighted that, from 26 March 2006, protection will be given against the carcinogenic effects of second-hand smoke to bar workers across Scotland, not least in the constituency of Airdrie and Shotts. Does the Secretary of State agree that next year's comprehensive smoking ban north of the border may result in health inequalities for the expatriate Scottish community in constituencies such as mine, where staff in non-food pubs and members clubs will have no such protection under the Health Bill? Will he discuss that with the Secretaries of State for Health and for Defence?

Mr. Darling: I have no doubt that my hon. Friend will have plenty of time to make his proposals when the legislation comes before the House. As I suggested to the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell) just a few moments ago, devolution inevitably means that legislation will differ, from time to time, north and south of the border. There is nothing wrong with that. Indeed, it was always anticipated that that would be the case. Of course, the extent of the ban in England was set out in the manifesto on which he and I both stood.

Jo Swinson (East Dunbartonshire) (LD): Given that there are 13,000 deaths each year as a result of smoking and many more thousands of people suffer illnesses as a result of the harmful effects of tobacco smoke, does the Secretary of State agree that the smoking ban in public places in Scotland will improve public health and that a healthier work force must therefore be good for the economy?

Mr. Darling: That is a very difficult question, but I think that the answer is yes.

Electricity

4. **Mr. Philip Hollobone** (Kettering) (Con): What proportion of Scotland's electricity consumption was generated in Scotland by (a) nuclear, (b) hydro, (c) gas, (d) coal and (e) other sources in 2004–05. [26710]

The Secretary of State for Scotland (Mr. Alistair Darling): In 2003, about a sixth of all Scottish generated power was exported to England and Northern Ireland. The energy sources for electricity generated in Scotland are given in "Energy Trends", which is published by the Department of Trade and Industry. The last edition appeared in December 2004.

Mr. Hollobone: Has the Secretary of State seen the report in *The Scotsman* today, which quotes a leaked Government report that Britain is on track to miss its carbon emission targets? Given the size of the nuclear generation industry in Scotland, by when must a decision be made for new nuclear capacity in Scotland if it is to improve its carbon footprint?

Mr. Darling: On the targets, the hon. Gentleman and the House will be aware that the Government are reviewing our policies at the moment, because it is important that the targets that we set ourselves are met. Indeed, we have done many things over the past two or three years. For example, last week, I announced proposals on biofuels that would involve taking about 1 million tonnes of carbon from the atmosphere. That is equivalent to taking more than 1 million cars off the roads every year.

On nuclear power, the Prime Minister has made it clear that part of our energy review will include whether we either extend the lives of the present nuclear generating plants or build new plants. The decisions on extending the lives of the existing nuclear plants must be taken in the next few years, first in relation to Hunterston and then Torness. Of course, as part of the review, we will decide whether new nuclear plants will be needed in the future.

Gordon Banks (Ochil and South Perthshire) (Lab): Will my right hon. Friend take this opportunity to tell the House what measures the Government are taking to ensure that the full potential of wind power in Scotland is exploited to the benefit of energy consumption in Scotland and the UK?

Mr. Darling: I agree with my hon. Friend's suggestion that it is important to do everything that we can to extend the amount of power that is generated by wind and other renewable sources. It is unfortunate, however, that many people who call for an extension of renewable power set about opposing the very means to deliver it—both the generators themselves and the power lines needed to carry the electricity. I agree that it is very important for both Scotland and the UK that we generate as much renewable energy as possible.

John Thurso (Caithness, Sutherland and Easter Ross) (LD): Is the Secretary of State aware of the considerable socio-economic development potential afforded by wet renewables, especially in remoter parts of Scotland? There is a possibility of not only developing generating industries, but providing local, cheap, green electricity. What discussions has he had with the Minister for Energy about the application of section 185 of the Energy Act 2004, which was referred to in his Department's response to a recommendation in a report by the Scottish Affairs Committee? Will he ensure that any benefit that accrues from that will go not simply to the islands, but to remoter parts of the mainland?

Mr. Darling: The hon. Gentleman will know that my hon. Friend the Minister for Energy said on Friday that the Government intended to extend powers under section 185 so that an advantage could be given to the generation of electricity on the islands. It will be well worth examining that.

I assume that the proposal would apply to Thurso. I understand that the hon. Gentleman owns a large amount of water in the north of Scotland, if not all of it—I declare an interest for him since he forgot to do that. I shall have a word with my hon. Friend the Minister for Energy to determine whether anything can be done. The hon. Gentleman is right that electricity can be generated on a small and local basis. Indeed, that is one of the things that my hon. Friend the Member for Edinburgh, North and Leith (Mark Lazarowicz) wants to encourage. My hon. Friend's Bill received its Second Reading on Friday, so I hope that that will encourage such activity.

Mr. David Hamilton (Midlothian) (Lab): Is my right hon. Friend aware that an advanced development is taking place on carbon capture, through which carbon can be put back into coal seams in the earth? Will he discuss with his colleague in the Department of Trade and Industry the possibility of arranging funding to develop that process, as we are sitting on billions of tonnes of coal—Scotland produces 6 million or 7 million tonnes of coal a year?

Mr. Darling: I am aware of those developments for not only coal, but gas. The possibility of carbon recycling is being investigated, especially at Peterhead power station. The Government are considering that process; the argument is whether it should be classed as renewable energy and treated similarly to that. We can all agree that it is absolutely essential to do much more to reduce the amount of CO_2 that is produced. Every bit helps, so we will certainly want to have a look at such energy generation.

Mrs. Eleanor Laing (Epping Forest) (Con): With respect, the Secretary of State did not answer the supplementary question asked by my hon. Friend the Member for Kettering (Mr. Hollobone). If the Secretary of State agrees with the leaked Government report cited in today's edition of *The Scotsman*, which admits that Britain is set to miss its targets for reducing carbon dioxide emissions, why is he dithering and being so vague about alternative sources of energy, especially nuclear, wind farms and other renewable sources? He technically gave an answer to my hon. Friend's question, but it was so vague as to be meaningless. Is he going to do nothing at all to reduce carbon dioxide emissions?

Mr. Darling: First, on renewable energy, the hon. Lady would be on much firmer ground if it were not for the fact that her colleagues constantly call for the postponement of planning consent for renewable energy projects, such as wind farms, and constantly complain about erecting the power lines that would be needed to transport such energy. The Conservatives say that we should be doing more, but at every turn they oppose measures that would encourage the development of renewable energy.

I said to the hon. Member for Kettering (Mr. Hollobone) that we need to consider nuclear power. For a long time successive Governments have shelved the problem. Given the pressing need to reduce CO_2 emissions, we need to examine that matter because that is a sensible way forward. As I have said, the CO_2 targets are tough and demanding, but the Government will do everything that they can to meet them. That stands in contrast to the Conservative party—I do not recall that it expressed any enthusiasm for the subject during the 18 years in which it was in office.

Mrs. Laing: We are not here to talk about my colleagues or the Conservative party. We are here to ask the Secretary of State what he is going to do, and he still has not answered the question. We have had an awful lot of fine words—"This is good and this is bad; this party or that party says this or that"—but the Secretary of State still has not told us. There are some serious matters. There is the need not just to reduce carbon dioxide emissions, on which we all agree, but to secure supplies of energy, particularly electricity, which we have been warned—my party has warned—is not necessarily secure should there be a particularly cold winter. What, I ask again, will the Secretary of State actually do about it, rather than just saying "We'll review this and we'll look at that" and talk about what happened 18 years ago? We are interested not in 18 years ago but in what he is going to do now for the future.

Mr. Darling: I can understand why the hon. Lady does not want to talk about the Conservative party. Let us take, for example, renewable electricity generation, and particularly wind farms. We are in favour of that and we support those developments; the hon. Lady's party is against them. It is all very well having an energy policy and an aspiration, but if she is not willing to give effect to it by ensuring that such things happen, it is not a policy at all.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): My right hon. Friend will be aware of the burgeoning wave power industry in Scotland and he will know that it was very pleased when, after quite some delay, the European Union approved the Department of Trade and Industry scheme to support marine technology such as wave power. However, the industry is concerned that decisions on allocating the funding that has been approved will not be made until January at the earliest. Will my right hon. Friend encourage speedy decision making by the DTI to support that important industry, which has so much potential for Scotland and the entire UK?

Mr. Darling: My hon. Friend is right that the European Commission has only just cleared that funding for state aid purposes. I am told that the DTI expects to ask for bids in the first quarter of next year. I do not know whether anything can be done to bring that forward, but I shall find out and write to my hon. Friend.

Class A Drugs

5. **John Robertson** (Glasgow, North-West) (Lab): What discussions he has had with the First Minister and his ministerial colleagues on the measures required to reduce the availability of class A drugs in Scotland. [26711]

The Parliamentary Under-Secretary of State for Scotland (David Cairns): I and my right hon. Friend the Secretary of State have regular discussions with Scottish Executive Ministers on a wide range of issues.

John Robertson: I thank my hon. Friend for his reply. He will be aware of the by-election held in my constituency in Knightswood Park last week, where Labour received 55 per cent. of the vote. One of the main issues on the doorstep was the effect that drugs are having on the community—*[Interruption.]* That is obviously not important to Opposition Members. I draw my hon. Friend's attention to the recent article in the *Sunday Mail* about the Daniels family, who amassed more than £16 million through drug peddling. Will he continue to work closely with the Scottish Executive to find solutions to prevent the misery and havoc that the drug culture wreaks on our communities, and will he do something about these parasites?

David Cairns: Every hon. Member is aware of the scourge of drug consumption—it ruins the lives of addicts, the lives of their families and the lives of those who have to live among people who deal in drugs. The Scottish Drug Enforcement Agency has had some considerable success. In the first six months of 2004–05, it seized more class A drugs than during the whole of the preceding 12 months, and so far this year it has seized class A drugs with a potential street value of more than £22 million.

My hon. Friend rightly highlights the work of the Assets Recovery Agency, which takes away the assets of those suspected of drug dealing. We cannot come down too hard on these people because they ruin lives and they ruin communities.

Michael Connarty (Linlithgow and East Falkirk) (Lab): Does my hon. Friend agree that one way to deal with the availability of class A drugs is to deal with demand? Everywhere I have been—Colombia and Afghanistan—the argument has been that if we were not demanding drugs, they would not be supplying them. One problem appears to be that we still use a methadone substitute for those who are addicted, but buprenorphine has been used in other countries—and in an experiment in Bassetlaw—to wean people off substitutes for heroin. Will my hon. Friend discuss that with the Scottish Executive and bring the results of that experiment to their notice, so that they might use a drug that can get people off heroin and its substitutes?

David Cairns: I have heard our hon. Friend the Member for Bassetlaw (John Mann) speak about that initiative in his constituency. It sounds like a very exciting initiative that is worth studying. If the results are positive, I am sure that the Scottish Executive will wish to take a look at it. As for Afghanistan, the most recent findings from the United Nations Office on Drugs and Crime show that the production of the opium poppy, which has led to an increase in cheap heroin in the past few years, may be beginning to be reduced. Obviously, that is very welcome news indeed.

Labour Statistics

9. **Mr. Jim Devine** (Livingston) (Lab): If he will make a statement on employment levels in Scotland. [26715]

The Secretary of State for Scotland (Mr. Alistair Darling): The number of people in employment in Scotland has increased by over 200,000 since 1997, and is currently at its highest level since quarterly records began. This shows the Government's success in bringing opportunity to all and has been achieved because of sound management of the economy working in combination with the enterprise policies of the Scottish Executive.

Mr. Devine: Unemployment in my constituency is 2.1 per cent., but what further action will my right hon. Friend and the Government take to achieve the socialist utopia of full employment?

Mr. Darling: I certainly do not regard the concept of full employment as utopian, but when our right hon. Friend the Chancellor of the Exchequer said that one of his ambitions was to secure full employment, he was criticised by the Conservatives and other parties. The fact that many people are in work, which is bringing them opportunities of which they could only have dreamt years ago, is a tribute to the management of the economy. We intend to continue those policies, because that is the best thing to do for the benefit of Scotland and, indeed, the whole country.

Mr. Mike Weir (Angus) (SNP): Despite what the Secretary of State said about employment levels, many manufacturers, particularly in my constituency, are seriously worried about the ever-increasing cost of energy. Over the next few months many of them will pay huge costs for their energy, and they are worried that that will impact on their ability to continue. What action has the Secretary of State taken to deal with the rising cost of energy, particularly for manufacturing industry?

Mr. Darling: The cost of energy is clearly of concern to a number of manufacturers, and we must make sure that we have a competitive supply of energy. The hon. Gentleman is not particularly in favour of that, but it is very important. It is also important, as we discussed a few moments ago, to do everything we can to ensure that we have security of supply, which also helps to bring down the price of energy. We will continue to ensure that those things happen for the benefit of manufacturing in Scotland and elsewhere.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): The Secretary of State mentioned that the Chancellor was keen on, and supportive of, full employment in Scotland. I should declare my interest in the oil industry, which appears in the Register of Members' Interests. One of the major contributors to the manufacturing economy of Scotland is investment in North sea exploration and production. Will the Secretary of State make it clear to the Chancellor that he must not impose on the North sea a windfall tax or other surprise taxation, which will frighten off the vital investment that is doing so much both for jobs in Scotland and for the security of our energy supply?

Mr. Darling: On full employment, I have just told my hon. Friend the Member for Livingston (Mr. Devine) that measures such as the new deal, which the Liberals opposed—to be fair, they were in favour of the concept, but against its funding—mean that hundreds of thousands of people are now in work and doing well in employment. That would never have happened but for the Government's policies.

The North sea oil sector is doing well at the moment. Over the past 20 to 30 years, there have been many changes in the regime governing taxation, but I am confident that the Government will do everything that they can to make sure that the North sea oil industry continues to develop and expand, as that is extremely important, particularly for the economy of north-east Scotland.

Pensioners

10. **Miss Anne Begg** (Aberdeen, South) (Lab): What estimate he has made of the number of Scottish pensioner households which will receive the £200 payment to help with council tax payments. [26717]

The Parliamentary Under-Secretary of State for Scotland (David Cairns): In Scotland, around 400,000 pensioner households with someone aged 65 or over and not in receipt of the guaranteed element of pension credit will receive the £200 age-related payment.

Miss Begg: I am glad to hear that. I do not know whether my hon. Friend is aware that the Liberal council in Aberdeen has increased council taxes for my constituents more than almost anywhere else in Scotland, so they will welcome that £200. What advice can he give my constituents when faced with high council tax hikes from the Liberal council?

David Cairns: My hon. Friend and I share the terrible burden of living in constituencies controlled by the Liberal Democrats at council level. At least hers does not have the distinction, which Inverclyde council has, of being the worst-performing council in all of Scotland since the Liberal Democrats took control. However, she is right that the £200 payment is part of a package of measures introduced by the Government to improve the lot of pensioners. Since we came to office, millions of pensioners have been taken out of poverty, which stands in stark contrast to the 18 years when the value of the basic state pension rose once and millions of pensioners were plunged into poverty under the Conservatives.

CONSTITUTIONAL AFFAIRS

The Minister of State was asked—

Electoral Registration

15. **Andrew Selous** (South-West Bedfordshire) (Con): What her policy is on the use of national insurance numbers as an identifier in electoral registration. [28118]

The Minister of State, Department for Constitutional Affairs (Ms Harriet Harman): Outside of Northern Ireland, we have no plans to require national insurance numbers to be required as a condition of electoral registration.

Andrew Selous: But if a presiding judge believes that the evidence of electoral fraud that he has seen would disgrace a banana republic, and also accuses the Government of being both complacent and in denial, why will the Government not introduce the tried-and-tested system of individual registration with national insurance numbers, which has worked so effectively to cut electoral fraud in Northern Ireland?

Ms Harman: The hon. Gentleman refers to the comments of Richard Mawrey QC following his electoral court investigation into local government matters in Birmingham. We have gone through that judgment very carefully indeed. The 10 measures to increase security in elections that we have included in primary legislation, in the Electoral Administration Bill that is before the House, and the four measures that will be in secondary legislation arise from that judgment, so we have taken it on board and introduced primary and secondary legislation to address it. We will pilot individual identifiers because we want to test whether the increase in security that can come from stricter requirements as a condition of being on the register are not outweighed by a fall in registration. I have taken the opportunity of looking at the South-West Bedfordshire register. There is not a problem of under-registration there. The hon. Gentleman should be careful before he makes suggestions that would not be a problem on the register of electors in his area, but which might have catastrophic effects in areas where there is a shortage on the electoral register.

Mr. David Kidney (Stafford) (Lab): Does my right hon. and learned Friend accept that such a requirement would be a bureaucracy too far, would prevent and deter large numbers of electors from registering to cast their vote, and as such would be contrary to our wish for more people to participate in our democratic processes?

Ms Harman: My hon. Friend is right. Commensurate with security that is as tight as possible so that we have confidence in the integrity of elections, we must ensure that more people are on the electoral register. The estimate is that about 3.5 million people who are entitled to vote are not on the electoral register and therefore are not able to vote. Those are not people in South-West Bedfordshire, but it should concern all of us that so many people are not registered. We do not want to create hurdles that result in even fewer people on the electoral register. We intend to pilot tougher security measures, but we must go about it on the basis of evidence and deal with it carefully.

Mr. Alan Beith (Berwick-upon-Tweed) (LD): Since there is no agreement on national insurance numbers, will the Minister re-examine the transitional arrangements proposed by the Electoral Commission, under which a signature would have to have been lodged at the time of registration or later for anyone who wants to claim a postal vote? The postal vote could therefore be more effectively verified than under the present arrangements.

Ms Harman: As the right hon. Gentleman knows because of his long experience and his excellent chairing of the Constitutional Affairs Committee, people who apply for a postal vote must provide their signature. Let me respond to him in a way that I hope other hon. Members will understand. The suggestion is that the collection of a signature should be voluntary when the application to register is made. I raise two questions with the right hon. Gentleman in response to that. First, if the scheme is voluntary, does it provide better security? Secondly, how would it be possible to encourage people to give their signature in such a way that it did not make them think the form was incomplete if they did not provide the signature, and at the same time encourage enough people to do it? My worry is that the proposal is a halfway house: it does not provide enough security; nor does it inhibit access. The House would agree that the way in which we are going about it—piloting in areas that can then be evaluated, so that we can increase security without that having a catastrophic effect on the register—is how we should go about dealing with the issue.

Michael Connarty (Linlithgow and East Falkirk) (Lab): My right hon. and learned Friend does not want to use national insurance numbers, but security is a problem. Hopefully, we are all involved in a campaign to persuade our electoral registration officers to scour all available registers. I have corresponded with electoral registration officers from Lothian and Borders and from Central Scotland, who assure me that they go through all records, including council house tenancies. At that point, however, they send out a form, and there is no way to verify whether the people who fill it in are the people on the register, so security is still a problem.

Ms Harman: My hon. Friend makes a good point, which is that even where electoral registration officers use data checking to discover whether somebody is actually present at an address in order to fill a gap in the register, they do not have the power to put them on the register and must still obtain a signature. He is right on that point, but it is still helpful when electoral registration officers check whether someone is present at an address. The Electoral Administration Bill requires electoral registration officers to use the available data, which some of them have not been doing. On fraud and data sharing, data matching and data checking mean that electoral registration officers can use existing data not only to ensure that gaps in the register are filled, but to check against fraud.

Mr. Peter Robinson (Belfast, East) (DUP): May I urge the Minister not to rule out the possibility of introducing national insurance numbers as identifiers in Great Britain? The policy has been more than piloted in Northern Ireland, where I believe that it worked—it provides accurate registers, which is an important factor. I do not believe that the Minister is right that it would significantly reduce electoral registration. The main problem in Northern Ireland was annual registration rather than the use of the national insurance identifier.

Ms Harman: We listen carefully to the hon. Gentleman, given his experience in Northern Ireland. We have not ruled out the use at some future date of national insurance numbers as a condition of registration. Just as I expect him to know that I will listen to him on Northern Ireland—he knows about the electoral situation in Northern Ireland, the fraud, the duplications on the register and over-registration; I do not know about those things—I hope that he accepts that my hon. Friends and I know about our own constituencies, where sometimes up to 30 per cent. of the people who are entitled to vote are not on the register. Northern Ireland had a different set of problems, which was addressed by specific primary legislation, and we must introduce legislation in this country that suits all the different constituencies. We do not want to introduce legislation that works well in South-West Bedfordshire but has the catastrophic effect of disfranchising constituents such as mine.

Mr. Oliver Heald (North-East Hertfordshire) (Con): Under-registration has been a scandal throughout this Government's period in office. Nothing has been done, and Labour councils are responsible for the areas concerned. What will the Minister do about under-registration and, equally importantly, accuracy, which is the point raised by the hon. Members for Linlithgow and East Falkirk (Michael Connarty) and for Belfast, East (Mr. Robinson)? The Electoral Commission and international observers have both said that we must have an urgent national response, not little pilots. Why has she not introduced individual voter registration? And why has she ignored the transitional scheme proposed by the Electoral Commission? She is kicking under-registration into the long grass, rather than tackling an urgent national problem.

Ms Harman: I am not kicking it into the long grass—I am proceeding by way of pilots so that we have an evidence-based approach to policymaking. The hon. Gentleman implies that we are doing this too late. I shall not comment on that.

As the hon. Gentleman says, it is important that we have an accurate register as proof against fraud; that is why we have introduced 10 measures in primary legislation and four in secondary legislation. We need to have it as proof against inadvertent inaccuracies; that is why we will have a central online record of electors and use data sharing. It is important not to be absolutist and ideological about this.

Hon. Members on both sides of the House must surely agree that measures against fraud should be as tough as possible and that everybody who is eligible should be on the register. I hope that they accept that that is what, in good faith, my Department, my fellow Ministers and I are trying to do.

Community Justice Centres (Wales)

16. **Huw Irranca-Davies** (Ogmore) (Lab): Whether she plans to establish community justice centres in Wales. [28119]

The Parliamentary Under-Secretary of State for Constitutional Affairs (Bridget Prentice): There are currently two community justice projects—the pilot community justice centre in north Liverpool, which was launched last month by my right hon. and learned Friend the Minister, and the Salford community justice initiative, which will be launched next week. Those will be fully evaluated to determine aspects that can be applied elsewhere. There will be no further community justice centres such as that in north Liverpool until the evaluation has taken place at the end of 2006.

Huw Irranca-Davies: I welcome the approach to evidence-based policy that my hon. Friend is advancing. I urge her to consider the American example, where areas with community justice models were better at holding offenders accountable and had an improved community perception of local justice, a quicker process from arrest to court appearance, and reduced crime. While the evidence is being gathered, may I put in an early claim for community justice models in the Welsh valleys and other urban centres, where they will do a lot to restore faith in community justice?

Bridget Prentice: My hon. Friend makes a compelling argument for a community justice centre in his constituency or thereabouts. We will consider what happens not only in north Liverpool and Salford but in other projects around the country and internationally. There are good projects going forward in Bridgend in Wales, where county court staff give presentations to schools and bring young people into the court system to give them work experience. Those projects are receiving very good feedback. They are also excellent in bringing in people from black and ethnic minority backgrounds and have recently won a national award from Operation Black Vote for encouraging people from black and ethnic minority communities to become magistrates.

Mr. David Heath (Somerton and Frome) (LD): Does the Minister accept that the experiment in Vauxhall in north Liverpool and the future one in Salford are enormously to be welcomed? Does she also accept—as I think she does, given what she said about evaluation—that the social and legal environment in the Red Hook area in New York, which was the origin of the experiment, is very different from that in northern Britain, let alone Wales, and that we need to look very carefully at whether the experiments work?

One could say that the old-fashioned term for community justice centres is magistrates courts. Does the Minister agree that we need to ensure that every community in England and Wales has access to a magistrates court? Will she make it clear that the further proposals for rationalisation or closure of local magistrates courts play no part in providing a community justice system?

Bridget Prentice: The hon. Gentleman is right. We must consider community justice in the round. What is appropriate in north Liverpool may not be appropriate in Somerset, Wales or even central London. It is vital that we take such evaluations seriously.

It is important that people have access to magistrates courts, but it is also important that we ensure that the proper facilities are available in the regions. I am sure that we will continue to ensure that that happens.

Mr. Jonathan Djanogly (Huntingdon) (Con): The first such pilot centre was established in the England and Wales jurisdiction in December 2004. *The Times* described the position at launch as follows:

> "The court was scheduled to begin at 9.45 am but by 10.15 am no defendants had turned up. Judge . . . Fletcher . . . undeterred by the shaky start, conducted a brief adjournment hearing but was finally forced to retire in the absence of anyone to administer tough justice to."

What lessons from existing centres can the Under-Secretary learn and apply to the new centres in Wales?

Bridget Prentice: It is a pity that the hon. Gentleman quoted from *The Times* instead of visiting the north Liverpool centre. We will help to arrange and facilitate that opportunity for him so that he can see the good work that is being done there.

The court began operating from the Liverpool magistrates court in December last year and has already heard more than 1,300 cases. It is a doing a good job and we should appreciate its work. The court is working with the local community because it asked for that facility.

Tribunals Service

17. **Mr. Tom Harris** (Glasgow, South) (Lab): What transitional arrangements are being made for tribunals that will join the Tribunals Service in 2006. [28120]

The Parliamentary Under-Secretary of State for Constitutional Affairs (Bridget Prentice): A major programme of work is under way to prepare for the transfers. We are working closely with the tribunals, parent Departments and stakeholders to ensure a smooth handover. A team of about 40 staff is working on that. We are on target to complete the transfers by April.

Mr. Harris: In my constituency, the efficiency of the asylum and immigration tribunal is vital. Will my hon. Friend reassure the House that the transitional arrangements will not compromise that efficiency, especially the average time taken for appeals to be heard against an initial decision to refuse asylum?

Bridget Prentice: My hon. Friend can be assured that immigration and asylum tribunals will not be affected by the transition because they are already part of the Department for Constitutional Affairs. He makes an important point about delay, which is not good, especially in asylum and immigration cases. The asylum and immigration tribunal, which started its work in April, now logs all cases directly. Those that are logged directly with it are often heard within a month of their being listed.

Keith Vaz (Leicester, East) (Lab): I had the pleasure of visiting the Arnhem centre last Friday and I saw the efficient work that is being done there. However, I am worried about appointments to the tribunals during the transitional period. Will the Lord Chancellor continue to make them or will responsibility be handed to the Judicial Appointments Commission, which already has a new chairman?

Bridget Prentice: I, too, have visited the Arnhem centre in Loughborough in the past couple of weeks. I put on record my thanks to the staff for their dedication. They work extremely hard and do an excellent job. Discussions are taking place about appointments in the transitional period. Those that are in the pipeline will continue to go through, but further discussions are being held with the different stakeholders to ensure that the transition is as smooth as possible.

State Funding (Conservative Party)

18. **Dr. Nick Palmer** (Broxtowe) (Lab): How much state funding has been paid to the Conservative party in the past five years. [28121]

The Minister of State, Department for Constitutional Affairs (Ms Harriet Harman): In the past five years, including the current one, the Conservative party will have received approximately £22.5 million in Short money, Cranborne money and policy development grants. That figure does not include free postage and party political broadcasts.

Dr. Palmer: The obvious question to ask is whether, at £100,000 per MP, the taxpayer is getting value for money. Perhaps more seriously, may I ask whether it is reasonable for the money to be concentrated overwhelmingly on one political party—be it the Conservative party or any other—and whether it should not be shared among the political parties represented in the House?

Ms Harman: The figures are as follows: the Conservatives received £22.5 million; the Liberal Democrats will have received £9 million over the same period; and the Labour party will have received more than £2 million. The House decided that money should go to the Opposition parties in proportion to their size, and much less to the governing party.

LEADER OF THE HOUSE

The Leader of the House was asked—

Private Members' Business

30. **Simon Hughes** (North Southwark and Bermondsey) (LD): If he will bring forward proposals to move private Members' business from Fridays to Wednesday evenings. [28133]

The Deputy Leader of the House of Commons (Nigel Griffiths): My right hon. Friend stated on 18 October that the Government had no plans to change the present arrangements for considering private Members' Bills.

Simon Hughes: At the moment, it appears to people outside the House that private Members' Bills have to overcome all sorts of hurdles before they have any chance of becoming law. If we are to engage the public and convince them that there is a chance for individual MPs to change the law, those Bills need a better slot and more protection. In the light of what happened to the Bills introduced by the right hon. Member for Birmingham, Ladywood (Clare Short) and, last Friday, the hon. Member for Southampton, Test (Dr. Whitehead), will the Deputy Leader of the House please reconsider bringing private Members' business into the middle of the week, where it would have the chance of a fair hearing and of making some progress?

Nigel Griffiths: Earlier this year, the Modernisation Committee considered moving private Members' Bills from Friday to a weekday evening. Its subsequent report concluded that such a move would fundamentally change the character of proceedings here, and the House has recently considered and decided the sitting pattern for the week. It is far too soon to reopen that issue.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): Will my hon. Friend carefully consider whether sufficient hours are allowed for private Members' Bills during the parliamentary week? There are ways in which the term could be extended. Members frequently come up with sensible ideas that ought to be allowed on to the statute book, but which are rejected by the Government of the day—sometimes for rather lightweight reasons.

Nigel Griffiths: There are 13 sitting Fridays for such Bills to be considered. The whole House will endorse my hon. Friend's sentiments in promoting the right of Members to have their Bills debated. When I have attended on Fridays, I have seen that there appears to be ample opportunity for debate, although, for one reason or another, best advantage is sometimes not taken of it. As I said, the Modernisation Committee considered this matter recently, as did the House in deciding our sitting patterns. I know that the House will want to review that matter from time to time as appropriate.

Chris Grayling (Epsom and Ewell) (Con): The Deputy Leader of the House will be aware that when Bills that have been fully debated in the House of Lords—often with the benefit of the great professional expertise in that place—come to this House, they often have to go to the back of the queue behind private Members' Bills, where they have little or no chance of being debated. Does he agree that that arrangement is not entirely satisfactory, and that it should be reviewed?

Nigel Griffiths: I do not agree with the hon. Gentleman. There are Bills that are drafted on behalf of Members in this House, which right hon. and hon. Members here would wish to champion. The hon. Gentleman would have difficulty in persuading hon. Members that their Bills should go to the back of the queue behind those from the other place, where there is ample opportunity—as he has pointed out—for the Lords to debate their Bills. Such matters are reviewed by the various Committees of this House and by Joint Committees, but I do not think that the hon. Gentleman has made a case for the change that he advocates.

Mr. Gordon Prentice (Pendle) (Lab): I support the hon. Member for North Southwark and Bermondsey (Simon Hughes). There are huge procedural hurdles to be overcome in getting private Members' Bills on to the statute book—100 Members voting for closure, for example. The whole pack of cards is stacked against private Members' measures. The Modernisation Committee is wrong; we have a slot available on Wednesday evenings, and private Members' Bills should fill it.

Nigel Griffiths: My hon. Friend is entitled to his opinion, and if he believes that members of the Modernisation Committee got it wrong, that is his view. As with several recent measures and decisions in the House, I respectfully disagree with him.

Mr. David Heath (Somerton and Frome) (LD): I support the suggestion of my hon. Friend the Member for North Southwark and Bermondsey (Simon Hughes). Has the Deputy Leader of the House noticed that on occasions Members find an awful lot to say about private Members' Bills on Second Reading—perhaps rather more than they say on the Second Reading of a Government Bill? Is it time to have some protection, in terms of the length of speeches on Second Reading, to enable private Members' legislation to proceed? Would not it be sensible, in any case, for him to collate information from those Members who have the good fortune to be drawn out of the ballot about their experiences in proceeding with their Bills, so that we can amend the proceedings of the House accordingly?

Nigel Griffiths: I welcome that lengthy contribution and question from the hon. Gentleman. The position is clear: Members take as long as they feel is necessary. The way in which the House operates is considered at least annually, and the sitting pattern during the week was considered before the summer recess. All those factors are taken into account. We all read *Hansard* and draw conclusions about the qualities of speeches that we have and have not heard.

HOUSE OF COMMONS COMMISSION

The hon. Member for North Devon, representing the House of Commons Commission, was asked—

House Security

31. **Mr. Graham Allen** (Nottingham, North) (Lab): If he will agree with the Royal Institute of British Architects the rules for an architecture competition to make the House more secure and more accessible; and if he will make a statement. [28134]

Nick Harvey (North Devon): The Commission has no plans to sponsor such a competition. A range of schemes are in progress, however, to enhance access to the House and to improve security, including the new visitor reception building on Cromwell Green that is due to open late next year.

Mr. Allen: I thank the House of Commons Commission for that typically helpful and radical answer. Will the hon. Gentleman consider putting the idea of arranging a contest to the Commission? Will he consider getting personally involved by sponsoring a prize, perhaps for the best school entrant's redesign of this Chamber? If he does so, I will personally sponsor a prize for the best student architect who comes up with a redesign of the Chamber. It is about time that we tried to inspire people outside to see this place once again as the forum of the nation rather than "behind the goldfish bowl".

Nick Harvey: I would be happy to sponsor a prize, as the hon. Gentleman suggests, for the best school entrant, but I caution him that he must be careful about raising any expectation that the winning design is likely to be put into practical effect. The Commission made it clear last year that the idea of visitors moving through a gallery to see the Chamber in action is not feasible, particularly in the current security climate. If he wishes to work up a detailed proposal, however, I am sure that the Modernisation Committee will be pleased to consider it.

Fair Trade

32. **Mr. Peter Bone** (Wellingborough) (Con): What proportion of products served in the refreshment outlets in the House are fair trade products. [28135]

Nick Harvey: It is not possible to give a single overall figure in the terms of the hon. Gentleman's question. Eight fair trade products are sold on a permanent basis, and another 10 intermittently. I am pleased to tell the House that all freshly brewed coffee served by the Refreshment Department is fair trade coffee.

Mr. Bone: I thank the hon. Gentleman for that reply. Should not we give a lead to the nation over fair trade products, which are very good? Surely the number of fair trade products available in the House is rather paltry, and should not we have a target for the availability of such products?

Nick Harvey: The fair trade product range is limited, and would therefore prevent us from reaching a high percentage. Many customers of the Refreshment Department exercise their choice, of which I am sure the hon. Gentleman would approve, by purchasing other products when fair trade products are available. Twenty-eight per cent. of the department's tea and coffee purchases in 2004–05 were fair trade. As he is aware, hon. Members can choose from a range of teas, and only a minority are currently taking advantage of fair trade products.

LEADER OF THE HOUSE

The Leader of the House was asked—

House of Lords Reform

33. **Bob Spink** (Castle Point) (Con): What recent discussions he has had with Cabinet colleagues on reform of the House of Lords. [28136]

The Deputy Leader of the House of Commons (Nigel Griffiths): My right hon. Friend the Leader of the House holds regular discussions with Cabinet colleagues on all aspects of the Government's programme, including House of Lords reform. The Government remain committed to the manifesto pledges to make further progress in codifying the conventions of the House of Lords and reviewing its functions, as well as placing reasonable limits on the time taken for consideration of Bills in that House. We also plan to remove the remaining hereditary peers, and to hold a free vote on the composition of the House.

Bob Spink: Does the Deputy Leader of the House regret the Government's dismantling of the other place without a viable plan to replace it? Does he accept that the natural, logical consequence of that Government action is that the other place will eventually become a wholly, or largely, elected Chamber?

Nigel Griffiths: I think that the hon. Gentleman is almost alone in believing that the Government have not made improvements in reform of the other place. Obviously many Members feel that those improvements have not gone far enough, but they are reflected in the manifesto that we put before the electorate, and we intend to follow them through.

BILLS PRESENTED

Pardon for Soldiers of the Great War

Mr. Andrew Mackinlay, supported by Chris Bryant, Paul Flynn, Jim Cunningham, Mr. Jeffrey M. Donaldson, David Taylor, Mr. David Chaytor, Jim Sheridan, Angus Robertson and Ms Katy Clark, presented a Bill to provide the granting of pardons to soldiers of the British Empire forces executed during the Great War of 1914 to 1919 following conviction for offences of cowardice, desertion or attempted desertion, disobedience, quitting post, violence, sleeping at post, throwing away arms or striking a superior officer; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on 2 December, and to be printed. [Bill 87].

Electoral Systems

Mr. David Chaytor, supported by Richard Burden, Mr. John Denham, Patrick Hall, Nick Harvey and Mr. David Heath, presented a Bill to provide for the holding of referendums about methods of election to the House of Commons and to local authorities; to enable a specified number of electors to require the holding of such a referendum; to require the Electoral Commission to establish a Citizen's Assembly to perform functions in relation to referendums; to provide for the adoption by a local authority of a different method of election; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 16 June, and to be printed. [Bill 88].

Point of Order

3.31 pm

Mr. Eric Martlew (Carlisle) (Lab): On a point of order, Mr. Speaker, concerning a statement on future infantry structure made in the Chamber on 16 December last year by my right hon. Friend the then Secretary of State for Defence, who is present today in a different role. He made an announcement about a new regimental name in the north-west. I was very pleased that he had retained the name "Border Regiment". Now I find that the Army Board, without reference to the Houses of Parliament—without reference to this Chamber—has decided to change the name. Surely that cannot be right, especially as the King's Own Royal Border Regiment has just been sent to Iraq. It is totally out of order for the board to change a decision made in the Chamber.

Mr. Speaker: I understand and sympathise with the hon. Gentleman's point, but he should understand that this is not a matter in which I can intervene. I am sure he will be able to apply for an Adjournment debate, which will allow the appropriate Minister to come to the House and give an account of what has happened.

Protection of Runaway and Missing Children

3.32 pm

Helen Southworth (Warrington, South) (Lab): I beg to move,

That leave be given to bring in a Bill to make provision for a national system to safeguard runaway and missing children; to make provision for the collection and reporting of information about runaway and missing children; make provision for co-ordination between local authorities and other bodies; and for connected purposes.

Children who run away or go missing from home are not bad children; they are children in a bad situation, at very real risk of danger. They need us to act together to help sort out their problems and keep them safe. We know the high risk that lone children face, yet we do not know how many children are reported missing to the police nationally, where they are missing or where they go. We do not have the information that we need to direct resources to deal with a critical and very complex issue.

The most comprehensive information that we have is from studies conducted by the Children's Society and the National Missing Persons Helpline, both of which are charities. The Children's Society undertook a new national survey of young people in the first half of 2005, involving more than 11,000 young people aged between 14 and 16 in mainstream schools, special schools and pupil referral units in 25 areas of England. The findings were stark. An estimated 100,000 young people under 16 run away or are forced to leave home to escape problems, while 77,000 children are running away for the first time each year.

The reasons for leaving home or care are very varied. Some young people are testing the boundaries, or find it difficult to negotiate and resolve difficulties in their families. Some have experienced bullying and a high level of conflict. Some are escaping abuse, neglect and danger. A quarter of young runaways said that they were forced to leave home and two thirds of children running away overnight were not reported missing to the police on the most recent occasion of going missing. Those findings are consistent with a smaller study conducted by the Children's Society in South Yorkshire and with evidence taken from the United States.

One in six runaways slept rough while they were away. If extrapolated, that means more than 10,000 children aged between 14 and 16 are sleeping rough every year in England alone. The risk of being hurt or harmed increases with the time spent away from home. Children who were away for a week or more were twice as likely to have been harmed as those away for just one night. Only a fifth of children sought help from anyone while away from home.

The university of York studied children who had used Message Home—the National Missing Persons Helpline 24-hour service—and found that while four fifths of those questioned had run away, one fifth reported that they had been forced to leave. The majority had gone missing from their family home, with a quarter reporting abuse and nearly a tenth bullying or other school problems. Many of those who had run away had stayed in very risky environments. Almost a third had stayed with a stranger, and more than two fifths had slept rough.

In the York study, one in eight reported having been physically hurt and one in nine reported having been sexually assaulted while away. Young people reported feeling unsafe or frightened while staying with strangers. Some stayed with adults whom they thought were friends only to be subject to abuse and placed at risk. The report concluded:

"It is difficult to over estimate the degree to which young people are vulnerable to exploitation when they are away from safe adult care".

Some young people have horrifying and very dangerous experiences that would test the courage and resilience of anyone in this Chamber—and the impact can be felt for many years.

Crisis, the charity for single homeless people, argues that research shows that children who run away are more likely to become homeless in later life. Crisis believes that it is important to intervene as early as possible to prevent runaway children from settling into a homeless lifestyle. The circumstances in which young people run away or are missing from home or care can be distressing, frightening and dangerous. It is difficult for the police and local authorities to predict the risk in individual cases.

Huge improvements have been made in children's services since the Children's Society set up the first UK refuge for runaway children in 1985. The social exclusion unit reported on young runaways in November 2002 and the Department of Health statutory guidance issued at the same time places requirements on local authorities to establish joint protocols to co-ordinate joint working across all agencies—including police, social services and health—for children who go missing. Each authority must have a senior manager to oversee those protocols and their implementation, and must produce an annual strategic monitoring report.

Part of the complexity of supporting children who have run away or are missing from home is that many children do not stay close to home. In my constituency, for example, they could be in the major cities of Liverpool or Manchester within 40 minutes of leaving home, crossing several local authority and police boundaries in the process. Police boundaries are rarely coterminous with those of local authorities.

The Association of Chief Police Officers has published guidance this year on the management, recording and investigation of missing persons, with standardised data collection requirements and case management procedures. For the first time, there are national standards to work to and forces can be inspected on them. However, the guidance does not yet have the status of a code of practice, and does not yet have the IT infrastructure to underpin the reporting requirement. Indeed, some police forces are still using paper-based systems, making information sharing very labour intensive. ACPO has developed protocols and IT systems with the National Missing Persons Helpline and the Home Office has agreed to make the IT systems available to forces at cost.

The Bill will establish a requirement for a single comprehensive national database and for the reporting of information to enable effective planning, to identify trends and to inform service commissioning and the sharing of best practice. There is no national co-ordination in place for providing services to young runaways—despite the very clear fact that running away is an act that can take children and young people across local authority and police boundaries and right across the country. The UK Police National Missing Persons Bureau, which conducted a strategic review earlier this year, could play a key role in managing data, running briefs and debriefs on critical incidents, and providing information for the commissioning of local and strategic services. But it needs a clear remit, and to be properly resourced as part of a national strategy.

Voluntary organisations are providing very important support services for vulnerable children, some of whom do not relate to, or feel intimidated by, statutory services. Some of these organisations are strategic service providers such as the Children's Society and the National Missing Persons Helpline, but a wide range of charities and non-governmental organisations also play a vital role supporting runaway and missing children and young people. In my constituency, "Talk Don't Walk"—a new, local charity-managed joint partnership project with the police, the local authority, health services, Connexions and the voluntary sector—is having a significant impact on reducing incidents of running away. Early this year, it worked with children in local authority care and their care staff to deal with issues of concern to them, and to prevent them from needing to push the boundaries by running away. The number of runaway incidents was cut from 83 to 39, and overnight episodes were cut from 67 to just one. On the basis of Home Office figures, which state that an overnight episode costs more than £1,400 on average, the total saving in terms of service resources was in excess of £78,000, but the saving in anxiety, risk and danger to those young people was far greater.

There are a significant number of local and national agencies and departments whose activities and responsibilities need to be brought together to support vulnerable children who are susceptible to running away. Advice and counselling, and help with negotiating boundaries and managing relationships, could assist such young people in finding alternative strategies to deal with problems at home and in school.

We need a national overview of projects working with missing children, so that we can learn what works best and roll out best practice. We also need a strategic body to commission or purchase cross-boundary services such as a nationally accessible 24-hour helpline; an appropriate number of children's refuges; and safe, supported accommodation. The National Missing Persons Helpline is dependent on donations, grants, charity shops and volunteers for its survival. The Children's Society's "safe and sound" campaign has highlighted the fact that there are only three children's refuges in the UK, offering a total of just 10 beds. Moreover, Government funding for the two runaway refuges in England will end in March 2006.

This Bill will establish a requirement for the national collection and reporting of data on children reported missing to the police, and a requirement for a regular national survey of young people similar to the British crime survey, in order to identify under-reporting. With co-ordinated leadership from national Government, it will also establish a national co-ordinating body that will include key statutory and voluntary agencies, in order to develop integrated policy and service provision.

We need to do this to protect vulnerable children, and I commend the Bill to the House.

Question put and agreed to.

Bill ordered to be brought in by Helen Southworth, John Battle, Ann Keen, Rosemary McKenna, Liz Blackman, Dan Norris, Ms Dari Taylor, Paddy Tipping, Laura Moffatt, Kitty Ussher, Peter Bottomley and Mr. Paul Burstow.

PROTECTION OF RUNAWAY AND MISSING CHILDREN

Helen Southworth accordingly presented a Bill to make provision for a national system to safeguard runaway and missing children; to make provision for the collection and reporting of information about runaway and missing children; to make provision for co-ordination between local authorities and other bodies; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on 12 May, and to be printed [Bill 86].

Opposition Day

[9TH ALLOTTED DAY]

NHS Finance

Mr. Speaker: I inform the House that I have selected the amendment in the name of the Prime Minister.

3.44 pm

Mr. Andrew Lansley (South Cambridgeshire) (Con): I beg to move,

> That this House supports the provision by the NHS of comprehensive, high quality health services, based on need and not ability to pay; notes that, despite unprecedented resources provided to the NHS, NHS trusts were over £600 million in deficit in 2004–05 and predicts deficits approaching £1 billion this year; believes that these deficits threaten the delivery of NHS services, through service cuts, freezing of staff vacancies and redundancies, bed closures and the closure of services in community hospitals; further believes that the uncertainty caused by proposed primary care trust restructuring should not be used to obscure responsibility for financial recovery and service continuity; wishes to see resources reach front-line healthcare providers; regrets the lack of savings in NHS overhead and administration costs; and calls on the Government to intervene to ensure that the long-term interests of patients are not damaged by short-term financial decisions.

At the heart of the debate is a series of questions. Why, when the Government are spending unprecedented amounts of money on the NHS, are more NHS hospitals and trusts in deficit? Why are services threatened? Why are jobs being lost, and why are community hospitals closing?

In this debate, we will investigate why those things are happening. What are the consequences? We will argue that the long-term interests of the NHS and patients must not be sacrificed to short-term financial decisions.

Let us start with the facts. In the financial year 2004–05, 90 primary care trusts, 65 NHS trusts and a number of NHS foundation trusts—the total has yet to be declared, but I believe it to be 12—were in deficit. The combined deficits amounted to £630 million, even though the Department of Health set control totals in the latter stages of the 2004–05 financial year to limit the overall deficit.

Stephen Hesford (Wirral, West) (Lab): Will the hon. Gentleman give way?

Mr. Lansley: I want to get the facts on the record, and then I shall give way.

The Department of Health aimed for a control total of £70 million. Three months after the end of the financial year, the Secretary of State was questioned on this matter and told the House that the net NHS deficit was £140 million. Despite pressure from Opposition Members, she did not acknowledge or admit that total overspends amounted to more than £700 million.

Shortly after the Secretary of State admitted that the net deficit was twice as large as the control total, the permanent secretary at the Department of Health revealed that the net deficit was £250 million. The figure would have been much higher but for the fact that strategic health authorities had underspent their budgets by some £372 million. To do that, I understand that they raided the budgets of the work force development confederations—the very same budgets that the Labour party, in the general election campaign, accused the Conservatives of wanting to abandon as part of our proposals to scrap SHAs.

Stephen Hesford: The hon. Gentleman quoted a figure of £600 million. The NHS Confederation reckons that the net figure is nearer £250 million. How does he account for the difference?

Mr. Lansley: The hon. Gentleman clearly believes the Government's propaganda. I have just explained all this, but I shall do so again. The net deficit in the NHS was just over £250 million because SHAs underspent their budgets—a large part of which was to be devoted to the work force development confederations—by £372 million. Without that underspend, the deficit across the NHS would have totalled £630 million.

Stephen Hesford: Will the hon. Gentleman give way again?

Mr. Lansley: I will, and perhaps this time the hon. Gentleman will explain why Arrowe Park hospital is facing deficits and closing beds.

Stephen Hesford: I shall deal with that when I come to make my speech, but I can tell the hon. Gentleman that he is wrong—*[Interruption.]* Mr. Speaker, the Opposition do not want to listen. However, when the hon. Member for South Cambridgeshire (Mr. Lansley) quotes a figure of £600 million, is he not simply exaggerating?

Mr. Lansley: There are limits to how many times I can repeat the same figures, even if the hon. Gentleman simply fails to understand them. If he comes to a debate on NHS finance, he should at least take the trouble to understand the subject. The Secretary of State will admit, if she cares to, that the gross overspends reported in the NHS accounts—and I can go through them for the hon. Gentleman, if he wishes—were £630 million. If the right hon. Lady wants to deny that figure, I shall give way to her now. [HON. MEMBERS: "Come on!"] As I expected, the Secretary of State makes no move to respond. Let us get some more facts on the record.

Three years ago, six SHAs were in deficit overall. Two years ago, seven SHAs were in deficit, and last year the total was 12. Half way through this financial year, 21 out of 28 SHAs were predicting deficits. The hon. Member for Wirral, West (Stephen Hesford) seems fond of quoting the NHS Confederation. In its otherwise obfuscatory briefing, it did at least admit that deficits this year are expected to be worse than last year.

Mike Penning (Hemel Hempstead) (Con): If the Secretary of State and Opposition Members do not believe our figures, perhaps they will believe Unison's. My friends at Unison have supplied us with a nice document that tells us that the deficit is £200 million in the eastern region alone. Unless the rest of the country has a tiny deficit, someone is telling porky-pies.

Mr. Lansley: I am grateful to my hon. Friend for that point. Indeed, in Norfolk, Suffolk and Cambridge, the strategic health authority predicted a £92 million deficit in its area alone.

Two years ago in 2002–03, there were 71 deficits. In 2003–04, there were 106 deficits and by 2004–05 there were 167 deficits, including foundation hospital trusts. As I said this year, the projected deficit is £1 billion, far in excess of last year's. The Department of Health has already set control totals approaching £350 million, but one has little confidence in its ability to exercise financial control. The chief executive of the Department, in a memo leaked last week to the *Health Service Journal*, said that the NHS is

> "tightening financial discipline after a spurt of growth in which increased income sometimes allowed people to forget good financial discipline."

That is from the accounting officer for the Department of Health. It is little wonder that three months after the end of the financial year the Secretary of State could be nearly 100 per cent. out on the out-turn figures for NHS finances.

NHS trusts have a statutory duty to break even, which is generally interpreted as allowing one financial year to be taken with another, but at this rate they will have to put two or three financial years together. We are now in the fourth year of rising deficits. Many PCTs and trusts have breached their requirements to live within resource limits or external finance limits. In several parts of the country, there is a risk of financial collapse.

Mr. Tim Yeo (South Suffolk) (Con): Is my hon. Friend aware that Suffolk West primary care trust proposes savage cuts in my constituency, including the closure of Walnut Tree and St. Leonard's hospitals in Sudbury with the loss of 68 beds? The cuts will be made at a time when Suffolk county council's social care budget is under extreme pressure and facing cuts, the population of the town is increasing sharply and beds in West Suffolk hospital—the district hospital that serves the area—are also being cut. The PCT's announcement of the cuts came just three months after it had approved the construction of a new replacement community hospital in Sudbury, the announcement of which came—conveniently—just before the general election. Today, Sudbury's existing hospital is to be closed, its new hospital has been cancelled and no replacement community services will be in existence before the cuts are made.

Mr. Lansley: I know that my right hon. Friend has been an active and tireless advocate for his constituents on the issue of Walnut Tree and St. Leonard's hospitals. The PCTs in Suffolk suffered large deficits. If memory serves, Suffolk Coastal and Suffolk West PCTs together were £18 million in deficit. As I said to my hon. Friend the Member for Hemel Hempstead (Mike Penning), Norfolk, Suffolk and Cambridge together face a very large deficit. The risk of financial collapse certainly applies to the Suffolk health economy and my right hon. Friend is right to be concerned about it.

Mr. Peter Ainsworth (East Surrey) (Con): While discussing the terrible deficits that have built up around the country—the Surrey and Sussex trust has an accumulated deficit of some £67 million—will my hon. Friend also reflect on the fact that the problem is not only about numbers? It is about cancelled operations and personal anxiety. It is about people having to make inconvenient travel arrangements to go further afield for their operations. It is about human misery and a failing health service. No number of letters from the Surrey and Sussex strategic health authority saying that it has been a huge success since its formation will persuade people who are suffering under this Labour Government that the health service is not in meltdown in Surrey.

Mr. Lansley: My hon. Friend is right: his area, Surrey and Sussex, has serious financial problems and he is right to say that they will manifest themselves in harm to patients. That is precisely why we say to the Government today that before the consequences of their decisions are played out in this financial year action must be taken to avoid damage to patients and indeed to their long-term interests, because often the services being cut could be part of a sustainable and successful long-term health system.

Kali Mountford (Colne Valley) (Lab): The hon. Gentleman is setting out for the House his view of the facts, but will he look at some other facts? For example, when the previous Conservative Government introduced the private finance initiative why were no hospitals built? Can he explain what the impact of the expenditure was when they actually were built, and will he explain why the hospital in Halifax was not built for more than two decades? Is he now suggesting that the hospitals that were built should not have been built?

Mr. Lansley: Given that the first flagship hospital to be built under the Government's PFI scheme was in Norwich, the hon. Lady might like to ask her colleagues there about the financial consequences of the way in which that project was undertaken. I know that we needed to build hospitals and it is right to do so, but to do it, as the Government did, in a way that transferred little risk but large amounts of profit through PFI, is not necessarily the right way.

Ed Balls (Normanton) (Lab): Like many Labour Members, I am pleased that Opposition Members are now concerned about standards of patient care and the financial state of the NHS, but if my memory serves me right, £2 billion would have been diverted from NHS trusts by the manifesto that all Opposition Members supported, through the patient's passport. Was that the right policy? Did the hon. Gentleman support it then, and why does he not support it now?

Mr. Lansley: I thought we would get something better from the hon. Gentleman.

Miss Julie Kirkbride (Bromsgrove) (Con): I want to help my hon. Friend by responding to the remarks made by the hon. Member for Colne Valley (Kali Mountford). In my constituency, we face cuts of between £20 million and £30 million at our local hospital, which threaten the accident and emergency department. One of the factors that makes it difficult to balance the books in Worcestershire's health economy is the cost of the PFI hospital in Worcester, one of the first hospitals to which the Government signed up. In the words of the chief executive of our local trust hospital, the hospital is "relatively expensive". When I heard the Under-Secretary of State for Health, the hon. Member for Don Valley (Caroline Flint), talking about the Worcestershire acute

[Miss Julie Kirkbride]

trust this morning, it occurred to me that there might be some panic in the Department of Health about the true cost of the PFI hospitals to which the Government have signed up.

Mr. Lansley *rose—*

Mr. Speaker: Order. I appeal to Members to make brief interventions, not long speeches.

Mr. Lansley: I am grateful, Mr. Speaker. I am also grateful to my hon. Friend the Member for Bromsgrove (Miss Kirkbride), who made an important point. I visited Redditch hospital and I know how important it is to the people of Redditch and the surrounding area that they have access to services, including the accident and emergency service at the hospital.

Several hon. Members *rose—*

Mr. Lansley: I want to make some progress, but I will give way to my hon. Friends in a moment.

As my hon. Friend the Member for East Surrey (Mr. Ainsworth) said, we need to think about the consequences—

Ed Balls *rose—*

Mr. Lansley: What are the implications of those deficits?

Ed Balls *rose—*

Mr. Speaker: Order. The hon. Member for South Cambridgeshire (Mr. Lansley) is not giving way.

Mr. Lansley: Important as it is to understand the finances of the NHS, it is more important to understand the consequences of the deficits. In September, the British Medical Association conducted a survey, which found that three quarters of trusts faced a funding shortfall; one in three trusts were planning to reduce services and almost half were freezing recruitment, including the recruitment of medical staff. A quarter of the trusts were considering redundancies, including medical staff—for example, clinical psychiatric staff in Oxfordshire.

The BMA said:

> "Something is going terribly wrong when patients pay the price for those financial problems and the Government's lack of joined-up thinking".

Gregory Barker (Bexhill and Battle) (Con): My hon. Friend may be interested to know that patients are already paying a price in East Sussex. In the East Sussex Hospitals NHS Trust, which is almost £5 million in deficit, not only two weeks ago did Conquest hospital start closing wards ahead of the winter, but it has now told all new out-patients that no one will be seen this side of Christmas and that patients must travel up to 30 miles. That is a damning indictment of not just the current financial crisis but a health funding formula that diverts funds from constituencies such as mine in the south-east to Labour's friends in the north.

Mr. Lansley: Yes, I understand exactly the point that my hon. Friend makes. South Cambridgeshire primary care trust, which covers most of my constituency, gets £888 per head this year, while the PCT in the Secretary of State's constituency gets £1,131.

The Royal College of Nursing published a survey this month that showed that up to 3,000 staff in England would lose their jobs, including at least 1,000 nurses.

Mr. Ian Austin (Dudley, North) (Lab): Given the hon. Gentleman's complete failure to answer the question posed by my hon. Friend the Member for Normanton (Ed Balls), may I ask him again whether he supported the patient's passport and the Conservative pledge to remove £2 billion from the NHS at the election? *[Interruption.]* I recall Conservative Members voting against the national insurance increase that has delivered billions of pounds for the health service. Will he tell me what the effect of blocking that increase would have been on NHS finance?

Mr. Lansley: Those who observe or read the report of the debate will reflect on the fact that Labour Members are not prepared to stand up and defend their Government's policies.

We are in the business of examining what is going on in this financial year and what are the realities across the NHS. One of the realities of those deficits is the closure of NHS beds. Let me remind the Government. The Secretary of State will recall, no doubt, that the NHS plan said five years ago that there would be 7,000 extra NHS beds by 2004. In fact, between 2000 and 2004, the number of NHS beds fell by 4,518.

Bob Spink (Castle Point) (Con): Does my hon. Friend share my concern that, during the Labour Government's term in office, 111 beds have been cut from Southend and Basildon hospitals, which serve my constituency, and that the Minister responsible refuses to give me an undertaking to rule out further cuts in hospital beds there?

Mr. Lansley: My hon. Friend gives a figure above and beyond the numbers that we have been able to establish in the survey that we have undertaken of possible bed closures across the country. That figure adds to those that I was about to give the House.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): As my hon. Friend knows from his excellent visit to Tetbury hospital, four cottage hospitals in my constituency face severe cuts. Is he aware that the Government made two fundamental pledges in their manifesto at the last election: to strengthen our national health service and to increase the number of intermediate care beds? Is it not about time that the Government allocated whatever resources they have got for the health service more fairly?

Mr. Lansley: Yes. I did indeed visit Tetbury hospital in my hon. Friend's constituency. Given the valuable work done there and the opportunity for patients to be sent closer to home for further rehabilitation after operations, in refurbished and well-appointed small wards. I was astonished that the PCT proposes to close them at the end of December. That seems outrageous and he was right to receive a substantial local petition on the subject.

I want to pick up the thread of where we are with the number of beds. Our analysis—clearly, the figure is greater than we knew—is that 2,500 additional NHS beds are threatened with closure this year in the 43 trusts that we identified from our survey. In the five years since the publication of the NHS plan, instead of 7,000 more hospital beds, there will be 7,000 fewer. Five years ago, we had 186,000 beds in the NHS and 159,000 administrators. By the end of this year, we will have fewer than 180,000 NHS beds, yet more than 211,000 administrators.

What has been going on? Why have these deficits occurred? It is partly because the Government have been decreeing the cost structure of the NHS and costs have been rising dramatically. About 80 per cent. of the additional cash provided for the NHS has been consumed by spending pressures: pensions indexation; National Institute for Health and Clinical Excellence guidelines; the consultants' contract, the cost of which the Government underestimated; the general practitioner contract, the cost of which was substantially underestimated; the drugs bill; and the implications of the working time directive, which means that many more medical staff must be employed to undertake the same work as previously. Additionally, £500 million extra has been spent on "Agenda for Change" and information technology costs have been higher than predicted. I am reliably informed that, if the NHS tariff had had to incorporate all the additional spending pressures last year, it would have increased by more than 8 per cent. All the extra cash thus would not have bought anything extra, which is interesting because that is precisely what happened. We had all the extra cash, but there was no increase whatsoever in the number of elective operations—that is, planned operations—carried out in NHS hospitals between 2003–04 and 2004–05.

Grant Shapps (Welwyn Hatfield) (Con): Has my hon. Friend included in the category of wasted money the amount spent on consultants? My East and North Hertfordshire NHS Trust recently called in an outside consultancy firm at a cost of more than £300,000. The upshot was a recommendation to close the children's accident and emergency department, the blue light A and E service that is for everyone, all maternity services and all facilities for elective operations. The general hospital has been turned into nothing more than a community hospital. That is where the money is going.

Mr. Lansley: I have every sympathy with my hon. Friend. We visited that hospital together and I entirely understand his point.

Management should be effective. Monitor has employed some management consultants and, frankly, that spending represented better value for money than the amounts spent year after year on the strategic health authorities that are supposed to be responsible for performance and financial management in the NHS, but have palpably failed to deliver on that responsibility. Under the Government, we get more management, but not better management. There are now 52,000 more administrators than there were not in 1997, but in 2000.

Mr. Jim Cunningham (Coventry, South) (Lab): Does the hon. Gentleman recall that one reason why we had hospital closures was the lack of investment in doctors and consultants and the fact that nurses were made redundant? More importantly, he is missing this point: we do not hear about many cases of people on trolleys because there are no beds for them in hospitals any more.

Mr. Lansley: We are debating the NHS as it is today, not the hon. Gentleman's representation of how it might have been in the past.

Kali Mountford *rose*—

Mr. Lansley: I have more to say and I do not want to intrude on the time of hon. Members who want to speak.

In four years, the number of administrators has increased by a third, which is twice the rate of increase in the number of doctors and nurses. The cost of salaries for administrators—not the other bureaucratic costs imposed on the system—rose over those four years by £1.3 billion in real terms. However, half that amount represents the deficit in the NHS. If the cost of bureaucracy in the NHS had been held down over the past four years, the money would have been available to enable many of the deficits to have been met and avoided.

As my hon. Friends have made clear, the consequences of the situation for community hospitals are dramatic. We have a list of 90 community hospitals that are threatened. However, the Government said during the election that they wanted to build new community hospitals. The NHS plan said that they wanted more intermediate care beds, but community hospitals and intermediate care beds are being closed.

Ann Winterton (Congleton) (Con): Is my hon. Friend aware that it is not only community hospitals that are under threat? I am the greatest supporter of community hospitals, and the Congleton War Memorial hospital gives a fantastic service, but district general hospitals are now under threat. If accident and emergency, children's and maternity services are stripped away from a district general hospital, one has only a community hospital. I represent a rural area from which people will have to travel to Stockport, Leighton and north Staffordshire for treatment. Given that the Government are trying to get us all off the roads, does he agree that that seems stupid?

Mr. Lansley: I do agree. My hon. Friend will no doubt know—I cannot see any Members of Parliament from north Staffordshire here at the moment—of the difficulties that the university hospital at north Staffordshire itself faces and the threat to services there.

The issue of community hospitals is a classic illustration of precisely the point of this debate. Primary care trusts that are running deficits are trying to deal

[Mr. Lansley]

with the implications of payment by results and paying for the activity in hospitals—principally the emergency and unplanned activity—while at the same time having to pay enormous amounts through the GP contract. Their solution is to cut the budget of the one part of the scene that they control. That is often the contracts with community hospitals. That is fool's gold—it is penny-wise and pound-foolish—because in the longer run, we will have less accessible services and less appropriate services clinically. Patients should be discharged from the acute district general hospitals to relieve pressure there and would be seen more appropriately in community hospitals.

Mr. Nick Hurd (Ruislip-Northwood) (Con): My hon. Friend may be aware that Hillingdon primary care trust forecasts a deficit of £31 million in 2005–06. It admits that the only solution is substantial closure of beds at Hillingdon hospital. In the meantime, it tinkers with cuts to services which, in its sensitive way, it deems low priority, but which are highly valued by those who are about to lose them. Are my constituents wrong to feel angry at the amount of time and money that the same strategic health authority spent on the Paddington health campus fiasco?

Mr. Lansley: My hon. Friend is right: his constituents should feel angry at the fact that £14 million has been wasted on consultancy and the like on the Paddington health campus scheme. In addition, the National Audit Office report suggested that the opportunity cost of that scheme was £100 million. Where was the statement from Ministers? Which Minister told the House about that? The Minister formerly responsible for that, the new Secretary of State for Work and Pensions, did not even have the courage to give an interview to the independent review into the Paddington health campus scheme, such is the complete absence of accountability on the part of this Government.

I want to mention two more things. Is there any answer to all this in the primary care trust restructuring that the Government have proposed? There is no answer at all. We know what is really going on. There are deficits and difficult, sometimes painful and wrong-headed decisions to be taken, often without the benefit of realistic or real consultation with local people, but lo and behold, in a year or two, all the organisations that take those decisions will disappear and be submerged into a bigger organisation. There is everything to be said for cutting bureaucracy in the NHS—we recommended that, but we were clear at the time of the election about the future functions of PCTs. This Government—I do not know where the Secretary of State was when the announcement was sent out, for which she has apologised—dictated changes in the form of primary care trusts but at no point said what their functions would be. There has been utter confusion since.

Mr. James Gray (North Wiltshire) (Con): Will my hon. Friend give way?

Mr. Lansley: I will give way for the last time to my good friend and then I must conclude.

Mr. Gray: My hon. Friend is right about the re-creation or re-amalgamation of PCTs. In Wiltshire, we have re-created something that looks very much like the Wiltshire health authority, which I rather welcome, but on top of that we have something called the Avon, Gloucestershire and Wiltshire strategic health authority—what it is for, I know not—which spends huge sums on bureaucrats, all of them driving BMWs, and on a posh office in my constituency. What is happening? They are closing Malmesbury hospital as a result—closing a hospital to spend the money on admin.

Mr. Lansley: My hon. Friend is right.

We have a great deal to do. We need to cut bureaucracy. We need proper risk-sharing agreements between PCTs and hospitals about what is to be done where activity rises and payment by results applies. We need integrated commissioning of emergency care. We need the Government to stop the central imposition of costs through national pay contracts. The working time directive needs to be renegotiated. More than a year ago, the Government promised to renegotiate it in Europe, but we have not heard anything about it since. Most of all, however, we need a Government who do not believe that, while controlling NHS costs and imposing 80 per cent. of the additional cost pressures on primary care trusts, they can at the same time wash their hands of that responsibility which, they say, belongs to local PCTs.

Mr. Pat McFadden (Wolverhampton, South-East) (Lab) *rose*—

Mr. Lansley: I am afraid that I am about to conclude.

The Government must not be allowed to wash their hands of the deficits that have arisen across the NHS. Resource allocation means that health economies in London, as we heard from my hon. Friend the Member for Ruislip-Northwood (Mr. Hurd), in the south-east, parts of the south-west, East Anglia and parts of the north are in crisis. Hospitals across the country are struggling with rapidly rising cost pressures. Rising emergency attendances are crowding out elective activity in NHS trusts. At the same time, however, the Department of Health top-slices funds for take-or-pay contracts with private sector providers, who are paid regardless of whether patients are referred to them.

Unrealistic and absurd assumptions by Ministers have led to serious underestimates of the cost of consultant and GP contracts. A former health adviser to No. 10 says that too many Government contracts did not incentivise productivity improvements. Small wonder, then, that productivity in the NHS declines every year. PCTs are caught between the rock of rising hospital costs and the hard place of GP contracts and out-of-hours costs. PCTs are cutting services and closing community hospitals and mental health services, as has happened in my own constituency, thus threatening the long-term viability of community services. Short-term cuts threaten the long-term interests of patients. Instead of shifting the blame, the Government must recognise the scale of the problem, intervene to resolve the deficits, and prevent permanent damage to the NHS this year and next. I commend the motion to the House.

Mr. Speaker: I remind the House that there will be an eight-minute limit on Back Benchers' speeches.

4.17 pm

The Secretary of State for Health (Ms Patricia Hewitt): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"welcomes the Government's record levels of investment in the National Health Service, with expenditure set to rise to over £92 billion by 2007–08; notes that by this date £70 billion, more than ever before, will be going to the NHS front line; congratulates the Government on delivering investment and reform, leading to historic improvements to NHS services and capacity, reducing waiting times to their lowest in nearly a generation, from over two years to a maximum of six months, and to a maximum of 18 weeks by 2008, employing nearly a quarter of a million more NHS staff than in 1997, including 78,700 more nurses and 27,400 more doctors, and undertaking the largest hospital building programme in the history of the NHS, including investing £100 million in a community hospitals programme; further notes that the NHS has achieved overall financial balance in each of the past four years, and last year carried a deficit of around only 0.4 per cent. of total resources; compares this with the record of the previous Government which left the NHS with a £460 million deficit in 1996–97 which amounted to almost 1.5 per cent. of total resources; and agrees that, given the record increases in health funding available coupled with the strengthening of Primary Care Trust commissioning, all NHS organisations should be able to live within the resources available to them and to provide excellent services to their populations."

This morning, I had the enormous pleasure of accompanying my hon. Friends the Members for East Ham (Mr. Timms) and for West Ham (Lyn Brown) to the official opening of the NHS gateway treatment centre in Newham, which is one of the most diverse communities in the country, with the UK's youngest population. It also has some of the most pressing health needs. Now, however, the new NHS treatment centre, which is part of the growing Newham health village, is offering outstanding care to NHS patients. There is a wonderful new environmentally sustainable building, which is the result of a £17 million investment with which we helped. The centre offers patients the choice of three-bed ward or a single-bed room. It was designed with clinicians to speed up care and recovery.

Mr. Graham Stuart (Beverley and Holderness) (Con): Will the Secretary of State give way?

Ms Hewitt: No, I will finish my example before giving way. I know that the hon. Gentleman has received excellent health care and will readily give way to him in a moment. *[Interruption.]* If Opposition Members will permit me, I want to say a little more about what the staff at the gateway centre are doing. It was a pity that the hon. Member for South Cambridgeshire (Mr. Lansley), who spoke at some length, did not give one word of thanks to our outstanding NHS staff.

Mr. Lansley: The Secretary of State knows perfectly well that this whole debate is in the interests of NHS staff. However, I would like to pay tribute to the staff of hospitals in Newham, because Newham general hospital is the successor institution to the East Ham memorial hospital, where my father ran the pathology laboratory for nearly 30 years.

Ms Hewitt: I am glad that the hon. Gentleman has now made that point. The staff at the Gateway centre, led by the consultant surgeon Mr. Nigel Fieldman, are working in new and better ways. They are making much greater use, for instance, of nurse practitioners and operating department assistants. The result is that a patient coming in for a hip replacement or some other elective procedure, who, in the old hospital, would have faced an average stay of 10 days, now has an average stay of just five days, and the staff believe that they can get that down even further.

Several hon. Members *rose*—

Ms Hewitt: Before I give way, I want to pay tribute to the outstanding work of all the staff at the Gateway centre, but in particular to Mr. Fieldman, who is due to retire shortly and will leave behind him a centre that is a shining example of the future of our national health service.

I will give way first to the hon. Gentleman with the injury.

Mr. Graham Stuart: Some hon. Members may have noticed that the sling was off last week. I was a poor patient and had to put it back on this week. I am delighted to hear of the reaction of staff in Newham at being provided with decent facilities with which to look after their patients. We only wish that were true across the country. We wish that the right hon. Lady would speak to the staff in Withernsea and Hornsea in my constituency and tell them about decent facilities. They want them there so that people can have better care in east Yorkshire, not just in central London.

Ms Hewitt: It is a great pity, then, that the hon. Gentleman's party voted against the national insurance increases that are delivering the record levels of investment that are paying for improved facilities right across our country.

Mr. Peter Bone (Wellingborough) (Con): I wonder whether there a mistake in the Government's amendment. It states that they are

"reducing waiting times . . . to a maximum of six months".

Is that an error? In Wellingborough only two weeks ago someone showed me that they were being asked to wait for 40 weeks for treatment, and two other people were being asked to wait 52 weeks. To me, that is more than six months.

Ms Hewitt: Perhaps the hon. Gentleman will let me have details of that.

By Christmas, we will have a maximum waiting time of six months for an operation—six months, compared with over 12 months, in many cases over 18 months and in some case 24 months under the Government whom the hon. Gentleman supported.

The Gateway centre is giving its patients what we want for all patients: the best possible health and the best possible health care, with the best value for money. It is particularly relevant to the debate that both the hospital trust and the primary care trust are achieving financial balance.

Mr. Ian Austin: Given the Opposition spokesman's pathetic refusal to reply to the questions that he was asked earlier, can my right hon. Friend give her estimate of the effects of cutting NHS expenditure by £2 billion,

[Mr. Ian Austin]

which was the pledge in the patient's passport, and of the effects on the NHS of cutting the national insurance increase, which the Opposition parties voted against? Can she explain what effect that would have on NHS finances and services?

Ms Hewitt: My hon. Friend makes an important point. *[Interruption.]* One estimate of the impact of taking out the £1 billion to £2 billion that the Opposition promised—or should I say threatened—at the general election to invest in their patient's passport would be a reduction by 9,000 consultants in the staff of the NHS, a massive reduction in care for NHS patients and a devastation of the NHS right across the country. *[Interruption.]*

Mr. Speaker: Order. The Chamber is getting very noisy indeed. The Secretary of State has come in good faith to speak to the House. We need some courtesy in the House.

Mr. Nigel Waterson (Eastbourne) (Con): The right hon. Lady has been generous in giving way. Now that she has visited Newham, will she come 60 miles south to Eastbourne, where she will find a hospital trust in crisis, with the worst bed blocking in the entire NHS, people being turned away from out-patients and the trust being required to make £17 million of cuts in the current year?

Ms Hewitt: In a moment, I shall discuss what is being done to deal with deficits, too many of which have built up over several years in health communities that have spent beyond their means, even though those means are significantly bigger than ever before.

Several hon. Members *rose*—

Ms Hewitt: I will not give way, because I intend to make progress.

I want to be fair to the Opposition, who have recognised in their motion that there has been "unprecedented" investment in the NHS in the past eight years. Eight years ago, we inherited a wholly inadequate NHS budget of just £34 billion, which we doubled to nearly £70 billion in 2004–05. By the end of 2008, the NHS budget will be more than £92 billion, nearly treble what it was when we entered office, which reflects the strength of the economy under the prudent economic policies delivered by my right hon. Friend the Chancellor. Conservative Members may claim that they support that extra investment, but they voted against the means to pay for it.

Ed Balls: In my constituency, we have more than 1,000 extra doctors and nurses as a result of extra investment since 1997. *[Interruption.]*

Mr. Speaker: Order. I cannot hear the hon. Gentleman, and I want to hear what he has got to say.

Ed Balls: I am grateful for your support, Mr. Speaker. Will the Secretary of State reassure my constituents that this Government will never introduce a patient's passport? Does she think that there is any prospect of a cross-party agreement to rule out such a proposal at future elections?

Ms Hewitt: My hon. Friend makes an interesting proposal. I can happily give him the reassurance that he seeks: we will never take money out of the NHS budget to subsidise private health care for the few, which is what the patient's passport involved. I am sure that Conservative Members will want to consider his proposal for a cross-party agreement before the next election.

I look forward to Conservative Members answering this question, which the hon. Member for South Cambridgeshire has refused to answer: what is Conservative party policy on the patient's passport?

Mark Pritchard (The Wrekin) (Con) *rose*—

Ms Hewitt: Perhaps the hon. Gentleman will tell us.

Mark Pritchard: The Secretary of State has said that record investment has gone into the NHS, but my constituents are asking why the Shrewsbury and Telford Hospital NHS Trust has a £14 million deficit and why they face huge cuts to local hospital services despite paying record national insurance contributions. I was going to raise a point of order, but I will not. *[Laughter.]*

Ms Hewitt: The hon. Gentleman showed great discretion at that point in his intervention.

In a moment, I will discuss the underlying causes of the deficits in a relatively small minority of NHS organisations. *[Interruption.]*

Mr. Speaker: Order. I appeal again to the House for calm. We must allow the speech to develop, but it is far too noisy.

Ms Hewitt: Thank you, Mr. Speaker.

As we consider the challenges ahead, it is worth remembering—we remember this, and so do our constituents—the size of the task that we faced eight years ago, when, as Derek Wanless found in his recent report, the cumulative underfunding of the NHS amounted to a staggering £267 billion by 1998. That was the scale of the challenge that we faced eight years ago and, as we look back over those eight years, we can see how much better services are within the NHS. But there is still even more to do. The challenges that lie ahead include dealing with the financial deficits that exist in about a quarter of NHS organisations.

At the end of the financial year 2004–05, the NHS as a whole had a deficit of around £250 million. That is less than half of 1 per cent. of total NHS resources. I would prefer—the whole House would prefer—to have no deficit at all, and in a moment I will explain how we are going to get rid of it. However, let me remind hon. Members of a fact that the hon. Member for South Cambridgeshire unaccountably failed to mention: in 1996–97, when the NHS annual budget was only £33 billion, the overall deficit was £460 million, which is almost 1.5 per cent. of a total budget that was, of course, far smaller.

Kali Mountford: My right hon. Friend mentioned value for money. In that context, I offer her my personal thanks for a very helpful intervention in advising primary care trusts about the prescription of Herceptin. My constituent, Karen Gibson, starts her treatment today. Such new drugs are expensive in the early years of their administration and set us a challenge in achieving value for money in terms of the investment that has to go into an individual's health care. Should we not consider health expenditure in the round, with the outcome that patients get better?

Ms Hewitt: My hon. Friend is absolutely right. The measure of all this is in getting the best possible health for patients with the best possible value for money. Thanks to the wonders of medical science, many new drugs and therapies such as Herceptin are becoming available. Some of those are very expensive, and we must ensure through our reforms that we get the best possible value for money for every pound of taxpayers' money that we invest in the NHS.

Several hon. Members *rose*—

Ms Hewitt: I had better give way to the hon. Member for South Cambridgeshire, as he may wish to answer the question that he was posed earlier.

Mr. Lansley: In the expectation that the right hon. Lady would talk about the NHS deficit, I asked the National Audit Office for the figures on the cumulative deficit year by year. In 1997–98—the first year of the incoming Labour Government—the cumulative deficit was £26 million; in 2003–04, the last year for which figures are available, it was £276 million; and this year it is likely to be more than £520 million. Under this Government, the cumulative deficit has risen from £26 million to more than £500 million.

Ms Hewitt: I suspect that the hon. Gentleman is muddling up the NHS deficit with the overall picture including the Department of Health. The figures that I have are very clear. In 1996–97—in other words, the last year of the hon. Gentleman's Administration—the overall NHS deficit was £460 million.

Several hon. Members *rose*—

Ms Hewitt: I am going to make some progress.

In the last financial year, nearly three quarters of NHS organisations ended the year in balance or with a surplus. A minority of trusts had a deficit, half of which was in just 5 per cent. of NHS organisations—nine primary care trusts and 22 hospitals and mental health trusts.

Mr. Jim Cunningham: We are going to get a new hospital in Coventry. It is in the process of being constructed, and I recognise that there has been a lot of investment in it. However, I am concerned about University Hospitals Coventry and Warwickshire NHS Trust. I wrote to it five weeks ago asking it to justify a £7 million deficit, but still have not had a reply. There are press reports that 250 health workers are likely to lose their jobs, which could lead to a problem with cancer treatment. Can my right hon. Friend sort that out?

Ms Hewitt: We are ensuring that every hospital or trust that experiences a deficit problem has proper support to sort out its finances and continue to improve its clinical services. I shall say a little more about that shortly. I shall certainly ensure that my hon. Friend receives a reply to his letter. I was glad that he mentioned the new hospital in Coventry—it is one of 138 hospitals that have been modernised, rebuilt or are under way.

Dr. Julian Lewis (New Forest, East) (Con): The Secretary of State has spoken a great deal about value for money. Does she accept that community hospitals are great value for money? Does she agree that the deficit is not the result of the costs of community hospitals? Does she accept that when she boasts in the amendment about a programme of investment in community hospitals, it is hard to square that with the more than 90 community hospitals that are at risk of closure or serious service cuts? Will she confirm that the closure of community hospitals is not a matter of dogma for the Government?

Ms Hewitt: As the hon. Gentleman knows, we are strongly in favour of modern community hospitals that bring more services into the community. I shall have more to say about that shortly. I want to develop the hon. Gentleman's first point about the reason for deficits.

The hon. Member for South Cambridgeshire painted a lurid picture of a national health service in crisis. In reality, the vast majority of NHS hospitals and other organisations are cutting waiting times, improving services, treating more patients and living within their means. We expect that from every part of the NHS. The hon. Gentleman blames the deficit on managers and administrators. He claims that too many bureaucrats are wasting taxpayers' money.

Mr. McFadden: My right hon. Friend compared the deficit in 1997, when the Conservative party was in charge of the NHS, with that today. Would she also like to compare waiting times in the period when the Conservative party was in charge of the NHS with those of today? When the Conservative party was in charge, more than 30,000 people waited longer than 12 months for an operation. How many people today wait more than 12 months for an operation?

Ms Hewitt: I am happy to say that nobody now waits more than 12 months. Waiting times have fallen as investment has risen.

Several hon. Members *rose*—

Ms Hewitt: I want to make progress.

In trying to describe what he regards as the cause of the problem, the hon. Member for South Cambridgeshire called administrators a waste of taxpayers' money. I call them medical secretaries, records clerks, receptionists, caterers, launderers and cleaners—the hon. Gentleman claims that he is worried about MRSA. Those people also

[Ms Hewitt]

include health educators, medical librarians, financial managers and human resources specialists. I have examined all the groups that are included in the administration category. They also include IT technicians, maintenance staff and all other support staff.

Mr. Lansley *rose*—

Ms Hewitt: I shall give way to the hon. Gentleman because perhaps he would like to thank them.

Mr. Lansley: In the figures that I used—159,000 to 201,000—I expressly included managers and senior managers, who increased by 50 per cent., and staff employed in central functions and clerical and administrative support. I did not include cleaners or porters. If I had included all the support staff, the figure would have been 431,000 rising to 521,000. I left them out.

Ms Hewitt: I have looked at what the hon. Gentleman put on the website and the press release that he issued this morning. I have examined the additional £1.2 billion, not £1.3 billion, that is spent on administrative staff. I assure him that all the medical secretaries, record keepers, health educators, IT technicians and financial managers, without whom our doctors, nurses, therapists and health care professionals simply cannot do their job, are counted among those administrative staff.

Stephen Hesford: The hon. Member for South Cambridgeshire (Mr. Lansley) claims that his figures refer to management. Has my right hon. Friend seen the figures from the NHS Confederation, which show, contrary to the erroneous assertion by the hon. Gentleman, that from 1999, the increase in management across the board has been only 2.8 per cent. of the work force, which is less than it was in 1999?

Ms Hewitt: My hon. Friend is absolutely right and he anticipates a point that I wanted to make. In every year since 1996, administrative costs as a proportion of the total NHS budget have been falling. Exactly the same is true of management costs. They constituted 5 per cent. of the NHS budget under the Conservatives; they constitute just over 3.5 per cent. today under Labour. We can do even better than that, however. As part of the Gershon review, we have cut the number of staff employed in the Department of Health from more than 3,500 in 2001 to just over 2,000 by this year.

On the investment that we are making in information technology, I was shown this morning the transformational effects of the electronic patient record that is being trialled at Newham hospital. That investment will slash the amount of time that clinicians and other staff have to spend chasing paper records. At Hinchingbrooke hospital, I saw the new electronic imaging and scanning system that has helped staff to cut the time taken to deliver a report to the consultant and the GP from anything up to 24 days to less than 24 hours. That is a massive saving in clinicians' and support staff's time.

Mr. Jim Cunningham: Earlier, my right hon. Friend said that she would get a reply to the letter that I sent to the University Hospitals Coventry and Warwickshire NHS Trust. Will she also look into why there is a £7 million deficit and a threat to 250 jobs there? I would appreciate it if she could do that for me.

Ms Hewitt: As I was saying, the reason there are deficits in a minority of trusts is that, in some cases, there has been overspending, sometimes for several years, or poor financial management, or poor organisation of clinical services. We are taking the steps needed to reduce the overall deficit this year and to ensure that, at the end of the next financial year, the NHS will again be in balance.

Several hon. Members *rose*—

Ms Hewitt: No; I am going to make some progress.

In the NHS in the past—this goes back decades—deficits in a minority of organisations were covered up. Money was moved around the system from a surplus organisation to a deficit organisation. The deficit trusts, those parts of the NHS that were overspending, were bailed out by other parts of the NHS that often had equal or greater health care needs. There was no incentive in the system that we inherited from the Conservatives to change or to improve. That is why we are changing the system.

Mr. Graham Brady (Altrincham and Sale, West) (Con): The Secretary of State mentioned cover-ups. Before the election, my local trust started to consult on the investment in and modernisation of Altrincham general hospital. Can she therefore explain why I have just heard that today, while this debate has been proceeding, the trust has adopted proposals to close Altrincham general hospital and massively to reduce services at Trafford general hospital? Do we not deserve some honesty from the Government? How can the public ever believe what the Government are saying when they are deceived in that way?

Ms Hewitt: If a local trust has been overspending or running up a deficit, it will need to make decisions—in some cases, they will be difficult ones—in order to get itself back into balance. The hon. Gentleman talks about honesty, but we have still had no answer, honest or otherwise, on the question of patient passports.

Ann Winterton: Can the Secretary of State really sleep at night? She talks of deficits and the reasons for them, yet the Central Cheshire NHS primary care trust will not fund Herceptin, while every other neighbouring trust has done so—

Mr. Tom Harris (Glasgow, South) (Lab): The Front Bench really misses you.

Ann Winterton: Would the hon. Gentleman like to repeat that comment? I will give way to him. [HON. MEMBERS: "Stand up."]

Madam Deputy Speaker (Sylvia Heal): Order. The hon. Lady is herself intervening on a speech.

Tony Baldry (Banbury) (Con): On a point of order, Madam Deputy Speaker. When I was a Parliamentary Private Secretary, it was a point of privilege. The behaviour of the Secretary of State's PPS this afternoon has been disgraceful.

Madam Deputy Speaker: That is not a point of order for the Chair, but clearly the remark is now on the record.

Ms Hewitt: The hon. Member for Congleton (Ann Winterton) makes an important point about Herceptin. As she will know, I have already taken steps to ensure that testing facilities for HER2 will be available across the NHS in England, and for NICE to speed up dramatically its evaluation not only of Herceptin but of other drugs coming through the system. I have also made it clear that primary care trusts should not deny Herceptin, where it has been recommended by a clinician for an individual patient, purely on grounds of funding.

In every strategic health authority, and for every deficit trust, a recovery plan is in place. Where the challenge is greatest—where the deficit is largest—the health authority and the trusts have been given more time to sort out the problem, together with transparent financial help from the NHS bank and other NHS organisations. For the organisations with the worst deficits, turnaround teams have gone in to help, not simply to consider the finances but, crucially, to make sure that the trust meets its waiting time and other targets and to help it to deliver the best possible patient care, together with the best possible value for money.

This point is at the heart of the debate. Good patient care and sound financial management are not two things between which any part of the NHS can choose. Good patient care and sound financial management go hand in hand.

Several hon. Members *rose*—

Madam Deputy Speaker: Order. I will give the Secretary of State time to decide which the hon. Member, if any, she will select.

Ms Hewitt: I think that this is what is called an embarrassment of riches. I give way to the hon. Member for The Wrekin (Mark Pritchard).

Mark Pritchard: I am grateful to the Secretary of State for giving way. I am flattered, and I am glad that I parted my hair in the way that I did this morning—clearly, it works. On that point of financial mismanagement, how does she respond to the independent financial inquiry into the financial mismanagement and series of corporate failings of the Shrewsbury and Telford NHS Hospital Trust? Does she not feel a sense of responsibility, given that her office appointed the chairman, who has now resigned, the chief executive, who has resigned, and the deputy chief executive, who has gone? Does she not feel that she needs to make a statement to my constituents?

Ms Hewitt: The hon. Gentleman makes the point that we are dealing with the matter. Where management has been inadequate, we are replacing management.

Several hon. Members *rose*—

Ms Hewitt: I want to try to make a little progress. I hope that Conservative Members can agree that we need both good patient care and sound financial management.

Mr. Graham Stuart: Will the Secretary of State give way?

Ms Hewitt: No.

Although the NHS is doing far better than it was eight years ago, it can do far better still.

Mr. Bone: Will the Secretary of State give way?

Ms Hewitt: No.

Several hon. Members have made the point about extraordinary advances in medical techniques. As a result, patients do not need to stay in hospital for as long as they used to. Sometimes, they do not need to go to hospital at all. Indeed, as the admirable Mr. Fieldman told me in Newham this morning, a patient needing a gall bladder operation who in the past would have had to spend at least 10 days in hospital can now have the operation done during an overnight stay, or in some instances as a day case. The best of our NHS hospitals are among the best in the world and we should be proud of them. However, not all our hospitals are achieving the best—too many are not even achieving the average.

Several hon. Members *rose*—

Ms Hewitt: No, I will not give way. I want to make a point. *[Interruption.]* This is directly relevant to the point made by the hon. Member for South Cambridgeshire. He made great play of hospital beds, but completely failed to focus on outcomes or the impact of new medical techniques.

One strategic health authority compared the lengths of hospital stay for patients with broken hips in the seven NHS hospitals in its area. Two kept patients in for about 20 days, below the NHS average of 25. The other five kept patients for longer than the average. In one case, the average length of stay was 38 days. Those five hospitals had the worst outcomes. The health authority calculated that if all the hospitals simply achieved the NHS average with all their patients, that one area alone would need 400 fewer acute beds.

Mr. Bone: The Secretary of State mentioned speed and good patient care. Does she agree that the two may not go together? As she knows, last week I raised the case of a constituent who gave birth at 4.30 am and was thrown out of the hospital at 9 am because of a lack of beds. Is that what the Secretary of State means by speed and good patient care?

Ms Hewitt: My point is that thanks to the extraordinary advances in medical techniques, anaesthetics and so on, it is now possible to do on a day-case basis what used to require in-patient care. It is possible to do in a few days what used to require a patient to stay in hospital for many days. It is possible to do outside hospitals what used to require in-patient treatment.

It is true that, compared with the position when I had my two children some 20 years ago, the average length of stay for women having babies is now very short, and

[Ms Hewitt]

most women want to get home as quickly as possible. That may not apply to the case cited by the hon. Gentleman, but generally speaking it is true.

Several hon. Members *rose—*

Ms Hewitt: I have been generous in giving way. Now I want to give another example, involving patient appointments.

Senior surgeons and leading GPs say that between 40 and 50 per cent. of out-patient appointments—on a conservative estimate—in acute hospitals could and should be dealt with by community hospitals, health centres or even large GP surgeries with equally good health outcomes, more convenience for patients and better value for money for taxpayers. That, of course, means fewer beds and fewer facilities in acute hospitals.

Although there are outstanding examples of best practice throughout the NHS, there is not yet the value for money throughout the NHS that the taxpayers whom we have asked to pay higher contributions are absolutely entitled to expect.

Richard Younger-Ross (Teignbridge) (LD) *rose—*

Ms Hewitt: I will give way to the hon. Gentleman. His will be the first intervention from the Liberal Democrats—*[Interruption.]*

Richard Younger-Ross: Yes, one has been trying for a little time to catch the Secretary of State's eye. She spoke of good health care. Does she agree that recovery is better when patients are transferred from general to community hospitals? It is the community hospital beds that are at risk at the moment because of financial deficits in the primary care trusts. If we can keep those beds in place, in hospitals such as the Moretonhampstead in my constituency, we can free up bed space in the district general hospitals.

Ms Hewitt: Is some cases, an intermediate care bed in a community hospital is a good way of bringing someone out of an acute hospital, but in other cases it is better to bring them straight home with the full support of the patient support team.

Mr. Ian Austin: On the matter of patient care, will my right hon. Friend confirm whether it is indeed the case, as my research has shown, that the number of MRI scans has increased under this Government from 473,000 in 1997–98 to 858,000 in 2003–04, and that the number of heart operations has increased from 39,000 to 65,000—*[Interruption.]* The more Conservative Members go on, the more statistics I can read out about—*[Interruption.]*

Dr. Julian Lewis: On a point of order, Madam Deputy Speaker. I realise that the Government are suffering from the fact that they are labouring on Benches that are heaving with all of about half a dozen of their own Back Benchers, but is it in order for a Government Back Bencher to intervene or ask a question on the basis of reading a script that was overtly handed to him by one of his own—*[Interruption.]*

Madam Deputy Speaker: Order. The House must come to order if I am to deal with a point of order—although it is not, in fact, a point of order for the Chair.

Ms Hewitt: As my hon. Friend the Member for Normanton (Ed Balls) pointed out earlier in the debate, the Conservative party has just fought an election campaign on the basis of a patient's passport policy that would take between £1 billion and £2 billion out of the NHS to subsidise private health care for the few. That would not solve the deficits where they exist in the minority of trusts—it would add to them and devastate the care that the NHS is able to offer right across our country. That, of course, is absolutely in line with the Conservative policy of looking after the few and not the many. The investment that we are making—*[Interruption.]*

Several hon. Members *rose—*

Ms Hewitt: No, I will not give way.

The investment that we are making in our national health service will continue—and so will the reforms and improvements. As we give patients more choice and a stronger voice, as we have more diverse providers but more freedom to innovate—as I saw at the Gateway centre this morning—and as we ensure that money follows patients with payment by results, we will give every hospital and every provider a real incentive to look at how they are working, to compare themselves with the best, to change their ways of operating, to move services from acute hospitals to community settings and to focus on prevention rather than simply cure. In other words, we will deliver the best possible health care with the best possible value for money.

Mr. Henry Bellingham (North-West Norfolk) (Con): Will the Secretary of State give way—please?

Ms Hewitt: No.

We will invest more money than ever before in the NHS. Our constituents can see the improvements. Most NHS organisations are not only delivering improved, better and faster care, but living within their means. That is what we expect from every part of the national health service. I am proud—and every hon. Member on this side of the House can be proud—of the additional investment that we are making.

Several hon. Members *rose—*

Madam Deputy Speaker: Order. It is for the Secretary of State to decide when or whether she gives way.

Ms Hewitt: Madam Deputy Speaker, I am proud and we are proud of the more than 78,000 extra nurses and 27,000 extra doctors employed by the NHS, and the 500,000 more operations being carried out every year. With more patients treated and more lives saved than ever before, we will continue on our path of investment and reform. That stands in striking contrast to the policy of the Conservatives, so I commend our amendment and our programme to the House.

4.59 pm

Sandra Gidley (Romsey) (LD): I am pleased to debate this subject today, and I am delighted that the Conservatives have made it clear that they are committed to the provision of

> "comprehensive, high quality health services, based on need and not ability to pay".

There has been some doubt about that in the past—a doubt that was echoed by Labour Members when they queried the Conservatives' reluctance to commit to funding the health service, and their voting against the £8 billion funding increase associated with the increase in national insurance levels. However, the most important task for us today is to examine Labour's record after eight years in government, and to consider why, despite record levels of investment, many local health services are lurching from crisis to crisis, like a drunk on a Saturday night who grabs at anything in an attempt to stay upright.

I shall return to the question of the deficit shortly, but at this point I want to be fair and to acknowledge that some things have got better. When I was first elected in 2000, my postbag was full of letters from constituents who had been waiting years for hip replacements or hearing aids, or waiting months for heart operations classified as urgent. Such problems have been sorted out to an extent, but others are emerging in our local health services. I suspect that my experience is similar to that of many Members, in that today's issues for my constituents are the rationing of certain treatments and medicines, fear of MRSA, and the reorganisation of local health services. In an unprecedented development, NHS staff are writing letters to whistleblow on changes that they are particularly unhappy with. Such changes often mean a relocation of health services or a loss of hospital beds.

Mr. Mark Francois (Rayleigh) (Con): Is the hon. Lady aware that in the run-up to the general election, the Government were pushing very heavily a brand new diagnostic and treatment centre at Fossett's Farm, in Southend, to relieve pressure on Southend hospital, but once the election was safely out of the way, they promptly cancelled it? Does she think that a shocking and awful thing to do? The people of Essex certainly do.

Sandra Gidley: I can understand why local people think that dishonest, and presumably there are other such examples from elsewhere, but I am not aware of any specific ones.

Mr. David Burrowes (Enfield, Southgate) (Con): Will the hon. Lady give way?

Sandra Gidley: I was struck by the number of Members who tried to intervene earlier to discuss the problems in their health economy, but I will not give way just yet as I want to develop my argument.

The one question that is common to nearly all the letters that I receive from constituents, no matter what issue they are raising, is: where has all the money gone? The NHS Confederation recently produced a briefing—not for this debate, I hasten to add—to try to answer that very question. Its summary states:

> "Fifty per cent. of new investment has been spent recruiting new staff and paying higher salaries".

Some 20 per cent. of the new investment was spent on employing additional staff, and 30 per cent. was spent on additional pay for existing staff. The confederation's view is that that has led to people being treated quicker and more effectively, but the opposite view has been espoused from some quarters that although this money is welcome, the staff pool merely expands to meet the available budget. One problem has been a failure to ensure that the right services receive the right money.

Another major area of NHS spending is the drugs budget. In 2004–05, 686 million items were dispensed in England—an increase of 5.6 per cent. on the previous year. The drugs bill has risen by 46 per cent. since 2000 and now stands at some £8 billion. I do not share the view, espoused today in *The Daily Telegraph*, that that is a scandalous waste of money. Better prescribing has in many cases led to better outcomes. The prescribing of statins, for example, the current annual cost of which is £70 million, has the benefit of saving an estimated 9,000 lives a year. I am sure that those people are very grateful for that investment. Another claim on NHS resources has not been mentioned. The cost of inflation-proofing pensions has been transferred from the Treasury to the Department of Health—a classic case of the Treasury giving with one hand and taking away with the other.

It is also worth mentioning the NHS IT project, a huge investment amounting to more than £6.2 billion over 10 years. Unfortunately, the process seems to be dragging on somewhat, so far with little apparent benefit for patients. For example, the choose and book system for hospital appointments was due this December, but will be at least a year late. Predictably, Richard Granger, the man in charge of the scheme, has said that that is not his fault and claims that responsibility for the late delivery lies with the policy people at the Department of Health. If the Secretary of State is able to elaborate on the problems at the Department, I am sure that we would all be very interested.

To date, only 20,000 appointments have been booked. To put that in proportion, I can tell the House that about 9.5 million appointments are made every year, and that the target was to have 250,000 trial appointments booked by last December.

The NHS faces other significant cost pressures, such as those incurred by clinical negligence cases and the implementation of NICE guidance. However, the NHS Confederation is most interesting when it comes to the subject of why the service needed the extra money in the first place. It notes that Wanless analysed the state of the deficit under the previous Government, especially as a result of the tight financial settlements of the 1980s and 1990s, and then states that that cumulative deficit

> "goes a long way to explaining the shortage of many types of staff, the poor condition of many buildings and the low level of investment in equipment."

[Sandra Gidley]

I stress that the confederation is talking there not about the present situation, but about one that pertained some years ago. It also said:

> "A culture developed in which NHS organisations were expected to report that they had 'broken even' without any enquiry into whether the methods used were sustainable."

That led to cuts in cleaning and catering budgets, and the confederation added that

> "many key developments were put on hold, delayed or scaled back."

It reported that that affected the health service's approach to the prescribing of new drugs, as well as to matters such as buildings maintenance, staff shortages, staff training and new equipment.

At one stage, there was a freeze on the appointment of new consultants. In that, we might have come full circle, as the BMA has received reports from various quarters of a proposed freeze on consultant recruitment, and says that there is a threat of redundancies among consultants. The Royal College of Nursing has tracked the accelerating effects of the deficits since January, and only last week expressed concerns about the possibility of widespread nursing redundancies. Beverly Malone, RCN general secretary, said:

> "We are putting a spotlight on this issue now before it is too late. Valuable, highly experienced frontline staff could be lost and we simply cannot afford to let this happen. It will hit patients services and put even more pressure on the nurses that are left. Nurses have delivered huge improvements in NHS services and they have led the way in modernising the NHS. These job losses are a slap in the face to them and suggest their past, present and future contributions are of little value."

I do not think that any hon. Member would say that the contribution made by nurses was of little value, but it is a matter for concern that the RCN should feel it necessary to put that on the public record.

That is the background, but I want to return to the situation that exists today. Overall, the NHS has just about squeezed in on budget, but about one trust in six is in deficit. The problem is getting worse, and the National Audit Office has said that 12 SHAs ended the financial year 2004–05 in deficit, compared with seven the previous year.

Earlier, the Secretary of State said that financial managers responsible for a lack of prudence had been moved out of the way. I pay tribute to the new chief executive of the Hampshire and Isle of Wight health authority, Sir Ian Carruthers. He has a very good strategic overview, wants to keep services, and seems to be the only person who understands how all the trusts meld together. However, it is somewhat disappointing that his failed predecessor should have been given a plum job in Whitehall. It might be an interesting exercise to see what happens to failed SHA chief executives, and find out whether all of them have been given similarly cushy numbers.

Mr. Philip Hollobone (Kettering) (Con): Is the hon. Lady aware that pressures on local health services are particularly acute in areas with rapidly growing populations? Is she aware that in the Secretary of State's local health authority—the Leicestershire, Northamptonshire and Rutland strategic health authority—the PCTs are underfunded by £88 million below the national capitation fund? It is the worst funded strategic health authority in the country.

Sandra Gidley: I was always under the impression that Hampshire was the worst funded health authority. It is certainly the case that the funding formula is not fair and does not create a fair distribution. While there is a case for giving more funding to areas with higher health inequalities, such as the north-east, the spread of funding causes particular pressures on those at the bottom end of the funding scale. A slight narrowing of the scale would make a great difference, especially to authorities in the south-east which are more likely to be in deficit. It is interesting to look at a map of the strategic health authorities in deficit, because it shows that the problem is weighted towards the south-east.

Richard Younger-Ross: In the south-west, the number of PCTs in deficit is greater than one in six, although my own PCT team has done exceedingly well. One of the reasons cited by the strategic health authority, which has lobbied us on the issue on many occasions, is that the funding does not take account of sparsity or the coastline effect, which make the costs higher than average.

Sandra Gidley: We could probably have a separate debate on the special factors that could be taken into account in the funding formula, but I take my hon. Friend's point.

Twelve NHS trusts reported a deficit of more than £5 million in 2003–04. The King's Fund has pointed out that NHS productivity has fallen, according to the official measure, but it also acknowledges that that is not necessarily a measure of quality. How should we measure quality in the NHS? In recent years, we had the star ratings—now largely discredited—and the trusts learnt to play the game. Resources were put into areas that had targets associated with star ratings. Not only did that sometimes cause trusts to spend money that they could ill afford, but health services not associated with the targets became easy options for savings.

A particular example of that tendency is specialist services, such as renal and dialysis services, which are especially vulnerable. They are expensive and affect relatively few patients, and the same provider often services several PCTs. They are easy targets but patients diagnosed with one of the specialist diseases—there are 34, but I shall not list them all—should not suffer as a result of the historical financial health of local NHS organisations. When payment by results is introduced, some of those existing inequalities could be exacerbated.

It would be bad enough if that were the whole story. However, the British Medical Association has pointed out that cash shortages in the NHS contrast dramatically with the generous terms negotiated with some private sector providers—as Conservative Members have pointed out. The BMA makes the point that it is cause for even greater concern when the contracts agreed with such companies allow payments to continue, despite significant underperformance. Examples include the orthopaedic contracts in south Yorkshire and Trent and some MRI and eye contracts. It would be useful if the Secretary of State could explain what sanctions are in place for when private providers do not deliver the services for which they are contracted.

In many cases, the cuts have taken place with little or no clinical engagement and—unfortunately—even less public engagement. In September, the BMA conducted a survey of trusts that revealed that one in three planned to reduce services. Intended reductions included bed closures, staff redundancies and a freeze on recruitment, reduced elective services, ward closures, cuts in training and a reduction in patient transport services. Three quarters of respondents reported that their trust faced a financial shortfall in the current financial year and more than a third reported that funding agreements with PCTs had been changed at short notice.

The Government cannot have it all ways. Financial instability is an inevitable consequence of reintroducing the internal market. In any market, there are winners and losers and rushed reforms tend to exacerbate existing inequalities. Does the Secretary of State think it wise to introduce a system that sets hospitals against each other, rather than encouraging them to work as partners in providing the best possible overall service for patients? The market mechanism depends on successful trusts gaining patients while others lose out.

Some people have asked what will happen to spreading best practice. If one trust is doing particularly well and attracting many patients, there is not much incentive for it to spread the secret of its success. The hospital losers will face bigger deficits; they will have to make more cuts as a consequence and the downward spiral will increase. The real losers will be the patients, although that might not be the case if local accountability was improved.

At present, the accountability of senior officers in primary care trusts or acute hospital trusts is to politicians at Whitehall. The focus is very much on delivering the targets that the Government want. That may be fine but sometimes it does not take into account local needs and local decision making. Perhaps we should move towards a system with more accountability to local people.

It seems slightly ironic that the Government are engaging in a large-scale listening-to-Britain exercise and are making knee-jerk announcement after knee-jerk announcement, yet the public feel increasingly that consultations at local level are tokenistic, decisions have already been made and local health managers are not listening.

Mr. Mark Hoban (Fareham) (Con): I am grateful to the hon. Lady for raising the issue of public consultation. Does she share my disappointment that mothers in my constituency were told only 14 days before it took place of the closure of the Blackbrook birthing centre? That closure was made as a result of financial and staffing problems in Hampshire PCTs and hospital trusts.

Sandra Gidley: I share the hon. Gentleman's disappointment and shall return to that point briefly later in my speech.

Nowhere is the problem more apparent than in the many closures of community hospital beds throughout the country—90 examples have been mentioned. In many cases, local communities raised significant amounts of private money to invest in their community hospital so there is a growing sense of anger.

Mark Simmonds (Boston and Skegness) (Con): The hon. Lady is making a pertinent point. In my constituency, it is proposed to close one ward of the Skegness and district general hospital, which is 50 per cent. of the hospital. East Lindsey district council, the local authority, offered the primary care trust £90,000 to allow the ward to reopen immediately, but I understand that the Government blocked that offer. Does the hon. Lady agree that that is an absolute disgrace?

Sandra Gidley: I do not know the details, but it is clearly disappointing that blocks are put in the way when someone has come up with a creative solution to a problem. I have been working with the hon. Members for New Forest, West (Mr. Swayne) and for New Forest, East (Dr. Lewis) on a similar problem, and the hon. Member for New Forest, East came up with a similar idea. It has not been developed, although not for the same reasons. I hate to think that we could have developed our project to an advanced stage only for it to be scuppered at the last moment.

In many communities, there is a growing sense of anger that health organisations are trying to take away something that belongs to, and is very much part of, the community. In south-west Hampshire, some of us have been working together against the proposed closure of community beds in hospitals in the New Forest and Romsey. We work across the political divide, which has gone down well with the public who regard it as unusual for politicians of different parties to work together. We tried to present a united front to the local PCT alliance to persuade it to rethink the ill-thought-through proposals to close hospital beds.

One option—described by someone as the nuclear option—was to close all community hospital beds in the area. That proposal completely ignored a bed survey that showed a great need for patients to move out of the acute hospital trust and into the cheaper, and some would say friendlier and more homely, community hospital beds. So huge amounts of money are being wasted in the local health economy by keeping people in acute hospitals inappropriately. The scandal is that the managers have not got their heads around moving people more effectively through the system and that the knee-jerk reaction has been to cut the number of beds at one end of the scale.

Mr. Graham Stuart: Does the hon. Lady agree that the problem is not just that closures in community hospitals will cause bed blocking, but that overstretched ambulance services—many of which are already struggling to reach their targets, not least in rural areas—will be further inconvenienced and schools, such as the Hornsea school in my constituency, will use ambulances for minor injuries, taking those services away from people who need them more?

Sandra Gidley: Ambulance services have frequently been a target for underfunding by other trusts. Again, a lot of this boils down to having good overall strategic management that can ensure that ambulance trusts are funded. As I mentioned earlier, the BMA survey showed that the possible reductions in patient transport can cause great problems for many patients.

As well as the problems posed to patients by closing community hospitals, what has not been pointed out is the effect on social care budgets. If patients are treated at

[Sandra Gidley]

home, instead of in community hospitals, they become liable for all their personal care needs. That involves means-testing and patients paying money that they probably can ill afford to pay, but they are often unable to think about that when they are trying to recover from an illness. The burden on social services departments has not been mentioned today. We could have a parallel discussion of the problem of moving patient treatment from health to social services and the impact that that has had on social services budgets, many of which are over-spent.

Anne Milton (Guildford) (Con): Does the hon. Lady agree that we need to discuss the serious issue of the cost shifting that will go on as a result of the closure of community beds? Indeed, a lot of local councils are already very concerned about their budgets for next year. One way to wipe out an NHS deficit is simply to dump it on local councils.

Sandra Gidley: I agree with much of what the hon. Lady says. The big problem is that local health trusts do not talk to social services departments when such changes are made. That causes huge problems. One Liberal Democrat policy at the last election was to develop a much closer melding of health and social care budgets, thus helping with some of those problems. In the proposed reorganisation in London, PCTs are starting to work with local authorities, but it is disappointing that the Government seem to want to break down the good working relationships that already exist.

The Minister of State, Department of Health (Jane Kennedy): The hon. Lady might like to talk to her colleagues who run Liverpool city council, where relatives of the users of local authority social day-care provision, which is being closed down right across the city, have appealed to me to see whether we could find a way for the PCT to take responsibility for social services from the local authority. That is not exactly the best example of a local authority working in the interests of people in need of social care.

Sandra Gidley: The Minister's point reinforces my assertion that such perverse decisions would not need to be made if the budgets were combined.

The Government claim that patient choice is all important. The Liberal Democrats believe that choice should not be artificial, such as that offered by the delayed choose and book scheme. Choice should involve a variety of provision available to all. That is particularly so with maternity services. A woman should have the right to choose between a home birth, a birth in a midwife-led unit or to be under the supervision of a consultant.

On Monday, the National Childbirth Trust called on the Government to take urgent action to protect the future of birth centres in the UK and cited examples of recent service cuts, one of which has been mentioned by the hon. Member for Fareham (Mr. Hoban). Other places affected include my area of Romsey, and Petersfield, Southport, Malmesbury and Wakefield. The trust points out that because of staffing issues and financial constraints, a full range of maternity services is available to only a minority of women in the UK.

The Secretary of State will be aware of the Labour manifesto pledge:

> "By 2009 all women will have choice about where and how they have their baby and what pain relief to use".

Government policy emphasises the importance of choice by stating:

> "The range of ante-natal, birth and post-birth services available locally constitutes real choice for women"

and

> "Local options for midwife-led care will include midwife . . . units . . . in the community".

I could wax lyrical about the benefits of midwife-led units, but I will restrict my comments to asking the Secretary of State to investigate the problem and come to the House to inform us what action the Government are taking to reverse the situation.

Kali Mountford: Did the hon. Lady read, as I did, the report by the health service commissioner published earlier this year about the need to make maternity services more locally based? Is she aware that NICE is reviewing midwife-led services to ensure that there are also safe outcomes? Should we not be ensuring that there is a proper balance between locally based services and ensuring that the outcomes are safe for both mother and child?

Sandra Gidley: I am not quite sure what point the hon. Lady is making. It is quite insulting to midwives who work in midwife-led units to suggest that those units are somehow more dangerous to women. Many women have perfectly safe births in such units. Midwives are the experts on birth, so I find the hon. Lady's comments rather strange. However, of course, we must wait for the NICE review.

I am alarmed that some of the cuts that are apparently the easiest to make are those to aspects of the public health and preventive health agendas. I was interested by the Secretary of State's closing remarks because although she said that public health was a Government aim, that does not seem to be shown by the situation on the ground.

I shall cite a local example. Owing to the deficits, a local hospital wanted to cut cardiac rehabilitation classes, which offered people post-operative exercise and re-education about their lifestyle. They were a good aspect of the preventive health agenda. There was public uproar and the decision was reversed.

There is excitement in my profession of pharmacy about the new pharmacy contract, but that is tempered by the fact that many primary care trusts do not have the money to develop new services, especially if there is an underlying deficit.

Justine Greening (Putney) (Con): The hon. Lady makes a valid point. In the London borough of Wandsworth, our primary care trust has a substantial deficit of £8 million. In fact, that deficit is one of the things that is stopping its proposal to reopen Putney hospital, which was shut under this Government. However, £300,000 a year is being spent on keeping the site secure while we decide what will happen, and that valuable asset is not being used. Does she agree that that is a disgrace and a waste of valuable taxpayers' money?

Sandra Gidley: Sadly, hon. Members have cited many examples of taxpayers' money being wasted. I have sympathy with the residents of Putney.

Surely it is short-sighted not to think about funding the new pharmacy contract when approximately a third of all hospital admissions are drug related and many people live with long-term conditions that could be managed more effectively with a little help. Pharmacies can deliver obesity-management and smoking-cessation services, so a golden opportunity is being squandered when such services are not encouraged and possible long-term savings are not being achieved. Other Cinderella services include mental health services and those involving mainly older people, such as stroke services.

Liberal Democrat Members will support the Conservative motion because it must worry us all that unprecedented amounts of investment have not been accompanied by improved patient outcomes across the board, and that the Government are spectacularly failing to monitor, control or improve the situation.

Several hon. Members *rose—*

Madam Deputy Speaker: Order. May I remind all hon. Members that Mr. Speaker has imposed an eight-minute limit on all Back-Bench speeches?

5.29 pm

Laura Moffatt (Crawley) (Lab): I decided to apply to take part in this very important debate because, first, as a former nurse, I worked in the national health service for more than 25 years, and, secondly, I am one of the Members of Parliament whose acute trust has the highest deficit in the country. I want to contribute to trying to understand deficits, how they come about and how we in this House have a responsibility to explain properly what is happening to the new health service of today. Sitting in this Chamber, laughing, joking and joshing is not the way to tackle very serious matters.

Mr. Crispin Blunt (Reigate) (Con): Will the hon. Lady give way?

Laura Moffatt: Not at this point.

As the Secretary of State clearly outlined, we are right to be sceptical about why this debate was called, although I believe that it is perfectly right to look at deficits in the NHS and for Members to consider them seriously. However, it galls me a little to hear some of the comments from the debate, because as a nurse working in a trust, I was asked to forgo half of my pay rise because there was no money to pay staff. Strangely, that was in 1996, when I believe we had a Conservative Government.

Mr. Blunt: Will the hon. Lady give way?

Mr. Graham Stuart: Will the hon. Lady give way?

Laura Moffatt: No, I will not give way at the moment. We need to put the debate into context, and if we do not do so we shall not have an honest and honourable debate.

We know how much funding has increased. Indeed, the extra cash that has gone to the NHS is astounding—it is something that we dreamed of. Before 1997, we did not believe that that could become a reality. We therefore have to consider what can go wrong against the background of that extra funding to the NHS, and understand why some trusts get into difficulties.

I am afraid that for Surrey and Sussex Healthcare NHS Trust the pattern of decline was set many years ago when Crawley hospital was not invested in, when its priorities were not foreseen, when it accumulated an enormous amount of necessary repair work and when issues connected with the quality of service were not tackled. I know, because I was a night nurse who more often than not worked alone without the support of senior doctors. So, on the day after the momentous election in 1997, I knew that we would face difficulties, because there was no way that a Labour Government would allow the quality issues in the NHS to be ignored. It would have been easier—

Mr. Graham Stuart: Will the hon. Lady give way? Go on, give way.

Laura Moffatt: In a moment.

It would have been easier for us to jog along and not tackle many of the issues. Our local residents would have thought that everything was fine in the NHS, that there were no problems and that there was no need to worry about senior staff or accreditation and the fact that the royal colleges were going to withdraw the support of junior doctors in the trust—but of course we had to worry.

Mr. Blunt: While the hon. Lady is dealing with the issue of deficits I hope that she will not overlook informing the House of her own contribution to creating a deficit at Surrey and Sussex trust by her intervention in 2001 to stop the reorganisation of services between her hospital and East Surrey hospital, which cost more than £10 million and continues to cost that today.

Laura Moffatt: I am very grateful to the hon. Gentleman for raising that issue. I do not know whether he is aware of just what a fantastic contribution he made to ensuring that my constituents knew that I was fighting on their behalf to keep our hospital open. I publicly thank him for his work, because I could not have paid for the publicity that he gave me. I do not think that any Member could be criticised for ensuring that their hospital survives.

As I said, there was a lack of investment in Crawley hospital. Without doubt, it would be closed by now if the Labour Government had not ensured that money was available to keep it going. The agenda was clear. Without a shadow of a doubt, Crawley was ready for closure, because no investment had been made in it. I am therefore deeply proud of my contribution to efforts to ensure that it remained open.

The issue of deficits overshadows much good work. My main complaint is that it is difficult to talk about anything other than deficits in any forum, even when £19.2 million of desperately needed capital investment has been made in Crawley hospital. That money has been used to provide a dialysis unit and to upgrade the

[Laura Moffatt]

walk-in centre to an urgent treatment centre that will see people 24 hours a day. Some 85 per cent. of people who came through the door of the walk-in centre will still be entitled to do so to receive emergency care. This debate appears to suggest that everything is wrong, but even in the trust with the biggest deficit in the country significant improvements are under way. Staff are delivering services that I did not even think possible. The trust can offer cardiac catheterisation. People used to go to London to have that done, but they no longer need to do so. A chronic disease management centre is under construction at Crawley so that people can receive walk-in care and will not have to spend weeks in hospital. GPs in my area can now refer dermatology patients for treatment the same week. They used to wait 22 weeks for such treatment.

Mr. Graham Stuart: The hon. Lady said that the Labour Government would not ignore quality issues. Does she think that the doubling of deaths from hospital-acquired infection shows a Government committed to quality?

Laura Moffatt: I am worried about the way in which the hon. Gentleman phrased that question. I worked in an isolation unit, where I cared endlessly for people with hospital-acquired infection. We did not even count the number of people trooping through my ward. A day did not go by without another ward ringing to inform us of another patient who had to be isolated because of hospital-acquired infection. We therefore need to be careful about the way in which we articulate the problem. The way in which we are tackling it now bears no relation to the way in which we did so before 1997. At that time, there was no commitment to address quality issues, and we did not prescribe the drugs that are used today. Soon after the 1997 election, surgeons and medics in my area, particularly those who were dealing with cancer patients, rang us every other day begging us to release drugs for treatment. That no longer happens. I accept that there is a big debate about Herceptin, but, quietly and gently, people are now receiving the services that they need. Locally, people might be upset if services change and there is no longer a hospital on their doorstep that can offer them all the services they need, but when they do receive hospital treatment they know that they will receive a first-class service.

Grant Shapps: I accept that the hon. Lady is speaking with a great deal of sincerity, given her nursing background. However, is she not in the least concerned that things are going off the rails? We have heard many stories about trusts in deep deficit—indeed, a deficit of £1 billion may be run up next year—so is she not embarrassed about her Government's performance?

Laura Moffatt: No, I certainly am not.

We need to get deficits under control. We have a fantastic campaign group in Crawley that is desperate to have a new hospital. We cannot offer that unless management can control the budget, which will enable us to move forward and offer even more services to more people, thus ensuring that the Labour Government do what people expect them to do—deliver a first-class NHS.

5.39 pm

Mr. Nigel Waterson (Eastbourne) (Con): I am delighted to be able to take part in this timely debate. I called a debate on 6 April about the problems at my hospitals trust. It was the last Westminster Hall debate of the previous Parliament. The position then was extremely grave. The trust had issued a press release referring to extreme pressure on the hospital, 97 per cent. bed occupancy over a period of six weeks and 158 operations cancelled, and it was proposing to close accident and emergency for periods because of the severe pressures. The then chief executive said:

> "When levels of bed occupancy reach into the upper 90s risks of clinical errors become unacceptably high."

I had a meeting at the time with the Minister of State, the hon. Member for Doncaster, Central (Ms Winterton), which she will remember, and she agreed to put a recovery and support unit from the Department into the local NHS. In short, we had some serious problems.

What has changed since April? We had a general election campaign and suddenly, miraculously, some funds were found to ease some of the bed-blocking problems that we had at the time. We already had the highest level of bed blocking in the entire NHS. We have seen nothing of the recovery and support unit. It may have intervened, but as far as I am aware, it has not been to my local hospital. Extra funding has been put in by the county council. East Sussex county council has again had one of the lowest, if not the lowest, settlements of any county across the country, but in the past four years it has managed to increase spending on older people's services by 35 per cent., despite the fact that over that four-year period its central Government grant has increased by only 1 per cent. if one strips out the money passported to education.

What has the hospital done? It has opened a new, allegedly temporary ward, the Polegate ward, in the car park. It has tried many different ways of reducing the level of bed blocking in Eastbourne and Hastings, yet delayed transfers of care remain stubbornly high. Recently, they nearly [illegible]ed 100 beds—that is, 10 per cent. of all the bed[illegible]s the whole hospitals trust. That has led to [illegible] operations. In a six-month period, 472 opera[illegible] cancelled at the last minute. This year the [illegible]xpected to make cuts of £17 million.

In August the then acting chief executive sent a letter to all consultants in the hospitals dealing with the overspending, making it clear that reducing the deficit and getting back into balance was a priority alongside MRSA reduction, cancer waits, emergency access, waiting times and so on, and pointing out that tough budget decisions were needed, with no issue off limits for debate. The letter mentioned also

> "the burden of decisions which have major safety or 'political' implications."

One of the problems with the bed blocking has been the difficult budget for social care in the county of East Sussex. We have the highest proportion of over-85-year-olds in the entire country, which has put an immense burden on social and health care. The county council is spending above average per head on the problem, yet contrary to popular belief—it certainly seemed to be the belief of the Minister who answered my debate in April, now the Transport Minister—average earnings in East Sussex are some £5,000 less than the average for England.

Since April, the problems have got worse, not better. Staff, patients and their families have experienced intense pressure, a high level of operations have been cancelled and the bed blocking is the worst in the entire NHS system.

In the meantime, we have lost our chief executive, who left in slightly mysterious circumstances, and I have been unable to obtain details of the severance package paid to her. A new chief executive was parachuted into the trust without the post being advertised, without competitive interviews and without any of the other provisions that are normally observed in the public sector. There has been a culture of secrecy at the local trust, although Ministers have stated in written answers that they were not involved. I suspect that the strategic health authority was the real driver behind that culture, but I am yet to accept that there are no ministerial fingerprints. Many of my constituents think that if several hundred thousand pounds—this is a rumour, but rumours can be countered by publishing the details—have been taken out of patient care for a severance package, the matter should be put in the public domain.

We have a new problem, as well as a new chief executive, whom I wish well given the problems that she faces. Only a few days ago on 9 November, the hospital announced unilaterally that it will turn away patients from out-patients, because it has reached the level agreed in the contract with the local primary care trusts, but the PCTs dispute that point and take the view that it is still under contract. In fairness to the PCTs, they have stepped forward to try to ensure that every patient is seen within the 13-week period, even if patients have to be referred to private providers. I hope that that is what happens, but I do not want to see an additional burden being transferred unilaterally to my local PCTs, not least because they are also in deficit. When I asked the chairman of my local PCT at its annual general meeting in the summer whether the PCT would prioritise patient care or eliminate the deficit, she made it clear that the PCT would put patient care over eliminating the deficit.

I have tabled an early-day motion asking the Government urgently to review funding in East Sussex for social and health care, particularly having regard to the high proportion of elderly people to which have I already referred. I have not yet received an answer to this vital question: will eliminating financial deficits or the clinical needs of patients take priority under this Government?

5.47 pm

Stephen Hesford (Wirral, West) (Lab): The hon. Member for Eastbourne (Mr. Waterson) has said that the debate is timely, and I think that he is right.

Conservative Members have mentioned the word, "embarrassment", but the two go hand in hand. One of the reasons why the hon. Member for South Cambridgeshire (Mr. Lansley) was unable to answer questions about the patient's passport is that one Conservative party leadership contender likes them, while the other says that they are old hat. Until Conservative Members work out that conundrum, it is embarrassing for them to call a debate such as this. My right hon. Friend the Secretary of State has said that she is proud of what the Government have done for the NHS, and I am proud of how the NHS delivers in my constituency—if I have time, I will raise some relevant examples.

Conservative Members should also be embarrassed by their motion. I have already questioned the sum of £600 million, which is a gross exaggeration, so I am glad that the hon. Member for South Cambridgeshire is back in his place. It is an exaggeration, too, to speak of £1 billion. When my right hon. Friend the Secretary of State talked about administration costs, the hon. Gentleman tried to focus on management costs. According to the NHS Confederation, there are fewer people in management, as a percentage of the work force, than in 1999.

My hon. Friend the Member for Crawley (Laura Moffatt) indicated how deficits occur. Conservative Members must understand that we inherited an appalling situation. In many cases, any deficits that occur have been rolled over from year to year as a result of inherited deficits from the Conservatives' time in government. My right hon. Friend the Secretary of State was right to point out that we inherited what Wanless described as a £3 billion cumulative under-resourcing of the NHS. We have been trying to put that right, as well as increasing investment.

I want to talk about the situation in my constituency. It is often valuable advice for hon. Members to speak about that which they know, and I know the situation in Wirral very well, having for eight years met people from all parts of the NHS every three months in order to understand their story as it has unfolded. It can be painful to shift resources from the acute sector to the community sector to create a primary care-led, patient-led NHS. That can lead to budgetary difficulties. To deal with that, the Government will in due course publish a White Paper on care out of hospital.

One of the reasons for making primary care trusts focus more on commissioning is to ensure that there is patient choice and direct management control. That means that there is no power struggle between the PCT and the acute trust, as has sometimes happened, and resources can be directed towards an NHS that is properly redesigned for the future. My local acute trust has taken the necessary action to design a service that leads to recurrent savings in resources. As a result, its deficit has disappeared. I commend that approach to Members on both sides of the House and suggest that they should have a conversation along those lines with their own acute trust management.

When Labour came to power, the budget for my acute hospital was just over £100 million; now, it is nearly £300 million. It is one of the largest non-teaching hospitals in the country. It was an 800-bed hospital; now, it has nearly 1,000 beds. I do not recognise Conservative Members' accusations of bed cutting. Indeed, I had the honour of opening a 12-bed high-dependency unit costing £1.2 million just before the 2001 election.

If Conservative Members want a serious debate, I thoroughly recommend that they first have a conversation in their own patch to see whether their NHS management is doing all that they could with the money that we have provided, which is more than enough.

5.55 pm

Tony Baldry (Banbury) (Con): The House heard an incredibly complacent speech by the Secretary of State. She has fallen into the trap that all Governments fall into in their dying days—that of having her officials only take her to see Government flagship projects. Half her speech was taken up with trumpeting flagship projects, and she did not wish to hear about any of the problems that are being experienced in parts of the country that are suffering from deficits.

I issue to the Secretary of State the same invitation that I have already issued to her fellow-Ministers—the Minister of State, the hon. Member for Doncaster, Central (Ms Winterton) and the Under-Secretary, the hon. Member for Birmingham, Hodge Hill (Mr. Byrne)—in debates in Westminster Hall: please come to Oxfordshire to see the other side of the story. The health economy in Oxfordshire is in freefall. The strategic health authority tells us that in the next six months the Oxfordshire health economy has to save £35 million.

Those cuts are the responsibility of Ministers. Under the present Government funding system, Oxfordshire receives only 85 per cent. of the national average for NHS funding. Ministers say that that is because Oxfordshire is wealthy compared with other areas, but it is exactly that comparative wealth that presents the NHS in Oxfordshire with some of its most difficult problems. Housing costs are high, as are nursing costs and agency costs.

What does that mean for our local NHS? The Government's funding plan has already resulted in the proposed closure of the gynaecological ward at Horton hospital in Banbury, and the Oxford Radcliffe Hospitals NHS Trust is considering closing wards at the John Radcliffe hospital and the in-patient pain relief unit at the Churchill hospital. Wards are being closed, beds are being lost, and community hospitals are either not being built or under constant threat of closure.

The Government's amendment has the audacity to claim that they are investing £100 million in a community hospitals programme. Way back in 1997, the right hon. Member for Darlington (Mr. Milburn) stood at the Dispatch Box and promised the people of Bicester a new and enlarged community hospital. We are still waiting for it. In the other place, Lord Warner cannot even tell us whether community hospitals will have beds. If the Government cannot recognise that a community hospital must have beds, God help us all.

The Oxfordshire health economy has to try to save £35 million this year, £25 million of which is to come from the Oxford Radcliffe Hospitals NHS Trust. That can happen only under slash-and-burn cuts. Yet when Ministers are asked about that, they do not take responsibility, but pass it on to the strategic health authority.

Mr. Jeremy Hunt (South-West Surrey) (Con): Is my hon. Friend aware that, under this Government's funding formula weightings, the priority given to social deprivation is three times greater than that given to the proportion of elderly people in an area or to the costs of health care delivery? Does he agree that the people who suffer when that happens are not rich people living in rich areas but poor, elderly and vulnerable people who happen to live in areas that have Conservative Members?

Tony Baldry: The weak and the vulnerable will suffer as a consequence of the Government's complacency about what is happening in the NHS. More than that, the Government wash their hands and claim that strategic health authorities make the decisions. They say that SHAs can set out recovery plans, but I wrote some three weeks ago to the chief executive of the Thames Valley health authority to stress that there was no way in which the Oxford Radcliffe Hospitals NHS Trust could save £25 million between now and the end of the financial year. I continue to await a reply. I suspect that the reason is that, yet again, we are undergoing an NHS reorganisation, with all the PCTs in Oxfordshire becoming one.

There is an added twist in Oxfordshire. Clearly, some wise guy in No. 10 thought that it would be fun to consider putting out the management of the Oxfordshire PCT to the private sector. Ministers cannot even work out whether they want to accept the responsibility for that. *The Guardian* on Saturday reported that Ministers had given an indication that the PCT in Oxfordshire could not go out to private management. Yet the previous day, the Minister of State said in a parliamentary answer:

> "No decision has yet been taken on the possibility of any strategic health authority (SHA) tendering for the private sector provision of management services for future primary care trusts (PCTs)."—[*Official Report*, 11 November 2005; Vol. 439, c. 828W.]

Why on earth does not the Minister simply say, "PCTs are not going to be allowed to do this"?

UnitedHealth, whose international director used to be an adviser at No. 10, clearly believed that the trust would be allowed to go out to private management. He wrote to me on 11 November, only last week. The letter stated:

> "The board of the SHA has approved the outsourcing."

It is interesting that the international director is clearly privy to information that is denied the Royal College of Nursing and Unison. When those organisations had the temerity to ask under the Freedom of Information Act 2000—that is their only hope of discovering anything from the Government—they are effectively told to shut up because any discussions between the SHA, UnitedHealth and other providers are subject to commercial confidentiality. That is what will happen with outsourcing resources from the NHS. We will increasingly be told that we cannot ask questions because events are subject to commercial confidentiality. That is exactly what happened in Oxfordshire. It is a distraction from what should be happening to sort out the deficit and the proposed cuts in the Oxford Radcliffe Hospitals NHS Trust.

Ministers should do three things. First, they should intervene in Oxfordshire and elsewhere to ensure that SHAs do not impose unrealistic targets for damaging cuts. Otherwise, slash-and-burn reductions will take place not because they make sense but because they are the easiest way to save money.

Secondly, will Ministers please examine the formulae? My hon. Friend the Member for South-West Surrey (Mr. Hunt) and all Conservative Members would say that the Government must consider the formulae and the way in which money is allocated. It cannot be right that Oxfordshire receives only 85 per cent. of the average funding for the rest of the country. If Ministers bothered to come to Oxfordshire, they would realise that areas such as Blackbird Leys in the constituency of the right hon. Member for Oxford, East (Mr. Smith) and wards such as Ruscote and Hardwick are as socially deprived as anywhere in the country. The formula is simply not fair.

Thirdly, Ministers must ensure that we do not continue to go through the ridiculous organisation and reorganisation of the NHS. How much money has been wasted by initially setting up many PCTs and then reorganising them into single PCTs? Moreover, Sir Nigel Crisp said at the start of the recess that PCTs would be allowed to do one thing but the Secretary of State now claims that they will not be allowed to do it. How does anyone in the NHS have any idea about what is supposed to be happening when Ministers keep chopping and changing their minds about what they expect of NHS organisation?

I am sorry that the Secretary of State was so complacent this afternoon. Every time an operation or the NHS fails a person in Oxfordshire, I shall ensure that those people have a summary of this afternoon's debate. Labour Members got up and simply told us how wonderful things were in their part of the country. That demonstrates the two nations that the Government have created.

6.4 pm

Kali Mountford (Colne Valley) (Lab): Again, we start a debate with collective amnesia. Hon. Members told my right hon. Friend the Secretary of State that she should not be able to sleep at night. If that is the case, Conservative Members must have had 18 years of nightmares. My hon. Friend the Member for Crawley (Laura Moffatt) gave a good account of past failings in the national health service. The Opposition have a clear strategy of running down people's opinion of the NHS to pursue a more insidious agenda. The speech of the hon. Member for Banbury (Tony Baldry) was an example of that. The debate is not genuinely about overall investment in the NHS but about certain people's concerns not being met because of a restructuring of the way in which health care is provided. Yet, if Conservative Members read some of the diaries of their right hon. and hon. Friends who used to be Ministers, they will realise that some of them openly admit political interference in the formula. [HON. MEMBERS: "Who?"]

Mr. Graham Stuart *rose—*

Kali Mountford: I shall not give way. Hon. Members can go to a library like anyone else.

Mr. Andrew Turner (Isle of Wight) (Con): Will the hon. Lady give way?

Kali Mountford: I have made it clear that I am not giving way.

I am glad to say that I believe that the formula as it is now constructed ensures that people in the most deprived areas get the most funding. That is the right way forward. Each person in my constituency gets £7 less than in the neighbouring constituency of Huddersfield. That is hardly surprising since the economic indicators clearly show poverty in Huddersfield and relative wealth in Colne Valley. We make no excuses for that; the formula is perfectly fair.

We have also ensured locally based provision of health services through the PCTs. All hon. Members should welcome that. Conservative Members often talk about a small state and large people, yet suddenly today, they demand state interference at the most local level. Decisions about the local delivery of services should be made locally.—*[Interruption.]* I am making a case.

In my PCT, there was huge consultation about the delivery of services. Local people made clear what they wanted from their health service. Thousands of people wrote to me and a case was clearly made to the Government. The Government agreed that the services should cater to local people's needs. People understood that they could join with Huddersfield, which had more money spent on constituents per capita, yet they still preferred locally based services.

Mark Simmonds: Does the hon. Lady agree that she is making a good case for abolishing central Government targets for health care?

Kali Mountford: No, I do not agree because there must be a balance between ensuring that taxpayers' money is spent on the right priorities and local needs. There is no contradiction in stating Government priorities, which, in my experience, usually reflect the concerns of my constituents. For example, let us consider cancer care. It was clear that my constituents wanted the same rate of recovery as the rest of Europe experiences. They were not getting that but we are now well on the way to achieving our targets. I am pleased and proud about that. The hon. Gentleman makes it appear as though my constituents did not want such targets. If they had not wanted them, I would not be here today.

We are conducting several health reviews in my constituency and I have some concerns about them. Local people should be able to make decisions, not in the interests of doctors or administrators, but in those of patients. That is why I asked the hon. Member for Romsey (Sandra Gidley) about her view of maternity services. She might be interested to learn that her colleagues on Liberal-run Kirklees council agree with me about midwife-led units. We need to learn much more about how they can play an important part in maternity services if they are properly supported. My constituents are concerned about how that service can be delivered to their benefit. Most of them want a choice in their services, and maternity services are as good an example as any of how choice can work.

A woman who expects to have a perfectly normal birth might want to have her baby at home. That is quite proper, and she is entitled to do that. Should the community decide that it wants a midwife-led unit, it will make that case clearly to the local PCT in the local consultation. People are right to demand from me—as I demand from the health service—that such a unit be run properly and with the right support. We should not therefore set up a maternity service that delivers only 500 babies a year, when there are 3,000 a year being

[Kali Mountford]

delivered in the Huddersfield royal infirmary. We have to take into consideration not only the number of babies being born in Huddersfield but the fact that we might also have to transfer patients, in the middle of what was expected to be a normal delivery, to the newly built hospital in Halifax, which we are very proud that the Government were able to deliver—no pun intended.

We have to balance the new ways of delivering health and patient care with value for money and with what the public want. The public have made it very clear to me that, if there is to be a midwife-led unit, they want it to have full hospital support nearby.

Mr. Burrowes: The hon. Lady began her speech by talking about collective amnesia. Does she share my concern about the amnesia of the Government, who, before the election, promised that the future of our local accident and emergency unit in Enfield would be safe and secure in their hands? Six months on, however, there are plans to cut that service. Is not that an example of amnesia, in that the Government now appear to support that closure?

Kali Mountford: What would be important would be for the hon. Gentleman's constituents to have a local consultation about accident and emergency services, similar to the one that took place in my constituency. The services there have now greatly improved. I can speak only for my own constituency and my own hospital, but no doubt he will make his own case for the hospital and the accident and emergency services in his constituency.

I understand it when health managers tell me that they want to review services because they want to make them more effective and efficient, safer to deliver and better for patients. They make it clear that they are doing that not because they feel that they are underfunded but because they think that there is a better way of delivering the services. I tell them that they might be right in some cases. However, if they continue to propose new services that, in my constituents' view, favour the administration of the hospital or the doctors to the detriment of the services that my constituents want, we need to listen very carefully to the patients at that point.

In 1996, when the then Government proposed to close the local community hospital, I opposed the closure. The hospital remained open. A clear promise was made to that effect by this Government, and the hospital has remained open. Not only that, but it is flourishing and growing daily. It provides new services that were never thought of before. It used to be regarded as quite a shabby place that the local community paid for out of donations. They felt that those donations made it their own hospital, and they were proud of it. Now, because of this Government's commitment to community hospitals, it delivers surgery day care, which it did not do before. I believe that that hospital is the kind of place that could house a maternity unit, because it would have the support of obstetricians, paediatricians and anaesthetists nearby. My constituents—and the midwives themselves—tell me that they want the kind of service that will ensure that all deliveries are safe.

Conservative Members ignore the fact that we ought to be measuring the positive outcomes of patient care. Patient care changes and develops over the years, and it becomes better. As it does so, we have to adapt to the introduction of new services or treatments or—I have forgotten the other word.

Mr. Edward Vaizey (Wantage) (Con): Cures.

Kali Mountford: The hon. Gentleman has helped me greatly.

As medicine changes, we have to change with it, but we must not be led by the nose into thinking that there is only one way of doing things. Services must be locally based and they must respond to local needs. Our consideration of cost-effectiveness must take into account patient outcomes. "Patient outcomes" sounds like horrible management-speak for people getting better. If we look at the number of people getting better, we can see that thousands more people are being treated—

Mr. Deputy Speaker (Sir Michael Lord): Order. The hon. Lady's time is up.

6.15 pm

Dr. Julian Lewis (New Forest, East) (Con): I hesitate to give advice to the hon. Member for Colne Valley (Kali Mountford). She has many admirers on this side of the Chamber, and I think that I am right in saying that she entered the House at the same time as I did in 1997. I would merely say to her that in the 1997 Parliament it was acceptable for Labour Members to argue that everything was the fault of the previous Conservative Government. In the 2001 Parliament, it was arguably acceptable for that to happen. However, this is the 2005 Parliament and it is incredible to argue that this is all the fault of a Conservative Government who lost power way back in 1997.

Before I leave the party political part of my speech, I must point out that I would never have imagined that, six months after a general election that the Government won with a majority of 60, the best that the Government could do in a major Opposition day debate would be to get only four Back Benchers—including one whom I believe to be a Parliamentary Private Secretary—to support their ministerial team. It is a sign that all is not well with this Government.

My final point about the hon. Member for Colne Valley is that it is precisely because we like and admire her that it is sad to see her having to speak so defensively about a record that she knows in her heart is not satisfactory. I would not discourage her from doing that because, as time goes on, if the Government continue to try to purvey a message of good news to a country that knows that the news is thoroughly bad they will simply lose credibility.

I come now to the events in the constituencies of New Forest, East, New Forest, West, and Romsey, to which the hon. Member for Romsey (Sandra Gidley) briefly referred. I thank her for the way in which she has co-operated with my hon. Friend the Member for New Forest, West (Mr. Swayne) and me in fighting to save the five community hospitals based in our three constituencies. I was sorry to hear the spat between my hon. Friend the Member for Reigate (Mr. Blunt) and the hon. Member for Crawley (Laura Moffatt) about the fight over which community hospital should be saved in their constituencies. The reality is that if constituencies work together, they maximise their chance of saving all their community hospitals, because this is not a zero-sum game.

When I asked the Secretary of State whether she valued the role of community hospitals I expected her to say yes. However, I also hoped for an answer to the question whether she thought that their closure was a matter of dogma or of economics. It should not be a matter of economics. During our campaign against the closures—which is not over yet, although things are now looking promising for the five hospitals—we discovered that the running of the community hospitals accounted for between only 1 and 2 per cent. of the total operating costs of the PCTs concerned. Those PCTs admitted, without too much pressure, that the reason they were in gross financial deficit had nothing whatever to do with the cost of running the community hospitals. I am only sorry that the Secretary of State was not prepared to concede that point when I asked her to do so.

The reality was that five community hospitals were to be closed. There was, however, supposed to be consultation and originally it appeared that the consultation would be on all the possible options. Option one out of five was to keep all the beds, or at least some of the beds, in all the community hospitals. Option five was to close all the beds in all five hospitals. In between, there was a series of cunningly designed options, such as closing one hospital but keeping others open, or closing two hospitals but keeping others open. It was patently obvious what was being planned. The idea was that the consultation would set hospital against hospital, community against community, and then the PCTs would be able to go back and say, "None of the communities can agree on which of their hospitals should survive, so we will just do what we consider best."

What did the PCTs consider best? Extraordinarily, when the truth was told, they did not like the idea of people being treated in community hospitals. Indeed, one non-executive director of the New Forest PCT, who subsequently became acting chairman for a period, said at an early meeting that treating people in community hospitals rather than in their own homes was archaic. If we wish to develop services to encourage people to be treated in their own homes more than at present, the best way to do that—after all, people do not go into hospital for fun—is to persuade them that if the time comes when their condition deteriorates to the point that they will need in-patient care, those in-patient beds will be available.

I wanted to finish with a few tips and hints for people campaigning on these issues, but something strange is going on nationwide. It is not clear whether it is a movement among PCT bureaucrats or whether they are being surreptitiously encouraged by the Government. The Government say that they value community hospitals and I would like to believe them. If they do, the movement is among bureaucrats. Whatever, there is an attempt to say that community hospitals are not necessary and that people can be treated at home. That smacks of something that we have seen before—what happened to mental health services when care in the community swung the pendulum too far against professional care in institutions.

There is a grain of value in what is being recommended, but the reality is that valued, trusted and loved organisations will be thrown away for the sake of dogma. When that dogma is found to have failed, the unelected bureaucrats, whom no one put into power except the Government, and whom no one can remove except the Government, will no longer be there. It is no good the Government saying to us that such decisions must be taken locally—our answer is that such decisions must be taken democratically.

6.23 pm

Dr. Richard Taylor (Wyre Forest) (Ind): While I welcome the extra money going into the health service and some of the improvements that have occurred, I find it incredibly hard to understand why only a quarter of trusts are in deficit, when in my area all three of the primary care trusts and the acute trust are desperately in deficit. I want to try to persuade the Government to admit that at least some of the deficits are their fault.

At the Health Committee last week, I asked a chief executive of a strategic health authority:

> "is it not also part of your job to tell the Government that with Agenda for Change, GP contracts, consultant contracts, out-of-hours care and all these further reconfigurations, that even though they put extra money in, you do not have enough?"

He replied:

> "you are absolutely right that if you look at those examples you gave, whether it is Agenda for Change, the consultant contracts, the GP contracts, all of those cost more money than we originally identified in the arrangements to do it, and we make that very clear to Sir Nigel Crisp and his team when we meet them."

The Government must therefore be aware that some of the deficits are due to their plans.

As an independent Member, I have the immense privilege of being able to attack both the previous Government and this Government. I refer the House to an article in the *Journal of the Royal Society of Medicine* in 2003, which reviewed all the changes imposed on the NHS up to that date, which it called, "organisational upheaval". I am glad to tell the House that the score is 13 to 12 in the Government's favour, or rather disfavour. From 1982 to 1996, there were 12 reorganisations. From 1997 to 2003, there were a further six. By my counting, since 2003, seven or eight more have taken place. The author of that article concluded:

> "perpetual reform is very costly, both in terms of the time and effort invested by managers and other NHS staff, and in terms of the financial costs of establishing the physical fabric of new organisations and of meeting the redundancy or retirement costs of displaced staff."

The NHS staff who speak to me, locally and more widely, make a sincere plea, "Leave us alone. Let us just do our job of caring for patients. And please slow the reforms."

As I said in a debate in Westminster Hall this morning, one of the consequences of deficits in my area is that the acute trust is £20 million to £30 million short. Some of that is because of inefficiency, and I welcome the drive for efficiency-increased productivity. I am saddened, however, that there are threats, yet again, to hospital services in my county.

Apart from threatened reconfigurations, the PCTs have deficits, which affect me and, I suspect, other hon. Members in the form of battles with NICE guidelines.

[Dr. Richard Taylor]

I have had a tremendous battle to get funding for the anti-TNF drugs for rheumatoid arthritis, which are approved by NICE. I am having a battle over biventricular pacemakers, which every cardiologist reckons are far better than the old-fashioned pacemakers, and yet a patient must go before a special complex case panel to be approved to have what is well known to be the most effective form of pacing. There is, of course, a battle over Herceptin, and in my area each case is being examined specifically. There is NICE blight, whereby things that are about to be tested are not even considered by PCTs. Then there are things that are not even on the NICE list, such as the treatment for sleep apnoea. Any Members who are overweight and whose wives tell them that they snore loudly might need that treatment at some point.

My plea is that we should recognise the causes of the deficits, slow down some of the reforms and give the staff time to care for their patients. It is all very well to rule that GPs must do Saturday morning clinics. But who stopped the Saturday morning clinics? The Government accepted the new GP contract, which did just that.

6.29 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): We have established that the proposition of the chief executive of the NHS that this is a year of financial correction is a rather useful euphemism for describing the build-up of pressure in the national health service that is causing so much difficulty on the ground, not just for those who are struggling with balancing their budgets but, more importantly, for those who are suffering the consequences of services being dislocated and cut.

By month five of the current financial year, Sutton and Merton PCT, in my area, was already forecasting its current £1.3 million deficit, and it is now forecasting a £5.2 million deficit by the end of the year. As we have heard, however, those figures mask the true magnitude of the problem and the pressures faced by PCTs and other NHS organisations. Notwithstanding its deficit, my PCT has been told by South West London strategic health authority to achieve a surplus of £6.7 million to help bail out other parts of the NHS locally. That means that a gap of £11.9 million must be closed before the end of the year. Moreover, it must all be seen against the PCT's opening deficit of £7.4 million, which in the past year has been funded through non-recurring items such as cuts and delays in projects.

The Secretary of State suggested that the NHS was all right because many NHS organisations broke even. What she forgets is that while they may break even on 31 March, on 1 April their debt is back around their necks, causing difficulties for their organisation and the recovery plans on which many fail to deliver. Most of the deficit on my patch arises not because of management failures and non-provision of services, but because of the challenge to NHS managers and staff to meet the access targets with which the Government confront them. It is a case of over-performance—a lovely phrase that is used when a hospital carries out more operations than was intended during a particular fiscal year. A hospital that provides more treatments becomes a target for pressures to cut budgets and spending. That is another example of historic underfunding of the NHS.

It is against that backdrop of funding pressures in my local health economy that my local health service proposes to close two district general hospitals and replace them with a smaller critical care hospital with fewer beds, underpinned by a network of local care hospitals that will have no beds at all. I fear that that network will never exist. A critical care hospital will open in due course, but it will not provide a satisfactory service without the support of the network because the PCT will not be able to invest in the services that would enable it to operate properly. I hope that the Minister will assure me that the "Better Healthcare Closer to Home" programme on my patch will deliver in full for my constituents and will not leave the legacy of a critical care hospital bursting at the seams because it did not receive the primary care and diagnostic services that it needed.

Let me say something about the wider position in London. The Secretary of State told us that most NHS organisations were not in deficit, but that clearly does not apply to London. Of the 42 NHS organisations providing acute and mental health services, 23 are in deficit, according to their final accounts as recorded recently. It seems that the NHS in London faces a £94 million deficit, with which it must grapple during the current financial year. That is a huge drag on it.

The problem with debates such as this is that they are clouded by inadequate reports from SHAs about the true position. The lack of numbers in some of the reports submitted by their boards, and the obscurity surrounding the level of risk, beggar belief and do not provide a framework in which accountability can exist and Members in all parts of the House can scrutinise the performance of their NHS organisations.

North West London SHA is a case in point. Having been warned consistently by Kensington and Chelsea PCT that the PCT had been in deficit last year, in September, December and February this year the SHA was still reporting that it would break even by the end of the financial year. Then, there was the big surprise at the end of the year when the PCT found itself in a huge financial mess.

All that demonstrates an inherent problem with which the Government have failed to deal. The growing instability in NHS finances will be amplified by the roll-out of payment by results. As a consequence, more NHS organisations will be in difficulty and will struggle to balance their books. The Secretary of State assures us that the present deficit is containable and manageable. She fails to point out, however, that organisation of the NHS is in transition—that it is on the way to becoming a market model and that the deficits will matter far more when the transition is completed. The demand side of the service now holds the whip hand, the commissioners have not been given the strength to do the job, and the Government's proposals for PCT reorganisation have come too late. They have woken up to the problem, but they are shutting the stable door when the horse has bolted way ahead.

The Government's general election manifesto proposed a £250 million or 15 per cent. saving through NHS reorganisation. The final twist came in Sir Nigel Crisp's statement, reported last week, that the NHS planned to increase the role of SHAs and not to allow the new PCTs full control over their budgets until they could demonstrate their ability to deliver their financial plans. Effectively, that constitutes centralised control over NHS finances. The Liberal Democrats do not want it, but the Government seem content to allow it.

I hope that the Minister will give reasons for the proposed change and centralisation. As we approach a year in which funding gaps are widening, the Government propose to reduce funding after the growth of the past few years. I fear that we will have not a soft landing but a rough landing, and that unless the Government get a grip we will have a real problem.

6.37 pm

Mark Simmonds (Boston and Skegness) (Con): I agree with my hon. Friend the Member for Banbury (Tony Baldry) about the deplorable complacency of the Secretary of State's speech. She wanted to talk about anything other than the motion, and her responses to the serious points made by my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) were unacceptable. I can be more positive about the hon. Member for Colne Valley (Kali Mountford), who made a typically articulate speech. She made a good case for the abolition of central Government targets. Along with the Government's manipulation of the funding formula, mentioned by my hon. Friend the Member for South-West Surrey (Mr. Hunt), those targets are the main reason for the terrible deficits that most PCTs are now experiencing.

I warned the Government that they would find themselves in this position as long ago as November 2001, when I initiated an Adjournment debate in Westminster Hall on the future of Skegness and District hospital. I asked the Minister to reassure my constituents and me that when the PCT ran short of money, it would not close wards. What safeguards would the Government introduce to ensure that wards would not be closed and beds would not be lost? The then Minister of State, the right hon. Member for Redditch (Jacqui Smith)—who, rather worryingly, is now Minister for Schools—replied

> "I reassure them and him that they need not fear for the future of what is an excellent community hospital: there are no plans to close or to downgrade it."—[*Official Report, Westminster Hall*, 13 November 2001; Vol. 374, c. 237WH.]

On 1 November this year, one ward—50 per cent. of that hospital's wards—closed.

In January 2003, I initiated an Adjournment debate about the future of Pilgrim hospital, the main hospital in my constituency. I asked the then Minister, the hon. Member for Tottenham (David Lammy) to reassure me that there would be no downgrading of facilities at that important hospital in my constituency. He said

> "I want to assure them from the outset"

—"them" being my constituents—

> "that they need not fear for the future of their hospital or the future of the NHS under this Labour Government."—[*Official Report*, 16 January 2003; Vol. 397, c. 919.]

This summer, two wards in Pilgrim hospital, Boston closed, losing 59 beds—another disgrace.

I held a debate in July this year, to which the Under-Secretary the hon. Member for Birmingham, Hodge Hill (Mr. Byrne) replied—I see him in his place. I have to say that his response that day was at least more articulate and sensible than either of the two responses that I had received in the previous debates—*[Interruption.]* Not only did he go to Harvard, he also had an interest in Lincolnshire church architecture, which means that he cannot be all bad. I pointed out that the Government had failed to act in time to stop the ward closures and asked him to put on record his assurance that there would be no further diminution of health care provision in my constituency or elsewhere in Lincolnshire. Even that Minister, however, failed to do so.

My hon. Friend the Member for South-West Surrey may not have known it, but he hit the nail right on the head. In my view, there has been a deliberate policy by the Government to manipulate the public sector funding formula not just in the health service, but across the public sector, to move resources—particularly out of rural areas that have Conservative and sometimes Liberal Democrat MPs—in order to benefit their own MPs, especially in marginal seats. The hon. Member for Wirral, West (Stephen Hesford) has effectively confirmed that today.

Mr. Hunt: Is my hon. Friend aware that the Government have changed the funding formula for the NHS four times since 2001 and that in every single year, they have increased the relative weighting given to social deprivation and decreased the relative weighting given to age and the cost of delivery of local health care?

Mark Simmonds: I am aware of that; my hon. Friend is absolutely right. The crux of the matter is that it is not only areas represented by Labour Members that have pockets of socio-economic deprivation. That needs to be recognised, alongside the sparsity factor, the increasing population and the increasing age of the population.

I represent a constituency on the east Lincolnshire coast, which has a significant number of retired people, particularly those coming from the ex-coal mining constituencies of the midlands, who bring their health problems with them. That needs to be reflected in the funding formula: it is not, but it needs to be. I am not saying that Skegness or the east Lincolnshire coast is alone in that problem; it needs to be recognised around the whole country, where appropriate.

Mr. Graham Stuart: Through you, Mr. Deputy Speaker, may I thank my hon. Friend for becoming a patron of CHANT—the community hospitals acting nationally together campaign group—which was formally launched today? I hope that, he, together with my hon. Friends, Government Members, Liberal Democrat Members and the independent Member will demonstrate their support for CHANT. The same applies in respect of the other place. We are gaining cross-party support for what is a national problem and we need Ministers to respond to it.

Mark Simmonds: I congratulate my hon. Friend on all the work that he has put into getting the CHANT group off the ground. He deserves significant recognition across and outside the House. I am sure that he will be rewarded in his own constituency for the efforts that he has made. I am delighted to see the Conservative Benches so full today: many more Conservative Members will be engaged in improving the provision of health care, not just in our respective constituencies but

[Mark Simmonds]

across the country. The representation on the Government Benches this afternoon provides a marked contrast.

I want to provide some brief statistics to show the consistent underfunding of the East Lincolnshire primary care trust, which serves my constituency and that of my hon. Friend the Member for Louth and Horncastle (Sir Peter Tapsell), who I am delighted to see in his place. The PCT began on 1 April 2002 with a £2.8 million debt inherited from the former Lincolnshire health authority. In the year 2005–06, it was 8 per cent. off its target share of funding. As much as 36 per cent. of the total underfunding in the Trent strategic health authority area is applicable to the East Lincolnshire PCT, which is one of the 10 worst funded PCTs of the 303 in England. This year, it is £30.3 million below its target level funding.

It is not only the East Lincolnshire PCT that is underfunded; they all are in Lincolnshire. The United Lincolnshire Hospital NHS Trust is £8.1 million in deficit with a £20 million predicted shortfall this year. That has meant two ward closures and 59 beds lost at the Pilgrim hospital and 15 beds, including three palliative care beds, in the Scarborough ward closed on 1 November. As you can imagine, Mr. Deputy Speaker, there was absolute uproar in Skegness, resulting in very well attended public meetings—*[Interruption.]* Government Members are laughing, but this is a very serious issue. The meetings culminated in setting up a delegation that is coming to Parliament on 30 November. I ask one of the relevant Ministers to meet that delegation—it will include Labour councillors who attended the Secretary of State's surgery but, needless to say, received no response from her—and hear what it has to say. The losers are people living on the east Lincolnshire coast who need that facility. Pilgrim hospital is 42 minutes away along the A52.

Due to pressure from myself and others, future funding was supposed to increase from April 2006—by 13.6 per cent. that year and 12.4 per cent. the following year. It has now become clear, however, why the Government were prepared to acquiesce in that increase in funding. It is because there is going to be a reorganisation, so the PCT may never see the additional money, which may even be transferred from where it was originally going to be spent. In winding up today's debate, will the Minister give an assurance that the money promised will remain in the original area of the East Lincolnshire PCT and that the SHA will permit it to be committed prior to the reorganisation in April 2006?

The two specific problems that I have mentioned are the culture of targets and the manipulation of the funding formula. If only it were as simple as that, but unfortunately, the ambulance trust is now under pressure and it has been proposed that 28 ambulances in Lincolnshire and 42 front-line staff should go. It is ironic that I received a letter from Unison, pleading for my support to fight Government cuts in Lincolnshire. What an irony.

In conclusion, councillors in my constituency have informed me that the Government blocked the acceptance of the local authority's offer to fund the reopening of the ward—they did so for political reasons, as they do not want to alert the electorate to the fact that the NHS in Lincolnshire is underfunded—and thereby ensured the closure of the Scarborough ward in Skegness. I am also told that the Government are politically interfering and manipulating the strategic health authority and the primary care trusts right from the heart—pressurising staff, demanding clearance for all information flows, including for MPs, and blocking spending plans. If true, that is totally unacceptable in what is supposed to be a devolved, patient-receptive NHS.

I want to see health care provision improved in Lincolnshire and elsewhere—not just in areas represented by my right hon. and hon. Friends, but across the United Kingdom. We must all ensure that that happens. Unfortunately, because of the way in which the Government are managing the NHS, it is not.

6.48 pm

Mr. Mark Hoban (Fareham) (Con): I welcome the opportunity to debate the financial deficit in Hampshire, which particularly affects my constituents. My hon. Friend the Member for New Forest, East (Dr. Lewis) referred to the problems of community hospitals in that part of the county. In a way, Mr. Deputy Speaker, I wish I had a community hospital. The problem in Fareham is that, despite recognition for some years that local people need a community hospital and despite the record investment in the NHS to which the Government refer in the amendment, no community hospital will be forthcoming for the next two or three years at least.

What we have seen in Fareham is a much-loved popular local facility—the Blackbrook birthing centre—closed at short notice. I referred to it in an earlier intervention on the hon. Member for Romsey (Sandra Gidley). The Blackbrook birthing centre in my constituency has provided care to mothers—many of whom were born there—for many years. It provides mothers who have given birth elsewhere in other units run by the Portsmouth Hospitals NHS Trust the opportunity to go back for some post-natal care for two or three days to help them to bond with their children. Mothers have also used the centre to receive the hands-on practical advice and care that midwives can give in that unit, which they cannot get elsewhere.

In July this year, the centre was closed with only two weeks' notice. Mothers who had booked to give birth there were told at short notice that they were no longer able to do so because of the combination of staff shortages through sickness and midwives going on maternity leave. Naturally, it was disappointing for mothers to be told that they could not have their children there, but it was also disappointing that the trust did not recognise the problems that the pregnancy of midwives themselves could cause, and that it had to close the unit at such short notice.

I am afraid that this is not the first time that the birthing centre has been closed for those reasons. Having been closed since August 2000 because of staff shortages and sickness, it reopened in June 2001, only to close again in January 2002, until May of that year, again because of staff shortages. Mothers in my constituency are an easy target. They are the first to feel the pinch when there is a shortage of midwives in the local PCT.

Recognising the great outcry across the community at the closure of Blackbrook, the trust committed itself to reviewing the question of its reopening in December, and it pressed ahead with recruiting midwives, despite staffing pressures elsewhere in the system. It agreed to recruit 12 whole-time equivalent students and five other midwifery posts, so that Blackbrook—and the Grange maternity centre, which is in the constituency of my right hon. Friend the Member for East Hampshire (Mr. Mates)—could reopen by the turn of this year.

Local parents have campaigned vigorously to keep both centres in the public eye. I congratulate the "Friends of Blackbrook" and Mel Watson on their excellent work in keeping Blackbrook in the public eye and that of the people of Fareham. But they were stunned, as was I, to discover in September that the trust had postponed the reopening of Blackbrook and the Grange, because it recognised that the financial constraints that have affected all Hampshire's trusts have to be applied to maternity services as well.

In a letter to me, the director of clinical services, nursing and midwifery said:

> "You will also be aware of the difficult financial situation affecting both the Trust and all of Hampshire and the Isle of Wight . . . The Board agreed that Maternity Services must now be subject to the same financial controls as all other Trust services, even though this may mean the reopening of Blackbrook and the Grange might be delayed as a result."

Mrs. Maria Miller (Basingstoke) (Con): I draw to my hon. Friend's attention the fact that the financial crisis in maternity care stretches as far north in Hampshire as Basingstoke, where we have no 12-week scans for pregnant women. The financial crisis has hit us hard as well, and it is interesting to hear how it is stretching further south.

Mr. Hoban: Indeed; the problems affecting maternity services stretch right across Hampshire.

Mr. Michael Mates (East Hampshire) (Con): Not only were we subjected to the constraints to which my hon. Friend referred; it had been specifically denied only weeks beforehand that there were any financial disadvantages in reopening the Grange and Blackbrook. The only reason given for the decision was clinical safety, which was patently untrue.

Mr. Hoban: Indeed. The problem is the continuing uncertainty about the future of the two centres. Despite the trust saying that it will review the situation at the end of the financial year, there is no guarantee that either unit will reopen. It is important that people maintain pressure on hospital trusts when facilities are closed temporarily. My constituents and I fear that at times, such temporary closures are a precursor to closure by stealth—that such closures will last longer and longer, so that the public scrutiny to which a formal closure should be subject goes by the board.

I am grateful to the Hampshire county council overview and scrutiny committee, led by councillor Ray Ellis, for its continuing vigilance on this matter. It is making sure that there is no chance that such facilities will close without the public becoming involved, or without proper consultation taking place.

Mrs. Iris Robinson (Strangford) (DUP): Will the hon. Gentleman give way?

Mr. Hoban: I would like to give way, but other Members wish to take part in this debate.

My hon. Friend the Member for Basingstoke (Mrs. Miller) referred to scans, but another related issue that has been brought to my attention is the denial of in vitro fertilisation treatment to would-be mothers across Hampshire. Despite Government guidelines and action taken by the Secretary of State last year to commit to providing one free cycle of IVF treatment to Hampshire's would-be mothers, the PCT has denied that opportunity to those who are perhaps most in need of IVF treatment. The reality is that that opportunity has been denied them because of the financial problems that PCTs in Hampshire face. The deficits are restricting the treatment available to those who want to have a baby.

The Government talk in their amendment about record investment in the NHS, but the experience of many of my constituents—such as mothers who want to use birthing centres, access maternity care or have IVF treatment—is that that investment is not reaching the people of Hampshire. They cannot understand how the Government's promises and spin can be reconciled with the reality on the ground, and the same is true of constituencies elsewhere in Hampshire.

6.55 pm

Mr. Stewart Jackson (Peterborough) (Con): I am grateful for the opportunity to share with the House the impact of this Government's incompetence and mismanagement on my constituents. In so doing, I pay tribute to the staff and management of my local NHS trusts—the Peterborough and Stamford Hospitals NHS Foundation Trust, and the Greater Peterborough Primary Care Partnership—whose professionalism is enabling them to continue to put patients first, notwithstanding the Department of Health's strategy of buck-passing and neglect. That said, people in Peterborough are fighting back to defend their local NHS facilities. Mary Cook, a former nurse from Orton Goldhay, which is in the constituency of my hon. Friend the Member for North-West Cambridgeshire (Mr. Vara), has collected thousands of signatures in protest at ward closures, cuts in bed spaces and the amalgamation of our local PCTs.

Mary Cook is not a Conservative, but she is a special lady. In 1996, she won a national newspaper competition, which enabled her to meet the then Leader of the Opposition, the right hon. Member for Sedgefield (Mr. Blair), and to quiz him on the NHS and how his policies would help Peterborough. At the time, she said that she was satisfied with his response. What is her view today? Last month, she told Peterborough's *The Evening Telegraph*,

> "Looking at his answer now just makes my blood boil. He has more or less gone against everything he told me."

In April 2000, the right hon. Member for Sedgefield, upon the occasion of the opening of a new NHS walk-in centre in my constituency, told the very same newspaper—in breathless, messianic prose that was doubtless written for him:

> "Not for the first time, the city is blazing a trail for others to follow. You can't rebuild the NHS overnight . . . what you can do is put in the investment and the reforms to get it right."

[Mr. Stewart Jackson]

So what is the Prime Minister's legacy to my constituents? The Peterborough and Stamford hospitals trust is predicted to be £7.7 million in deficit at the end of this financial year. It has already axed 70 jobs and closed no fewer than three wards and 106 beds. A further 200 jobs are under threat, and cuts of £6.5 million are in the pipeline. Just yesterday, following the local PCT's decision to withdraw £2.5 million-worth of funding, the trust has been ordered to "slow down" elective surgery cases, thus increasing waiting lists and making further cuts inevitable. The Department of Health is happy to preside over the disintegration of local NHS services. It is pressing the trust to meet its statutory obligations under legislation dating from 1990, but it is happy to carry over accumulated structural debt. This dichotomy is unsustainable in its present form.

What is the trust to do? It is faced with external demands—such as consultants' contracts, agency staff, the European working time directive, initiatives such as "Agenda for Change", and a hugely increased drugs bill—but it has not been provided with adequate funds to meet them. Ministers have not addressed this issue.

Even when the Government try to involve the private sector, they are noteworthy for their incompetence. Part of the reason for the structural deficit in Peterborough is the mismanagement of the private finance initiative scheme for the building of a new super-hospital in Bretton Gate, on the site of the Edith Cavell hospital. Initially, the cost to the trust of the project's consultants—more than £5 million—was to be underwritten by the Department of Health. Then, it was not. Then, just £1.9 million was to be underwritten. Then, the whole amount was again to be underwritten. Last week, the hospital trust's chief executive warned:

> "We cannot keep running at a loss. We want to give advance warning that jobs are at risk."

The PCT will fare little better, with a forecast deficit of £4.2 million this year. Its chief executive said that the trust was in a "fragile financial state", with a vacancy freeze and staff morale at rock bottom.

Meanwhile, patients face longer waiting lists and further cuts in service provision. My constituent in Walton was forced to wait 88 weeks to have a new digital hearing aid fitted at the audiology department—so much for the public-private partnership, and for the Prime Minister's honeyed words.

The problems that I have described are the results of centralised planning and 300 targets. The Secretary of State's approach is similar to that of Stalin's approach to tractor quotas in the Ukraine, although she does not have his sense of humour, flexibility and sureness of touch.

When will the Government concede that their star rating system is flawed and inaccurate? When will they learn that targets distort clinical priorities and disadvantage patients who need non-targeted, elective surgery but who get pushed to the back of the queue?

The drive to a monolithic culture, disdainful of the views of local people, continues with the Orwellian behemoth that is known as "Commissioning a Patient-Led NHS". That is newspeak, or doublethink. The plans mean that my constituency has taken on a contingent deficit of £23 million from South Cambridgeshire, and they take no account of patients or professionals.

Does the Department of Health care that there are major health inequalities in my constituency? Adult life expectancy is four years lower there than in neighbouring Cambridge, and the local PCT has unique health needs and specialties. It is rare for me to make common cause with Unison, but I applaud the union's efforts to defend local health care in my constituency.

It is time for the Government to acknowledge the crisis, and the fact that they do not have any moral superiority or a monopoly on care about the NHS. Until they do that, we will see more wards closing and more bed spaces lost, rock bottom staff morale and further suffering for my constituents and for people across the country.

Mr. Tom Harris: They should get a better MP.

Mr. Deputy Speaker: Order. I do not expect such comments from Back Benchers, and especially not from a Parliamentary Private Secretary.

Mr. Jackson: That passes for rapier wit in Glasgow.

What price the Prime Minister's honeyed words and promises today?

7.2 pm

Nick Herbert (Arundel and South Downs) (Con): The Secretary of State gave the clear impression that the deficits described by other Opposition Members do not matter. She said that they affected only a small minority of trusts, but all four acute trusts serving my constituents in Arundel and South Downs are in deficit. The [illegible]ghton and Sussex University Hospitals Trust has a deficit of £7.5 million, and that will double by April. The St. Richard's hospital in the south-west of my constituency serves my constituents in the Royal West Sussex Trust and has a cumulative deficit of £20 million, and rising. The Surrey and Sussex Healthcare Trust has been referred to already and has a deficit of £29 million, while the Worthing and Southlands Hospitals Trust has a deficit of £5 million, which is forecast to rise to £13 million by March. That represents a total deficit of more than £60 million, and rising, in the acute trusts in West Sussex alone—hardly a chimera.

That deficit affects the trusts' creditors; it is not merely a paper deficit. Ministers will know that many of the trusts are unable to meet their bills, and that means that creditors, including those in the private sector, are being made to wait for payment.

The Secretary of State said that a recovery plan was in place. What does that plan entail in West Sussex? In Worthing and Southlands, it means that two wards will be shut. In the Royal West Sussex Trust, one rehabilitation ward is to be shut, with the consequence that patients are being transferred to Arundel community hospital. That hospital is being told that it can treat fewer local patients than would otherwise be the case.

In 1932, people in Arundel supported the building of the hospital by public subscription. The bricks were paid for by everyone contributing sixpence each to the building fund. Local people have contributed every year to ensure their community hospital's preservation, and they feel very aggrieved that, in effect, it will be taken away from them.

In the Brighton and Sussex University Hospitals Trust, accident and emergency services and major trauma services are being transferred from the Princess Royal hospital in Haywards Heath to the Royal Sussex hospital in Brighton. Again, that is strongly against the wishes of people in the local community.

The Secretary of State gave the game away when she said, on the "Today" programme in June, that some parts of the NHS were "not particularly efficient". She said that

> "individual hospital departments, if they are not able to . . . balance their books . . . will find themselves replaced".

Is it not clear, therefore, that the recovery plan really amounts to a closure plan? However, when the Secretary of State says that trusts are not being efficient enough, that is to ignore that the St. Richard's hospital in my constituency is one of the most efficient in the country. It is among the top 15 per cent. of NHS trusts nationally, and has accumulated two of the three possible stars in the Healthcare Commission ratings, yet the Government say that it is not efficient. The truth is its efficiency is being penalised by the deficit that it should not be running up.

The Secretary of State said that deficits were rising in spite of higher resources, but the point is that, in effect, those resources are not available. The King's Fund has pointed out that 73 per cent. of spending increases are being absorbed in cost pressures. Professor Nick Bosanquet of Imperial College has said the same—that 70 per cent. of annual spending rises are being absorbed by inflation.

The Government have fuelled inflationary pressures in the NHS, and made it less possible for trusts to meet their bills. That is not merely due to an increase in existing salary costs as a result of "Agenda for Change" and the new consultant contract: it is because the future spending commitments taken on by the Government are not properly accounted for. They include the PFI schemes, the new primary care contract that is being introduced, and the fact that more staff will be taken on.

Professor Bosanquet has estimated that, in five years, the additional costs will amount to £10 billion a year. That will be funded from within existing NHS budgets, at a time when the increase in spending will be slowing down. By then, our health funding will be nearing French levels. It will account for 10 or 11 per cent. of gross domestic product, but the NHS will face a French-style financial crisis.

Hospital managers have no control over those costs, which in effect are being imposed on them. In a national system, they have no way to vary the costs, and the possibility that they might be able to has been taken away. The right hon. Member for Darlington (Mr. Milburn) proposed the introduction of foundation hospitals, but that innovation never saw the light of day.

There will, of course, be less in the way of resources for health care if the money being put in is not matched by output. The Treasury's initial measure of NHS productivity showed that it fell by a staggering 15 to 20 per cent. between 1997 and 2003. The Office for National Statistics was told to recalculate the measure, but even its revised figures show that productivity has been falling by as much as 1 per cent. a year since 1997.

Falling productivity means that the NHS needs more resources just to stand still. One reason for that fall in productivity is that there has been an increase in non-productive activity. For example, the latest ONS figures, published last month, show that the number of managers in the NHS in England is increasing three times as fast as the number of clinical staff—that is, doctors and nurses.

The problem is not that more money has not been put in, but that the money has been put in ahead of reform and consequently dissipated. Higher spending has simply fuelled higher costs. The national problems are exacerbated in West Sussex, where our population is rising, and relatively elderly. As Opposition Members have pointed out, the NHS funding formula discriminates against the south-east.

I hope that the Secretary of State and her fellow Ministers recognise that the hospitals in my area face serious problems that must be answered.

7.9 pm

Dr. Andrew Murrison (Westbury) (Con): We have a had a good debate, with 13 contributions from Back Benchers, almost all of which have been good and which, in their own way, have had something to add to the debate. However, I have to say that the debate has been rather better supported by Conservative Members than by Labour Members.

The debate started with a contribution from the hon. Member for Romsey (Sandra Gidley), although it was a pity that we did not hear from the hon. Member for Northavon (Steve Webb), especially as he has Thornbury hospital in his constituency. It is a community hospital near Bristol, and I would have thought that the hon. Gentleman might have liked to talk a little about it.

The hon. Member for Crawley (Laura Moffatt) gave us a revisionist romp through the NHS, although my recollection of working in the NHS is rather different from hers. My hon. Friend the Member for Eastbourne (Mr. Waterson) talked about the effect of deficits in an area with an elderly population and needs that may surprise Labour Members. The hon. Member for Wirral, West (Stephen Hesford) did not mention the closure of wards 6 and 7 of Victoria Central hospital, despite being prompted by my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) in his opening remarks. My hon. Friend the Member for Banbury (Tony Baldry) talked about the outsourcing of resources and NHS reorganisation, including the fact that it may act as a distraction to achieving a reasonable balance sheet and to achieving for patients.

The hon. Member for Colne Valley (Kali Mountford) made some thoughtful points about maternity services, if I can say so without flattering her too much. That theme was taken up by my hon. Friend the Member for Fareham (Mr. Hoban), who talked about Blackbrook

[Dr. Andrew Murrison]

maternity hospital, which has a special place in my heart because it is where my fifth and final daughter was born five years ago—

Mr. Lansley: So far!

Dr. Murrison: My hon. Friend tempts me. As I was saying, Blackbrook provided excellent care for Henrietta, my wife and me.

My hon. Friend the Member for New Forest, East (Dr. Lewis) gave us some helpful campaigning tips on how to secure the future of one's community hospital and, having visited his area, I hope that his forceful local campaign will ultimately be successful. I am sure that it will. The hon. Member for Wyre Forest (Dr. Taylor) was as sage as ever and reminded the House that Ministers have recently applied their micro-management of the NHS to reinstate GP Saturday morning surgeries. He also reminded us that it was the Labour party that removed them in the first place.

The hon. Member for Sutton and Cheam (Mr. Burstow) expressed concern about Sir Nigel Crisp's announcement last week that he will hold back powers from PCTs at strategic health authority level—concerns that we share. My hon. Friend the Member for Boston and Skegness (Mark Simmonds) will lead a delegation from Skegness—I hope that the Minister will meet it—in support of his community hospitals. My hon. Friend the Member for Peterborough (Mr. Jackson) talked powerfully about the effects of PCT deficits in his area and the causes of them. Finally, my hon. Friend the Member for Arundel and South Downs (Nick Herbert) discussed his concerns about service cuts in his constituency and the underlying reasons for them, which are familiar to all of us who face that problem.

Nobody disputes the Government's good intentions and they certainly put our constituents' money where their mouth is. However, health outcomes have improved only marginally since 1997 and have, in some instances, declined. International comparisons of mortality and morbidity are unflattering to the UK and output, according to the Office for National Statistics, has fallen.

The Secretary of State wants views on health outside hospital to inform a White Paper, which we understand will be delayed, although we will probably get it at some time in the new year. In the meantime, I wonder what the outcome was of last month's faintly sinister and highly selective deliberative exercise, "Your Health, Your Care, Your Say". The Department must surely by now have some feedback, so perhaps the Minister can share it with us. We understand that the 1,000 or so participants in that jamboree said that they wanted services closer to their communities. Well, there's a surprise. One did not need to spend more than £1 million to discover that. I could have told the Government that for free from what I hear day in and day out in my constituency. Doubtless, we will hear other startlingly obvious revelations with an extraordinary price tag. I resent that spending, because the apparent £1 million cost of the exercise in Birmingham is approximately the sum necessary to keep my community hospitals, which are threatened with closure, open for a year.

That brings me neatly on to one of the main consequences of PCT deficits that has been raised today. It was the subject of a well attended meeting upstairs this morning and the mission of CHANT or Community Hospitals Acting Nationally Together. I confess that that is a tortured acronym—for which we are indebted to my hon. Friend the Member for Beverley and Holderness (Mr. Stuart), who is heavily bandaged at present—but it grows on one. I hope that it will appeal to the Minister and I am sure that she will hear more of it in coming weeks.

There are four community hospitals in my own constituency—Bradford on Avon, Trowbridge, Warminster and Westbury. The quality that they and 400 like them provide is undisputed. The cost per case treated is capable of manipulation, but the best evidence that we have suggests that community hospitals are highly competitive. They are characterised by strong local support, local fundraising and of course by leagues of friends that have over the years provided the NHS with substantial subsidies.

Community hospitals also have a dedicated work force—people who are expert in what they do and are pleased to serve at the less glamorous margin of our health care system, secure in the knowledge that their largely unsung work is contributing massively to the well-being of their community. Any large organisation must base itself around its skilled work force and Ministers must not assume that those wonderful people will relocate to the nearest district general hospital or shiny new independent sector treatment centre if their hospital is closed down. As community hospitals close, it is likely that many will simply be lost to the NHS altogether.

Despite all the virtues of community hospitals, Ministers do not have a clue how many community hospitals there are, or where they are. I know that because I have asked them. Nor do Ministers know how many are under threat, so we have been forced to conduct our own research. It appears that more than 90 community hospitals are under threat and the figure could be higher. What is more—and this is the crucial point—there appears to be a strong correlation between PCT deficits and community hospital closures.

Many of the PCTs in trouble serve small towns and villages, and we know from the Government's research that they are relatively underfunded. That puts to bed the notion that shutting community hospitals is all about improving health services. It is not: it is all about dealing with Government-inspired deficits, especially in parts of the country with which Ministers have little sympathy. However, care in community hospitals is as cheap as chips compared with similar treatment in a district general hospital. Closing them would surely cost more, as patients default to other providers.

The trouble is that the same Secretary of State who is comfortable using her long screwdriver to micro-manage the NHS—as shown by her insistence last week that PCTs reinstate out-of-hours GP cover—told me when we met a few days ago that hospital closures are entirely a matter for local decision making. Other hon. Members tell me that they have had a similar response and that the Secretary of State is adept at interpreting the comments of local overview and scrutiny committees in a way that creates a pretence of local accountability. Faced with deficits that are largely not of their making, trust chief executives scratch around trying to square away their little bit of NHS budget as they are legally obliged to do, and naturally they light upon community hospitals. The cost of closure to the wider health care economy, including social services and acute units, let alone patients and carers, is of secondary importance and the person in overall command—I hope that the Secretary of State is listening—is unwilling to take charge.

The Secretary of State was pleased to wave a copy of her party's election manifesto at me when we met the other day to discuss community hospitals, especially those in my constituency. The manifesto contains a clear and unambiguous commitment to community hospitals, but PCT deficits are closing them down. We are entitled to ask when the Secretary of State's action will match the rhetoric.

7.19 pm

The Minister of State, Department of Health (Jane Kennedy): Once again, we have had an Opposition day debate that has generated more heat than light from Opposition Members. The Government are taking the NHS forward to a better future, not condemning it to the failures of the past under the previous Government. The NHS is safe with the Government. Access to operations will remain based on need, not on ability to pay.

The Opposition have form. Their 2005 manifesto was clear about what they really wanted to do with the NHS. They wanted to charge for operations. They wanted to make cuts and to take money from mainstream health services and give it as a subsidy to the rich few so that they could jump the queue. They said a lot about deficits during the debate—

Mr. Greg Hands (Hammersmith and Fulham) (Con) *rose—*

Jane Kennedy: I shall not give way to the hon. Gentleman because I have only a few minutes in which to respond.

With the Government, there are guaranteed waiting times. Under the main Opposition party, there would be a return to unlimited waiting times. Members from Surrey and Sussex complained of longer waiting times. The House might like to learn that there were 8,900 patients in Surrey and Sussex waiting for out-patient appointments in 1998. At present, there are just 2,700. That is still too many and we acknowledge that we have more to do, but we are the Government who will deliver a total patient waiting time, from beginning to end, of 18 weeks. With this Government, queues are being cut. With that lot on the Opposition Benches, queues would be jumped but only by the rich few. Only the Government will safeguard an NHS that is fair to everyone and personal to each of us—*[Interruption.]* They really do not like it when the facts are put to them, but I shall give each Member who has spoken the facts about their strategic health authority so that the House can note exactly what is being done in terms of resources in their area.

Mrs. Iris Robinson *rose—*

Jane Kennedy: If the hon. Lady will forgive me, I really cannot give way as I am short of time. She has not been in the Chamber for the whole of the debate, and I want to deal with what has been said.

Only the Labour Government will safeguard an NHS that is fair to everyone and personal to each of us, not as the Opposition want—timely health care but only for those who can afford it. It is true that the main Opposition party voted against our extra investment in the NHS—something that they resisted when it was mentioned by a number of my hon. Friends. In 2001, we made the case for a rise in national insurance contributions to pay for a better health service. The British people backed us because they wanted to put right the damage done by the Conservatives over 18 long, miserable years. The Conservatives opposed our extra investment, so they cannot now complain that the NHS is not improving as fast as they would like and expect to be taken seriously.

If the NHS was once more in the hands of the Opposition, they would again make cuts rather than putting in extra investment for extra nurses, doctors and hospitals. Their record on health is one of failure. When they were in power they failed to invest in our national health service and neglected its progress.

Since 2002 and by 2008, £1.2 billion extra will have been invested in the strategic health authority that covers the South Cambridgeshire constituency. That is paying for 5,934 extra nurses and 352 more doctors in training. The hon. Member for South Cambridgeshire (Mr. Lansley) might like to reflect on the fact that, when the Government came to office in 1997, there was a critical shortage of doctors and nurses because the Conservatives had cut training places for the future. Between 1979 and 1997, waiting lists increased by 400,000 and about 60,000 general and acute beds were cut.

Don't you just love the Liberal Democrats—*[Interruption.]* Of course, I did not mean you, Mr. Deputy Speaker. We really must press the Liberal Democrats for some sensible policies. The main weakness of their position on health is that they never put forward anything other than a wish list of uncosted ideas without realistic timetables. But they have a secret agenda for breaking up the NHS. In "The Orange Book", leading Liberal Democrats such as the hon. Members for Yeovil (Mr. Laws), for Winchester (Mr. Oaten) and for Twickenham (Dr. Cable) advocated scrapping the NHS. They do not often speak about that, and the hon. Member for Romsey (Sandra Gidley) certainly did not refer to it, although she said that some things had got better. She should also acknowledge that the number of consultants in the strategic health authority area that covers her constituency has almost doubled and there are 428 more doctors in training. In March 1997, 4,638 people were waiting longer than nine months for in-patient appointments. How many are waiting for in-patient appointments at present? None at all. Not one.

Liberal Democrats persistently face two ways. Their inconsistency is usually dependent on what they believe will buy them the most votes in a locality. For example, they campaign in their localities for foundation trust status, yet they turn their votes against such proposals in the House.

[Jane Kennedy]

My hon. Friend the Member for Crawley (Laura Moffatt), an acknowledged and fierce campaigner for her local community, noted the tremendous effort made by staff in her local hospital. I hope that she accepts that Crawley primary care trust will receive an increase of about 19.5 per cent. in its resources over the next two years, increasing to £129 million in 2006 and to £141 million in the following year. Far better to be working to recover deficits and improve efficiency and financial management under those circumstances than those that prevailed under the previous Government.

The hon. Member for Eastbourne (Mr. Waterson) should really have a look at what his county council is doing. It would rather pay fines for bed blocking than sort out the problems locally. Resources for the Surrey and Sussex SHA will rise by a total of £1.4 billion.

My hon. Friend the Member for Wirral, West (Stephen Hesford) gave an excellent speech—a robust demolition of Opposition arguments. They really do not like it when the case is put to them. My hon. Friend demonstrated the depth of his knowledge of his constituency and local health services. The Minister of State, my hon. Friend the Member for Doncaster, Central, will be pleased to learn that there are 400 more dentists in the SHA covering Wirral, West, as a result of the extra resources going to the health service. There are 400 more general medical practitioners and 600 more consultants. Opposition Members say that those extra resources are a waste of resources and a waste of time, yet all those extra nurses, doctors and dentists are bringing real and valuable improvements to services, which all our constituents are experiencing.

I am rapidly running out of time. When I listened to the speech of the hon. Member for Sutton and Cheam (Mr. Burstow), I was confused about the galloping horses and bolting doors. Some Opposition Members made bizarre contributions.

It is not true to say that the Government are not interested in community hospitals. The new generation of community hospitals will deliver integrated care in a single location that will facilitate multidisciplinary teamwork, which will produce even greater improvements in the services that our constituents receive.

As we said at the outset, the NHS is in receipt of record resources as a result of the Government's policy on NHS funding. With that level of investment, all NHS bodies should be able to plan for and achieve financial balance every year. Indeed, the majority of NHS organisations are delivering service improvements and living within their budgets.

I give credit to the hon. Member for Westbury (Dr. Murrison). He is just about the only Conservative Member who paid tribute to the staff who are delivering the improvements. Those staff deserve our sincere gratitude and support. They will get that from the Government.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 231, Noes 312.

Division No. 93] **[7.29 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Beith, rh Mr. Alan
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Fox, Dr. Liam
Francois, Mr. Mark
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick

Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Pickles, Mr. Eric
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Stephen
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Henry Bellingham and
Andrew Selous

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benton, Mr. Joe
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Dowd, Jim
Dunwoody, Mrs. Gwyneth
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin

Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Ruane, Chris
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Dave Watts and
Mr. Frank Roy

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House welcomes the Government's record levels of investment in the National Health Service, with expenditure set to rise to over £92 billion by 2007–08; notes that by this date £70 billion, more than ever before, will be going to the NHS front line; congratulates the Government on delivering investment and reform, leading to historic improvements to NHS services and capacity, reducing waiting times to their lowest in nearly a generation, from over two years to a maximum of six months, and to a maximum of 18 weeks by 2008, employing nearly a quarter of a million more NHS staff than in 1997, including 78,700 more nurses and 27,400 more doctors, and undertaking the largest hospital building programme in the history of the NHS, including investing £100 million in a community hospitals programme; further notes that the NHS has achieved overall financial balance in each of the past four years, and last year carried a deficit of around only 0.4 per cent. of total resources; compares this with the record of the previous Government which left the NHS with a £460 million deficit in 1996–97 which amounted to almost 1.5 per cent. of total resources; and agrees that, given the record increases in health funding available coupled with the strengthening of Primary Care Trust commissioning, all NHS organisations should be able to live within the resources available to them and to provide excellent services to their populations.

LICENSING ACT 2003 (S.I. 2005, NO. 2091)

Motion made, and Question put,

That an humble Address be presented to Her Majesty, praying that the Licensing Act 2003 (Second appointed day) Order 2005 (S.I. 2005, No. 2091), dated 27th July 2005, a copy of which was laid before this House on 29th July, be annulled.—*[David Maclean.]*

The House divided: Ayes 228, Noes 302.

Division No. 94] **[7.44 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, rh Mr. Frank
Field, Mr. Mark
Forth, rh Mr. Eric
Fox, Dr. Liam
Francois, Mr. Mark
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hoey, Kate
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip

Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Pickles, Mr. Eric
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Vaizey, Mr. Edward
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Andrew Selous and
Mr. Peter Atkinson

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benton, Mr. Joe
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Doran, Mr. Frank
Dowd, Jim
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark

Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Rammell, Bill
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Ruane, Chris
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Frank Roy and
Mr. Dave Watts

Question accordingly negatived.

Ministerial Code

Mr. Deputy Speaker (Sir Michael Lord): We now come to the debate on oversight of the ministerial code. I must tell the House that Mr. Speaker has selected the amendment in the name of the Prime Minister.

7.57 pm

Chris Grayling (Epsom and Ewell) (Con): I beg to move,

> That this House notes the recommendation made by [illegible] Committee on Standards in Public Life that there should be an independent Adviser on Ministerial Interests; and insists that the Government should immediately begin the process of establishing such a position.

Let me start by saying that it is always a pleasure to debate with the Minister, but I am sure that even he would agree that it is nothing short of astonishing that we still do not have a Chancellor of the Duchy of Lancaster to lead for the Government in tonight's debate three weeks after that vacancy was created. It is no sign of the Prime Minister's confidence in the importance of the Cabinet Office.

This debate follows a number of recent controversies, including the resignation of the former Secretary of State for Work and Pensions, creating the vacancy to which I referred. However, the purpose of tonight's motion is not to rake over the coals of that resignation—that would be wrong and inappropriate. The events of the past few weeks have raised important issues about the oversight of the ministerial code and, in particular, have reinforced criticisms made by Sir Alistair Graham, who chairs the Committee on Standards in Public Life. The Government have ignored those issues for too long, but in the wake of the resignation of the right hon. Member for Sheffield, Brightside (Mr. Blunkett) they can no longer be allowed to do so.

My hope is that the Government will not seek to oppose the motion, but that they will instead accept its inevitability. In the Government's amendment, they claim that they will make an announcement on these matters "shortly". We have been waiting for that announcement for the past two years, much to the fury of those involved in putting together the original recommendation by the Committee on Standards in Public Life. Frankly, shortly is not good enough.

The Government have always made the right noises over standards in public life. They have introduced a stronger ministerial code and made tough noises about keeping to it. In the introduction to the code, the Prime Minister is unequivocal about its importance:

> "In issuing this Code, I should like to confirm my strong personal commitment to the bond of trust between the British people and their Government. We are all here to serve and we must serve honestly and in the interests of those who gave us our positions of trust."

Those are fine-sounding words, but on many occasions they have proved to be just that—words and not a yardstick by which all ministerial action is judged. Fine words, little action.

I want to give the House some other wise words that were passed to me by one my constituents on the day after the resignation of the Secretary of State for

Work and Pensions. The words come from one of the House's most distinguished and much missed figures. My constituent said:

> "I may have told Chris the story of how I decided to go to the Scott enquiry one day, was told I had to get into the queue by 8 if I wanted to be sure of getting in at 10, and found myself to my surprise next to Robin Cook. At one stage I asked him whether the Matrix Churchill business was just a one-off with particular people being in particular places at the same time or whether it was something endemic in the British system of government. He gave what I thought was an excellent answer—No, it wasn't either of those—it was more that when one party had been in power for a long time Ministers become progressively less able to distinguish between the public interest, their party interest and their private interests."

Those words were spoken in a very different period of government, but they ring true today. Ministers, from the Prime Minister down, seem to have forgotten the things that they said in opposition and the commitments that they made when they came to power. Either that, or they just do not think that the rules apply to them.

The origins of the motion lie in the work done two years ago by the Committee on Standards in Public Life, now chaired by Sir Alistair Graham, but then chaired by Sir Nigel Wicks. Government Members will remember the establishment of the committee in the mid-1990s, after the last Conservative Government found themselves under pressure about standards from the right hon. Member for Sedgefield (Mr. Blair), who was then Leader of the Opposition. The then Prime Minister described the committee as a welcome response to "public anger" and claimed that

> "the warning signs over these issues have been ignored for much too long."

Tonight, my charge against the Prime Minister is that he is guilty of the very offence of which he accused his Conservative predecessors. The warning signs have been present for much too long, and he continues to ignore them.

Not one but two Cabinet Ministers have resigned twice from the Government. One of them, the European Commissioner Peter Mandelson, even appears to have been guilty of a third offence of not declaring a position that he accepted with the Advisory Committee on Ministerial Appointments. If he were still a member of the Government he would now be in danger of an unprecedented hat-trick of resignations. Unbelievably, he said:

> "Why cannot ex-Ministers face the same requirements concerning their business appointments as civil servants?"—[*Official Report*, 2 November 1995; Vol. 265, c. 479.]

Mr. Mandelson went on to ignore those very requirements when he left office.

Other examples have been in circulation in recent weeks. One Cabinet member apparently rushed to lodge a declaration of interests with the permanent secretary under the ministerial code only when a newspaper started to ask difficult questions. I sometimes wonder whether Ministers think that they enjoy some kind of moral superiority and that the rules do not apply to them. In fact they do, and it is time that there was proper independent scrutiny to stop them ignoring their responsibilities in an often cavalier way.

Two years ago, the Committee on Standards in Public Life completed its ninth report. It is, as always, a comprehensive and detailed work that looks at a wide range of issues that affect the governance of our country. A key part of its work that year was to look at the detailed workings of the ministerial code. In particular, it set out two key recommendations, one of which is central to tonight's motion. I hope that the Government will give the other recommendation due consideration in the light of recent events.

Let me set out for the House the recommendation that I will ask Members to support at the end of our debate. The committee called for an independent office-holder—called an adviser on ministerial interests, to be established to provide advice to Ministers on compliance with those sections of the ministerial code that cover the avoidance of perceived and actual conflicts between their public duties and private interests, formal or otherwise. The committee went on to say:

> "The Ministerial Code should be amended to require an incoming Minister to provide the Adviser . . . with a full list in writing of all interests which might be thought to give rise to a conflict . . . the Adviser should consult the Minister's Permanent Secretary about departmental business where necessary to enable the Adviser to ascertain whether a conflict of interest may exist . . . The Adviser should be responsible for maintaining a record of ministerial interests and should keep a note of action taken by a Minister on taking up office . . . The Adviser should publish information and guidance on how Ministers should deal with conflicts of interest . . . Where unforeseen conflicts arise subsequently during the course of a department's work, the Minister should consult the Adviser."

Finally, the Committee said:

> "The Adviser should refer any breach or allegation of a breach to the Prime Minister."

That seems to be an eminently sensible set of recommendations. At present, the system requires Ministers to refer their interests to their permanent secretaries, and any breaches are a matter for the Prime Minister.

That system is clearly flawed. Government Ministers, particularly Cabinet Ministers, are required to work on a daily basis with their permanent secretaries, so a close personal working relationship is established. It is entirely wrong to ask permanent secretaries to serve as the referee for the financial and other dealings of Ministers, as that risks compromising that day-to-day working relationship. That was certainly the view of Sir Nigel Wicks and his committee in the report:

> "Permanent Secretaries should have no responsibility for giving advice to Ministers on conflicts of interest arising under the Ministerial Code."

The role of the Prime Minister as both poacher and gamekeeper is one that should be questioned, and I will return to that in a moment. The system places the Cabinet Secretary in an extremely difficult position. Two weeks ago, both the right hon. Member for Sheffield, Brightside and I wrote to the Cabinet Secretary about his breach of the ministerial code, which he failed to consult before taking appointments outside Government after leaving ministerial office. The Cabinet Secretary replied to both of us. In his reply to the right hon. Gentleman, he said that he believed that there had been a breach of the ministerial code. In his response to me, however, he made it quite clear that that was not a matter for him. I do not blame him for that, but there is a confusing situation, which is not tenable.

[Chris Grayling]

One of the people who contributed to the work of the Committee on Standards in Public Life two years ago was Peter Preston, former editor of *The Guardian*. His view was typical of many people involved in producing the report:

> "I said to an earlier meeting of this Committee some years ago that I thought it was completely wrong that Cabinet Secretaries should be wheeled on, as sort of ad hoc men of probity, when there was a question under the Ministerial Code . . . If the supreme code, the Ministerial Code, now much embellished under this government, does not have an independent element in investigating and deciding what happens under it, everything else becomes bendy and much less satisfactory than it should be."

I hope that our debate tonight will mark the start of a process that will redress that situation. Furthermore, the motion before the House seeks, in substantial measure, to follow a path already accepted by the Government two years ago. That is why I dispute the Government amendment. Two years ago, the Government accepted many of the principles behind our motion, but they have done nothing since. That is why we do not accept the platitudes in the Government amendment. Why cannot the Minister accept the Opposition motion or at least give the House a straightforward timetable for their plans? The word "shortly" is simply too vague for us to accept.

Dr. Tony Wright (Cannock Chase) (Lab): The hon. Gentleman is confusing two separate recommendations. There was a recommendation to establish an adviser on interests, which is not a sensible suggestion, as I hope I have a chance to explain later. There was also a recommendation to establish an independent investigator of complaints, which is a sensible suggestion. Unfortunately, however, the Opposition have pursued the silly proposition and ignored the sensible one.

Chris Grayling: The hon. Gentleman is right that there are two recommendations and I intend to deal with both of them. Our motion is designed to put in place an independent adviser on ministerial interests, and I hope that the hon. Gentleman will accept my explanation of why that is the first step. I believe that both recommendations are desirable, but in tabling the motion I hoped that the Government would accept the first one, although I fear that I will be disappointed.

The Government did not agree with all the committee's recommendations on the ministerial code. They did not like all the proposals for an independent adviser and they wanted to leave permanent secretaries as the focal point for discussions about the code. However, as the Minister will know, they accepted that it would be sensible to have an independent adviser from whom additional advice could be sought by both Ministers and permanent secretaries. At the very least, that would provide a second opinion for Ministers in difficult situations. Nothing, however, has happened. The chairman of the Committee, Sir Alistair Graham, has expressed anger about that and went public with criticisms of the Government this summer. I asked him if his Committee would make recommendations about the role of prime ministerial spouses, the rules that apply to them and the support provided for them after public concerns were expressed about the commercial activities of the Prime Minister's wife. Sir Alistair gave me a direct response. He stated:

> "The Ministerial Code, as revised and published on the day before the Recess, makes it clear that proper consideration of Ministers' private interests include the private interests of a spouse or partner (paras 5.1–5.3]. In its Ninth Report . . .the Committee made a detailed proposal . . . for the creation of an Adviser on Ministerial Interests whose advice and guidance might have been useful in the circumstances you drew our attention to. Unfortunately, while the Government in its Response (Cm 5964, September 2003) accepted the case for appointing an independent adviser (Ibid, pp. 2–3) no action has been taken."

That is not from me or from a member of the Conservative party, but from the independent chairman of the Committee on Standards in Public Life.

That was not the only time during the summer that Sir Alistair had cause to criticise the Government. In July, he expressed great unhappiness at the way in which the Government had dealt with the issue of the code of conduct for special advisers. He expressed

> "dismay at the way the Government had changed the legislation governing the role of Special Advisers without proper parliamentary or public debate"

and stated:

> "I am naturally disappointed that the concerns my Committee raised about the revisions to the Code of Conduct have not been taken into account."

What is the point of an independent committee to monitor standards in public life if the Government of the day do not listen to what it says? Is it not the height of arrogance for Ministers who railed about public standards when they were in opposition to act as though the independent mechanisms that they demanded then do not have to be listened to now that they are in office themselves?

The other central issue in the debate tonight is the role of the Prime Minister as ultimate arbiter of the ministerial code. That surely cannot satisfactorily remain in place in the future. We have seen in the past few weeks issues about the ministerial code raised over the activities of one of his closest friends and allies in the Cabinet. There is no doubt that the loss of the right hon. Member for Sheffield, Brightside was a major blow to the Prime Minister at a time when things are just a little heated within his party, yet it fell to the Prime Minister to be the judge of the rights and wrongs of the situation.

In the past few months legitimate questions have also been raised about the commercial activities of the Prime Minister's wife and how they relate to the ministerial code. In these two cases, involving a close colleague of the Prime Minister who can provide advice to him, and the Prime Minister's wife, which raises questions about who she turns to for advice, how can the Prime Minister possibly fulfil the role of ultimate arbiter of the ministerial code?

When the issue of the Government's support for the businessman Lakshmi Mittal arose, criticisms were directed at the Prime Minister and questions were asked about his conduct. Yet on questions about the Prime Minister's action and guidance to the Prime Minister, the ultimate referee was the Prime Minister himself. That cannot be the proper way of handling standards issues in a modern democracy.

The question has also been raised about the ability of any Prime Minister to serve as overseer or arbiter of the code, given all the other pressures on him or her. During the last few hours in office of the right hon. Member for Sheffield, Brightside, the Prime Minister at one point openly admitted that, owing to pressure of work, he was not fully up to date with what was going on. Of course he cannot be. The Prime Minister of the day cannot be expected to fulfil that role and to have the time to study everything that is going on.

That is why I hope the Minister will give an indication tonight that the Government will consider the creation of the other element of the recommendations to which the hon. Member for Cannock Chase (Dr. Wright) referred a moment ago—not simply an independent adviser, but an independent investigatory process for people who are alleged to have transgressed in relation to the ministerial code, and where there are doubts whether the ministerial code has been fulfilled.

The Committee recommended that

> "At the beginning of each Parliament, the Prime Minister should nominate two or three individuals of senior standing after consultation with leaders of the major opposition parties.
>
> (b) The names of these individuals should be made public.
>
> (c) Should the Prime Minister consider an investigation into an allegation of a breach of the Ministerial Code appropriate, the Prime Minister would invite one of these individuals to conduct that investigation.
>
> (d) The individual selected to carry out an investigation should investigate the facts and report his or her findings to the Prime Minister, who would decide on the consequences for a Minister. The report should be published."

Dr. Wright: For the sake of accuracy, perhaps I can help the hon. Gentleman a little further. The problem is that the sixth report of the Committee on Standards in Public Life stated with great authority that there should not be any independent investigator. Three years later, the ninth report stated that there should be. Ultimately, we cannot call in aid such external bodies. We have to decide for ourselves about these things.

Chris Grayling: Perhaps the Committee was taken in by the protestations of purity that the Government articulated when they first took office, found itself disappointed some years later and realised that it needed tougher action after all. At the very least, the House must surely agree that it is odd that Members of Parliament can be referred to our own Parliamentary Commissioner for Standards or the Committee on Standards and Privileges, but that there is no point of reference for potential breaches of the ministerial code. Does the Minister consider the situation satisfactory?

Mr. Fraser Kemp (Houghton and Washington, East) (Lab): If the hon. Gentleman's proposition is successful, will he urge the independent adviser to take on board a report from the Committee on Standards in Public Life, which pointed out that for Opposition spokesmen there was "no specific requirement" that they divest themselves of financial interests along the lines of the ministerial code? However, Lord Neill of Bladen went on to say that they are able to exercise influence over parliamentary matters and over the wider political debate in their capacity as spokesmen and women, and that that warrants investigation. Will the hon. Gentleman urge his independent adviser to take on board the comments of the Committee on Standards in Public Life, in order that we can avoid any sense of impropriety when Opposition Front-Bench spokesmen and women receive funds from companies and organisations which cover their sphere of influence on the Opposition Front Bench?

Chris Grayling: I know that you will not allow me to stray too far from the motion, Mr. Deputy Speaker. I look forward to having the chance as a Minister after the next general election to conform closely to the terms of the ministerial code.

It is not often that Opposition Members quote from the diary of Piers Morgan, the former editor of the *Daily Mirror*, but let me tell the House about the entry for Thursday 27 March 1997, a month before the general election that brought the Government to power. It mentions an interview with Tony Blair.

> "'I won't be weak on sleaze like the Tories," he said. "We have got to be whiter than white if we are to rebuild trust in government.'"

What was Morgan's prediction?

> "I reckon that might just come back to haunt him."

I think that it has.

The Prime Minister told us:

> "I'm a regular kind of guy"—

after accepting a multimillion pound donation and then changing his policy to help the donor. He defended the former Minister for Europe before he resigned, saying he thought he had done nothing wrong. He defended Peter Mandelson before he resigned, and resigned again, saying he did not think he had done anything wrong. Two weeks ago he defended the right hon. Member for Sheffield, Brightside before he resigned, and then said that he left office without a stain on his character.

Surely the Government must realise that it is not tenable for the Prime Minister to be the ultimate arbiter of ministerial standards, and that the time has come to bring an independent element into the process of monitoring and advising on the way in which Ministers treat the code. There is no point in having an independent committee to advise on standards in public life if we do not listen to what it says. The Prime Minister and his colleagues argued for it when they were in opposition, when they were challenging the Conservative party over issues of standards. Now that they are in government, they find it much less convenient to pay attention, and much less convenient to do what is right. In my book, that is not upholding standards—it is nothing less than double standards, and it is not good enough.

Let me conclude by taking Labour Members back to the days when their party was in opposition, and in particular to the words of the Prime Minister on the night that the Commons debated the first report by the Committee on Standards in Public Life, under the chairmanship of Lord Nolan. That night the then Government did not agree with everything Lord Nolan wanted and they faced an onslaught from an outraged Opposition, led by the current Prime Minister, who demanded of the then Prime Minister:

> "Just what do he and his party have to hide?"

[Chris Grayling]

He went on:

> "If now, in weakness, the Prime Minister goes back on his word to implement the report that he commissioned, it will leave a stain on his prime ministership and on his Government that will not be removed until this rotten Administration is swept from office."—[*Official Report*, 2 November 1995; Vol. 265, c. 387]

A decade on from that night, that same Leader of the Opposition is now the Prime Minister and he has performed a complete about-turn. Now he does not want to implement a report on standards that he commissioned. Tonight, my question to him and to the Minister is the same question as he once asked: just what do he and his party have to hide?

8.19 pm

The Parliamentary Secretary to the Cabinet Office (Mr. Jim Murphy): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

> "acknowledges that, amongst other measures, this Government introduced a requirement for individual Ministers, on appointment to each new office, to provide their Permanent Secretary with a full list in writing of all interests which might be thought to give rise to a conflict; welcomes the section of the Ministerial Code on handling Ministers' private interests which is more comprehensive than Questions of Procedure for Ministers; and recognises that this Government has agreed to appoint an independent adviser to provide Permanent Secretaries and Ministers with an additional source of professional advice as required and will make an announcement on this shortly."

The hon. Member for Epsom and Ewell (Chris Grayling) began by saying that he would not rake over recent events, before he raked over every recent insinuation. The good thing about debating with him is that he always gives notice in a rather polite way of the points that he is about to make through the pages of the *Daily Mail*. He is often tempted to behave like a *Daily Mail* copywriter, and he always succumbs to that temptation.

It is important to put the debate about standards, openness and the ministerial code in context. We have always made it clear that the public should expect the highest standards of propriety in public life, and this Government have introduced transparency, which did not exist under previous Conservative Administrations. That transparency relates to Ministers, special advisers, Parliament and the public.

We were the first to publish a ministerial code and the annual list of gifts to Ministers, which was strongly opposed by the previous Government, for whatever reason.

Mr. Oliver Heald (North-East Hertfordshire) (Con): Before the Minister gets carried away, the ministerial code has been published since 1992.

Mr. Murphy: No, it has not. The ministerial code was first published in 1997, and the hon. Gentleman will have an opportunity to discuss that matter. *[Interruption.]* He is contradicting his own intervention from a sedentary position. What was published in 1992 was not a ministerial code—it was called something entirely different—and it was reformed, reviewed and extended to make it much more powerful. He is making the winding-up speech for the Opposition, so he should not contradict his own intervention.

We were the first to publish a ministerial code and a list of gifts worth more than £140 that are given to Ministers, and we were also the first to publish a code of conduct for special advisers and the number, cost and names of special advisers, none of which happened before. On openness in Parliament, the Prime Minister was the first to appear before the all-party Liaison Committee, which was previously unheard of, and opportunities for pre-legislative scrutiny have also increased.

On public openness, we have the long-campaigned-for Freedom of Information Act 2000, which was long opposed by other parties.

Mr. David Heath (Somerton and Frome) (LD): Party.

Mr. Murphy: With due respect to the smaller parties, the 2000 Act was opposed by the main Opposition party. Through the Political Parties, Elections and Referendums Act 2000, we reformed donations from overseas donors.

The Public Administration Committee acknowledged those developments in its report, "The Ministerial Code: Improving the Rulebook":

> "The Government have put in hand important constitutional changes with positive implications for enhanced accountability."

That contrasts with what happened before, when there was, at best, intransigence on those issues about public life.

Mr. Peter Bone (Wellingborough) (Con): As a new Member of Parliament, I was surprised to discover the lack of independent scrutiny of the ministerial code. Does the Minister agree that local borough and district councillors are subject to greater independent scrutiny than Ministers?

Mr. Murphy: No. Ministers are accountable to this place, to the Prime Minister and in all sorts of other ways. Accountability has improved in recent years, and people recognise that improvement.

Before Conservative Members start to think that the ministerial code is a development for which they can take credit, I should point out that a template for questions of procedures for Ministers was originally drafted in 1917 by the first secretary to the Cabinet, Sir Maurice Hankey. Directives on procedures for Cabinet government issued by the Prime Minister during the second world war were drawn up into a single document by a gentleman called Clement Attlee and issued to all incoming Ministers in 1945 on a confidential basis.

Mr. Philip Hollobone (Kettering) (Con): The Minister has said that the Government have made the ministerial code more transparent. Paragraph 1.3 of the code states:

> "The Code is not a rulebook".

In the foreword to the code, the Prime Minister states:

> "I will expect all Ministers to work within the letter and spirit of the Code."

When the former Secretary of State for Work and Pensions, the right hon. Member for Sheffield, Brightside (Mr. Blunkett), resigned, the Prime Minister told this House that he thought that the former Secretary of State had done nothing wrong. How do those three things make a more transparent process?

Mr. Murphy: I will come on to some important aspects of the ministerial code later, but I shall deal with the case of the former Secretary of State for Work and Pensions now. My right hon. Friend made a mistake—a technical breach of the ministerial code—and resigned. He paid a heavy price, which is in stark contrast to significant numbers of Conservative Members being paid to ask questions in this House. Not one, but two former Conservative Ministers ended up in prison for their actions, and another Minister from that time had to resign because of detailed allegations about how he sought to block investigations into the cash for questions affair. Yes, my right hon. Friend has paid a heavy price. He made a mistake, but it involved breaching the ministerial code on a technicality, which is a world away from events under previous Conservative Administrations.

Chris Grayling *rose—*

Mr. Murphy: The hon. Gentleman spoke for a substantial time, and I want to make some progress before I give way.

In contrast to what went before, the ministerial code is updated and published after each general election, so the most recent version was published in July 2005. The ministerial code provides guidance to Ministers on how they should act and arrange their affairs in order to uphold the highest standards of constitutional and personal conduct in the performance of their duties.

The new ministerial code takes into account a recommendation from the Committee on Standards in Public Life and is split into two parts—a ministerial code of ethics and procedural guidance for Ministers. Ministers are personally responsible for deciding how to act and conduct themselves in the light of the code and for justifying their actions and conduct in Parliament. The Prime Minister is the ultimate judge of the standards of behaviour expected of a Minister and of the appropriate consequences of a breach of standards. Given the wide range of topics covered by the ministerial code—they range from appointments made by Ministers to arrangements for contacting diplomatic posts overseas in relation to ministerial travel plans—the Prime Minister should not be expected to comment on every allegation, although Conservative Members expect him to. As the Public Administration Committee said in its report, "The Ministerial Code: Improving the Rulebook":

> "It is not possible for a Ministerial Code to cover all possible cases and circumstances. Nor should that be its purpose. It should identify the basic ethical principles of Ministerial conduct".

Turning to the specific point raised by the hon. Member for Epsom and Ewell about the independent investigation of alleged breaches, as my hon. Friend the Member for Cannock Chase (Dr. Wright), who chairs the Public Administration Committee, has said, the Committee on Standards in Public Life considered the merits of the appointment of an independent investigator in its sixth report in 2000. The Committee concluded that it would be

> "undesirable to make a recommendation that would fetter the Prime Minister's freedom",

and it went on to recommend that

> "No new office for the investigation of allegations of ministerial misconduct should be established."

The Committee reversed its position in its ninth report, but the arguments that it advanced in its earlier report are still valid. We have not changed our minds on that.

This proposal involves a point of principle and a point of practicality. It strikes at the principle of democratic accountability and the way in which the Government are run. The electorate decide who is in power and the Prime Minister decides who serves in his or her Government. My right hon. Friend the Prime Minister made the position clear in his press conference on 7 November when he said:

> "The only person who decides who is in the Government or not in the end is the Prime Minister. You can't subcontract that decision. That is why I didn't agree with the recommendation and still don't."

Mr. David Jones (Clwyd, West) (Con): It is true that it is not possible to subcontract that function, but is it not possible to subcontract the investigation process prior to the Prime Minister making whatever decision he makes about the position of an individual Minister?

Mr. Murphy: That brings me to the question of practicality. The Government do not believe that it is practical to identify, in the way in which the hon. Member for Epsom and Ewell and others have suggested, an individual or group of individuals who can be appointed on a standing basis to investigate any or all inquiries that are recommended through Members of Parliament bringing a matter to their attention or—an almost weekly occurrence—through the pages of the press.

Chris Grayling: But is not that exactly what happened in the case of the first investigation into the right hon. Member for Sheffield, Brightside, which led to his first resignation? Sir Alan Budd was called in to carry out that inquiry. What is the difference?

Mr. Murphy: The important difference is that the Prime Minister reserves the right to decide who is in Government, to decide when an inquiry is necessary, and to appoint an independent person if required. Sir Alan Budd did indeed carry out that inquiry. As an eminent individual and a member of the Monetary Policy Committee, he was the appropriate person called in by the Prime Minister. However, there is a strong belief that it is entirely impractical to appoint on a standing basis someone like Sir Alan Budd—Sir Anthony Hammond, for example, who carried out another investigation at the Prime Minister's request—and perhaps one or two other individuals. We expect to get people of good standing with great experience and high personal morality. Practically speaking, it is very difficult to require them to give a commitment to investigate what may initially be one case, but will

[Mr. Murphy]

subsequently lead to others as a consequence of allegations that may be well founded or may be based on media tittle-tattle.

Gordon Banks (Ochil and South Perthshire) (Lab): Members on both sides of the House have mentioned not only ministerial codes of conduct but standards in public life in general. The Minister referred to what we see in the pages of the press. On what basis did the Cabinet Office approve the memoirs of Sir Christopher Meyer, which have been serialised in one of our daily papers?

Mr. Murphy: The debate on standards in public life is very wide ranging. There have been written questions about the matter that my hon. Friend raises, so I have of course been briefed about it. The fact is that the Cabinet Office did not clear such a book—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. It may help the Minister to know that as the debate is confined to the ministerial code he need not deal with that point.

Mr. Murphy: Thank you, Mr. Deputy Speaker. In the light of your strictures, I undertake to place a record of what the Government and the Cabinet Office did in that respect in the Library so that everyone—Members of both Houses of Parliament and the media—can have access to it.

Mr. Heath: I am grateful to the Minister—I hope that it makes as entertaining reading as the excerpts.

The Minister said that it would be impossible for a person of appropriate standing to carry out this role on a permanent basis. He needs to be careful in his choice of words not to undermine the positions of the Parliamentary Commissioner for Standards or the chairman of the Committee on Standards in Public Life, both of whom have standing positions as well as, in the view of most of us, extremely high standing.

Mr. Murphy: Nothing could be further from my mind than questioning the integrity and professionalism of those individuals. The Government and the Prime Minister have made it clear that we do not rule out the possibility of asking individuals outside the Government to conduct an investigation into allegations of ministerial misconduct. We have been judged on our actions and, when necessary, external inquiries have taken place.

For example, in 2001, Sir Anthony Hammond QC was asked to conduct an inquiry into the circumstances surrounding the naturalisation of Mr. Hinduja. Of course, Sir Anthony Hammond is standing counsel to the General Synod of the Church of England and, as I said, Sir Alan Budd, who was a member of the Monetary Policy Committee from 1997 to 1999, undertook another inquiry in 2004. We have the flexibility to enable external investigation of serious allegations to take place when the Prime Minister believes that it is merited. That method has been tried and tested.

Mr. John Hayes (South Holland and The Deepings) (Con): I am reluctant to criticise the Parliamentary Secretary, who is a good man with a promising career ahead. I say that in the spirit of the helpful motion tabled by the responsible and measured Opposition, who are trying to help Parliament and the Government to get through the mess. However, there is an element of complacency about the Parliamentary Secretary's response so far. Surely he recognises that there is confusion about the code, doubts about the lines of accountability, genuine uncertainty about the Prime Minister's role and a Committee on Standards in Public Life whose advice is not taken seriously. He should not be complacent. We must move on from the current position. What about the improvements that could be made? We need to hear a little more in that spirit.

Mr. Murphy: I thank the hon. Gentleman for his compliment and take it in the spirit it was offered. However, he will single-handedly ensure that the future that he predicted does not happen if he persists with such compliments. I know that he is a good and honourable person and I assure him that there is no complacency. The Government continue to consider ways in which to improve standards in public life. They have done so since 1997 and continue that drive.

As I said, we were the first Government to introduce a ministerial code, the Freedom of Information Act 2000, cleaning up party political donations, pre-legislative scrutiny, the Prime Minister's attendance at the Liaison Committee and many other things that simply did not happen under the previous Administration, despite the well catalogued failings of standards in public life. Belmarsh almost began its own Conservative Association as increasing numbers of former Conservative Ministers went there.

Angela Browning (Tiverton and Honiton) (Con): The Parliamentary Secretary claims that Ministers are not complacent. Will he please tell us what the seven principles of public life are?

Mr. Murphy: I shall write to the hon. Lady. Time does not permit me to go through all seven. *[Interruption.]* She holds up a copy of the ministerial code—I am sorry to say that I cannot read it from here.

Our approach to such matters is in stark contrast to the evidence that Sir John Major presented to the Public Administration Committee. He said that, when breaches of the ministerial code were alleged, he

> "preferred to leave a large glass of brandy and a pistol in a darkened room for the Minister to make up their mind."

We do not operate in that way.

The Government made it clear in our response to the ninth report of the Committee on Standards in Public Life and the recommendation for an independent adviser on ministerial interests that permanent secretaries are best placed to understand Departments' work and advise Ministers on handling potential conflicts of interest. We have agreed to appoint an independent adviser on ministerial interests to provide private advice to Ministers and permanent secretaries, especially about more complicated cases. That will be in addition to the wide range of advice that is already available. Whoever is appointed to that office will need to understand how government and Parliament work and have the necessary expertise. As the amendment states, we will make an announcement on the matter shortly.

However, I emphasise that the Government continue to believe that permanent secretaries are best placed to understand Departments' work and advise Ministers on handling potential conflicts of interest. No external adviser could be expected to match permanent secretaries' understanding in terms of knowledge of their Departments and the potential for conflict.

Mr. Bone: The Parliamentary Secretary said that the former Secretary of State for Work and Pensions committed a technical breach of the code and that that was why he resigned. If there was clarity in the code and an independent adviser was helping, such a breach would not have occurred. Surely the fact that he had to resign shows that the system is not working.

Mr. Murphy: There is no evidence whatsoever that what happened with my right hon. Friend the Member for Sheffield, Brightside could have been avoided by the availability of such an independent adviser. I say that that was a technical breach because that is what it was. It did not involve sneaking into a dark corner and asking for thousands of pounds to speak in the Chamber, or going into a court of law and committing perjury, or trying to block investigations into financial sleaze in the Government. It was a technical breach.

Chris Grayling: I cannot let the Minister get away with that. It is not my intention to spend too much time raking over the coals, but he must accept that the former Secretary of State for Work and Pensions has since admitted making telephone calls to investment bankers while he was a Cabinet Minister. In my view, that is not a technical breach of the code but one of the most serious breaches in recent years.

Mr. Murphy: The former Secretary of State for Work and Pensions was in technical breach of the code. That is the reality of the situation. The hon. Member for Epsom and Ewell might wish to issue a press release to the *Daily Mail*, but if he wishes to enter into correspondence with me about this, I shall be happy to respond. On the Conservatives' wider agenda on this matter—in terms of the drip, drip, drip of press releases and so on—they seem unable to persuade anyone that the previous Conservative Government were not a national sleaze-fest, or that they have now reformed and deserve a second chance, or that an apology would be believed. My personal view is that some prominent members of the Opposition—by no means all of them—have therefore adopted a strategy of planting the seed of the idea that the other parties are just as bad as they are and, given the opportunity, would behave just as they did. Well, that will not work, because it is not true.

The technical breach by the former Secretary of State for Work and Pensions was just that. It was not a deliberate attempt to commit the kind of criminal or fraudulent acts that were committed in a small number of cases over previous years. The Conservatives' strategy of suggesting that we are all the same reflects badly on all of us, and, it will not work. The public know which party was shrouded in the kind of sleaze that became endemic in the Conservative Government during the 1990s—*[Interruption.]* The hon. Member for Epsom and Ewell says from a sedentary position that the Conservatives won the last sleaze poll. Well, the poll that mattered was the general election, and that is why he is sitting on the Opposition Benches and we are sitting here. The public have made their decision on a whole variety of matters. However, we should get back to the debate that we are meant to be having, rather than continuing this interesting chat that the hon. Gentleman and I are having across the Dispatch Box.

The Government have already done much to strengthen the ministerial code, as I said earlier. All Ministers are now required, on appointment to each new office, to provide their permanent secretary with a full list in writing of all their interests that could give rise to conflict. There is also detailed guidance on options for Ministers who may need to dispose of an interest or take steps to do so. Ministers are required to consult their permanent secretary on all these matters. There is also provision in the ministerial code for Ministers, when necessary, to obtain expert or professional advice from inside or outside Government.

The hon. Member for Epsom and Ewell mentioned the Committee on Standards in Public Life. Even a cursory glance at the recent history of Government responses to the independent regulators of our body politic shows a whole series of recommendations by those charged with responsibility for keeping us on our toes, in terms of ethics and standards. The previous Conservative Government entirely flouted those recommendations and responded to them in a very negative way. For example, on the Treasury and Civil Service Committee's proposal for guidelines for Ministers, the Tory response was that it was not necessary. The ministerial code now contains those provisions. On a proposal on ministerial accountability, the Tory response was: "It is impossible." Aspects of the ministerial code now contain such provisions. On the Public Services Committee report of 1996–97 on ministerial standards, the Tory response summoned up the ability to "note the conclusions". Those recommendations are now covered by the ministerial code.

The fact is that there was an ailment in our body politic, and there is still a degree of cynicism towards politics and politicians across the world. It does no good, however, for the Conservatives to adopt this strategy of suggesting that we are all in it for ourselves. The hon. Member for Epsom and Ewell said that the Labour party had forgotten what we said in opposition. This evening, it is as if he has forgotten what his party did in government. He sought election to this place in 1997 at the height of all those difficulties. I half expected him to wield the sword of truth and the trusty shield of fair play this evening, but I am glad that he kept that well sheathed.

I want to thank the Conservative party, which has performed a great service to ethics in British politics. I know that many Conservative Members were not involved in what happened in the 1990s.

Mr. Kemp: On the question of Conservative ethics, the hon. Member for Epsom and Ewell (Chris Grayling) was uncharacteristically reticent when I raised the recommendation from the noble Lord Neill that there

[Mr. Kemp]

should be an investigation into whether the ministerial code should apply to Opposition Members. Will the Minister at least consider those recommendations to avoid impropriety on either side—not to engage in party political point scoring—and to make sure that the probity of the House, Ministers and shadow Ministers is always maintained?

Mr. Murphy: My hon. Friend's suggestion is reasonable and fair. I would be interested to hear whether the Conservatives find that approach attractive, as it would be much easier to do that on a bipartisan basis, and the Conservative wind-up should offer a detailed response on that.

The hon. Member for Epsom and Ewell referred to control over special advisers and their work, which is a regular theme for him, but he ignores the fact that we introduced a contract, oversaw the numbers and published those details, which had never happened previously.

Another substantial area of public investment in which there seems to be limited oversight, which was raised in questions in the House either today or yesterday, is the way in which the taxpayer legitimately subsidises unpopular political parties through the Short money. I am not questioning the principle, which is accepted—

Mr. Bone: You did say unpopular political parties. Were you referring to the Conservatives—

Mr. Deputy Speaker: Order. I said nothing. I think that the hon. Gentleman means the hon. Member.

Mr. Bone: I apologise, Mr. Deputy Speaker. Was the Minister referring to the Conservative party, which won the most votes in England at the last general election, and which represents constituencies covering three quarters of the geographical area of England?

Mr. Murphy: Of course I was, but the Liberal Democrats have also had vast sums of public money invested in propping them up. I am not questioning the principle of that. On a much wider point, this was a UK Parliament the last time that I checked, for UK politicians and from a UK general election. If the hon. Gentleman wishes to create an English Parliament—

Mr. Heald: Will the Minister give way?

Mr. Murphy: Time is running out, and the hon. Gentleman will have time to respond to this point and the one about shadow Ministers' accountability when he winds up.

There is a UK Parliament and a UK general election, and we are elected here by our constituents. I hope that the previous intervention was not some sort of sideways endorsement of the Liberal policy of proportional representation, on which we would disagree strongly. On the question of Short money, some people have started to ask about value for money and the public ethics of it. I will leave that legitimate point there, and the hon. Gentleman might respond to it later.

I will try your patience, Mr. Deputy Speaker, if I continue for much longer on the question of Opposition accountability in relation to the ministerial code and use of taxpayers' money—£22 million of it since 1997. I want to thank the Conservative party, however, and I look forward to hearing whether it is willing to adhere to the same standards as Ministers.

Had it not been for the galling sight of two Ministers committing perjury, and for the fact that a number—not all—of Conservative Members of Parliament were lining their own pockets from asking questions in this Chamber, the momentum for many reforms, in terms of the growth in regulation of our body politic, important decisions about the ministerial code, openness in government, overseas donations and publishing the list of gifts to Ministers, would not have been in place. In that at least, we find common cause. We thank the Conservative party for getting itself into such a mess prior to the 1997 election that we have been forced to clean that up. We do not, however, feel any sense of complacency, and we will continue to find ways of improving our body politic. That is an issue on which the public will judge us each and every day, and come the general election.

8.50 pm

Mr. David Heath (Somerton and Frome) (LD): I support the motion, and I am disappointed that the Government did not feel able to support it as well. It would have been far better had the House been able to unite on a common view of what is needed to maintain the integrity of both the Government and the House. If the Minister wishes, he can close his eyes tight and not see the obvious concerns being expressed outside the House, but I strongly advise him not to do so, because this is a matter of considerable concern.

Let me give the Minister credit: he is right in some of what he has said about what the Government have done to improve the situation. The publication of the ministerial code, in the form in which it has been published, is an improvement, and there have been other improvements to which the Minister can rightly draw attention. He was in danger of overstating the case on the Freedom of Information Act 2000, though, particularly when he said that Opposition parties—plural—opposed it. I think that the Liberal Democrats have been the strongest advocates of freedom of information for a very long time.

The Minister will recall that a former Chancellor of the Duchy of Lancaster, David Clark—now Lord Clark—was the author of much more extensive provisions for freedom of information than the Government were, in the end, prepared to accept. Even the rather meagre provisions of the Freedom of Information Act have been largely circumvented whenever possible by some members of the Government ever since. The Minister should be cautious about such matters. As I have said, we should recognise that there have been advances since the time of the last Government, but the Minister should recognise that there are genuine concerns.

The Minister referred to the comment by Sir John Major, the former Prime Minister, that he preferred to deal with breaches of the ministerial code by providing a glass of whisky and a pearl-handled revolver in a darkened room—[HON. MEMBERS: "Brandy!"] I am sorry: brandy. How different that is from the position of the Secretary of State for Work and Pensions in recent weeks—but, in fact, we are in exactly the same position, and I think that that too is of concern.

Is the ministerial code properly constructed? Is it properly policed? If the answer to either of those questions is in the negative, are there alternatives that we can consider? When we deal with matters of this kind, the House is in danger of resembling a mud-wrestling competition. We must try hard not to descend to party-political tit-for-tats, because that does none of us any good in the end. I think the Conservatives would be wise to accept, however, that the last Conservative Government had a real problem. They were considered by many to be "enmired in sleaze"—the term that was used at the time. Of course that did not apply to every member of the Government or every member of the Conservative party, but it was the perception at the time.

I think it is also fair to say that the present Government are not yet in the same position. When Sir John Major claimed recently that Labour was now more sleazy than his own Government, Sir Alistair Graham said

> "Our recent work has suggested that this government has been rather less guilty of sleaze of which the Major government was accused and more guilty of spin, of over-exaggeration of achievements to try and gain support rather than direct sleaze."

With that somewhat faint praise, we can accept that the Government, although moving in a direction that none of us would wish to see, have not yet achieved the position that the public perceived the John Major Government to be in.

Dr. Tony Wright: In a spirit of total fairness and complete historical accuracy, will the hon. Gentleman also put on the record the fact that the last Liberal Government were also immersed in sleaze?

Mr. Heath: Yes, and is it not interesting to note that the forerunner of the ministerial code was published in 1917 under the prime ministership of David Lloyd George—a great Prime Minister of this country, but someone who was prepared to sell peerages in return for donations? Well, that could never happen now, could it? At least Lloyd George had the clarity and transparency to provide a clear tariff, so everyone knew what was happening, but the hon. Gentleman is absolutely right to make that point.

The Minister said earlier that sleaze was endemic in the Major Government. It may have been, but many of us are concerned to prevent that endemic disease from becoming a pandemic, in which all political parties are seen in exactly the same light as that historical position in respect of the Conservative party under Major. Complacency is greatly misplaced on this matter, as it does not take much to cause a generalised infection. I would like to quote a gentleman called Paul Masefield, speaking on Star Sports channel:

> "One bad apple in the dressing room and everything can go pear-shaped."

Yes, it can, and the Minister should be aware of that.

Let us examine what the ministerial code says. Much of what it says is good. For example, it states under paragraph 1.5 that Ministers are required

> "to uphold the administration of justice and to protect the integrity of public life."

Absolutely right. Under paragraph 1.5.f, it states:

> "Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests".

Again, that is absolutely right. Then there is clear—I think, unambiguous—advice under paragraph 5.29:

> "On leaving office, Ministers should seek advice from the independent Advisory Committee on Business Appointments about any appointments they wish to take up within two years of leaving office."

I find it very difficult to understand how anyone could misunderstand that particular provision.

In some aspects, then, the ministerial code is well constructed, but I could also cite paragraph 1.3, which states:

> "The Code is not a rule book, and it is not the role of the Secretary of the Cabinet or other officials to enforce it or to investigate Ministers, although they may provide Ministers with private advice on matters which it covers."

The question that people outside the House are asking is: what is the point of having rules if no one is enforcing them? The answer from the Government, of course, is that the Prime Minister enforces those rules. Well, the Prime Minister has many qualities—some good, some bad. One of his qualities that many would consider admirable is loyalty to his colleagues, but such loyalty is not a substitute for policing the ministerial code in the manner in which it should be policed. On the basis of the investigations that the Prime Minister has carried out into Cabinet colleagues over recent years, I have to say that the only possible conclusion that one can reach is that the code can be breached with impunity. That should not happen and it reflects badly on the Prime Minister as well other members of his Government.

The hon. Member for Peterborough (Mr. Jackson), who is no longer in his place, argued earlier that Ministers were more lightly policed in respect of their adherence to standards in public life than the average parish councillor. How can that be right? How can it be that Ministers who wield enormous powers over the budgets that they control and who take such important decisions are more lightly policed in respect of standards of public life than a parish councillor who, with the best will in the world, controls very little beyond some donations to the local village hall or the local recreation field? That is a matter of genuine concern, and I simply do not accept the defence of inadvertence. Explicit advice is given in the ministerial code, and if Cabinet Ministers are inadvertent as to what they should be doing, frankly, they are not fit to be Ministers of Cabinet rank.

So what can be done? First, we should have a debate along the lines of our perennial Standing Committee debates, in which it is often said of a particular Bill that we should delete "may" and insert "must". The ministerial code should say not that a Minister "should" do something, but that a Minister "must" do something. Secondly, there must be an absolute ban on Ministers taking up paid directorships or employment for two years following their leaving office, unless the advisory committee has said that doing so is acceptable. Such

[Mr. Heath]

behaviour is incredibly corrosive. If Ministers are seen to be walking away from their Departments and joining companies with interests that are directly relevant to the Departments that they have just left, every civil servant will ask, "Why can't we do the same?" Every member of the armed forces who works in procurement will ask, "Why can't we do the same?" Every time that such things happen, the public's confidence that decisions are being taken with the proper interests of the country in mind is damaged.

I set aside the question of why it is assumed that a Minister has to have a highly paid job on leaving office. I take the puritanical view that I am a Member of Parliament, and that is my job. I do not see the need to have additional jobs, but I know that other Members take different views on the appropriateness or otherwise of paid employment. What is absolutely clear is that Ministers get generous severance pay on leaving office. Indeed, sometimes they get severance pay several times over, which is another matter that we might consider.

Chris Grayling: And keep their house.

Mr. Heath: Perhaps we ought not to consider that issue at the moment.

When resignations occur, it is very important that the proprieties are not only respected, but seen clearly to be respected, by Ministers on leaving office. There have been several instances of repeat ministerial resignations; indeed, I am reminded of the programmes that seem to appear on satellite television every couple of days, with titles along the lines of "Britain's Funniest Ministerial Resignations". We need to police this issue very carefully if we are to maintain the general public's respect for the body politic as a whole.

The trouble is that this is not the only issue that is in danger of souring the position of us all, frankly, and of the democratic system. Mention was made earlier of David Lloyd George's appointing major Liberal party donors to the House of Lords. He had complete contempt for the Lords, which is why he used that method, but the Lords has now changed. It is now primarily an appointed House, so it is even more important that those appointed to it are not tinged with any suspicion that the main reason for their appointment is their having donated large sums to one or other of the parties. However, there is more than a suspicion that some Members of the Lords are being appointed for precisely that reason.

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): The hon. Gentleman is doubtless aware that the Prime Minister has appointed some 292 peers, so he is responsible for the creation of more Labour peers than he is the election of new Commons Members.

Mr. Heath: The hon. Gentleman is absolutely right, but I must be very careful not to stray from the terms of the debate.

I am trying to express the view that these issues are not compartmentalised but cumulative. If the impression is given that the main motivating factor for Ministers, civil servants or members of the legislature is the financial advantage that they may gain, we will lose something precious in our political life.

In addition, an appalling example will be set. Ministers give a direct example to senior civil servants when it comes to what is acceptable. Mention has been made already of Christopher Meyer, who made the matter plain when he said, "If it's good enough for Ministers, it's good enough for me." I think that the book betrays some absolutely inappropriate confidences, and I look forward to learning how on earth it was given clearance—

Mr. Deputy Speaker: Order. We are straying again. I urge the hon. Gentleman to return to the terms of the motion.

Mr. Heath: I am most grateful, Mr. Deputy Speaker. It is so tempting to stray into such matters, but of course they do not fall within the terms of the motion.

I repeat: the standing of Government is important not only to the Government, but to the House and to the body politic as a whole. Some things can and should be done to make the ministerial code better able to police the activities of Ministers. More importantly, we must make sure that the impression is given that Ministers' conduct is of the highest integrity.

The arguments in favour of independent investigation and of making the code clearer about what Ministers must do rather than what they might, should or could do on a wet afternoon seem compelling, to use the term of the moment. I am disappointed that the Minister could not accept that today, but I believe that the House should do so. We should give a very clear signal to the Prime Minister that our patience regarding this matter is running a little thin.

9.7 pm

Dr. Tony Wright (Cannock Chase) (Lab): I think that a tiny bit of perspective might be in order. The other day, I read again Roy Jenkins's splendid book on Churchill, in which he described how Churchill received an especially munificent gift from a benefactor. As an aside, Jenkins asks us to think what would have happened if the gift had been offered in the age of the ministerial code or parliamentary commissioner.

In fact, ministerial conduct was not better in the past, but a good deal worse, and both main parties have spent a lot of time on improving matters. Attlee would smile to hear today's debate. After the war, he brought together the assorted bits of procedural guidance for Ministers. He sent around a note to Ministers, in which he said that that collection of guidance might be "convenient" for colleagues.

Attlee's version of the code had 65 paragraphs. By 1997, the code had grown to 135 paragraphs, and its latest edition has 173. The code is now expected to cover everything, from air miles to lottery bids. That shows that a good deal of attention has been given to the document over the years.

Given the exchanges in the debate so far, it is worth remembering that both major parties have strengthened the ministerial code, and also resisted suggestions about how it could be strengthened. I sat on the Opposition

Benches in the 1990s, when the Committee on Standards in Public Life had just been set up. One of its first recommendations was that the Prime Minister should take responsibility for the code. The Committee said that it should not be left to Ministers to behave properly, but that the Prime Minister should assume formal responsibility for the code. It should be his document. That proposition was resisted by John Major, with all the authority he had. However, the proposal was incorporated into the code by this Government, so the first section now states that the Prime Minister will take responsibility for the conduct of Ministers. I believe that that is an advance.

I suggest that not only has the ministerial code grown in status and size, but the whole of the ethical regulation of Government has grown. We now have an army of ethical regulators, who have usually been introduced in response to some crisis or scandal. We have the Committee on Standards in Public Life, the public appointments commissioner, the Parliamentary Commissioner For Standards, the advisory committee on business appointments, the civil service commission, a new Electoral Commission—which addresses issues such as party funding that were once seen to be outside any kind of regulatory structure—and a standards board for local government. We have a crowd of ethical regulators and a crowd of codes governing behaviour in various areas. We have a code for Ministers, now published and ever expanding, covering ever more areas. We have a code for civil servants and for special advisers. Now we have demands that some of those codes should be converted into legislation.

It is not as though we have been casual in the matter of the ethical regulation of Government in recent times. Ethical regulation has grown in importance and is now on the scale that I have described. As a result, has trust in Government and the political class increased or decreased? I am afraid that it has decreased, and that is what should concern us in this debate, instead of playing the party games of saying, "Oh, you were worse than we are", and replying, "Oh no, you are worse than we were." That brings the whole of public life down, because it is comfortable for a large section of the public to think that the political class is sleazy and corrupt. The newspapers love to feed the idea that the political class is sleazy and corrupt. It sells newspapers and feeds the popular assumption. We also feed that by always saying that the other lot are more corrupt than we are. We have all been guilty of that. We were guilty of it in the 1990s, although it must be said that we had rich material to work with. In any case, we exploited it for all it was worth, because of the great political dividend it provided. As my hon. Friend the Minister pointed out, the Conservatives—rationally, from their point of view—said, "Look, we're suffering a great disadvantage in the sleaze stakes, because people think that we are sleazy. It is essential that we make people realise that the new lot are as sleazy as we were." They have had a concerted strategy to achieve that, which is rational in its own terms, but mutually ruinous for the standing of politicians and political life.

Sir Nicholas Winterton (Macclesfield) (Con): I am listening to the hon. Gentleman's remarks with care and agree with much of what he says. Does he believe that hon. Members are now less honourable than they were in years gone by? Does he feel that the failure of Ministers to resign when they have done wrong—they now have to be forced to resign—is also an indication that we now have career politicians rather than Members who come here to serve the people of their constituencies and the country?

Dr. Wright: I am grateful to the hon. Gentleman who raised several points. I shall deal with two of them if I may. First, do I think that standards have gone down? No, I do not; they have gone up quite considerably. The tragedy is that we have given people grounds to think that standards have gone down while in fact they have been rising. Not only have they gone up, but any intelligent historical or comparative tests show that we probably have the least corrupt way of doing politics of almost any political system in the world—across party. Why then do we spend so much effort trying to suggest that our political opponents are corrupt and sleazy? We do so because we think there may be some temporary political advantage in doing so. That brings me to the hon. Gentleman's second point, which is about resignation.

The hon. Member for Epsom and Ewell (Chris Grayling) has never knowingly undersold when making allegations against Ministers, usually demanding their resignation. But when someone jumps up every time anything happens, however minor, saying, "This is a scandal. This is outrageous. This is a resigning matter", when they go through the whole hyperbolic routine, the effect is to diminish regard for political life. Indeed, it loses the sense of the moment when that kind of language is required because something serious really has happened. Across the House, we have a responsibility to be far more intelligent and sensible about such matters.

Chris Grayling: I challenge the hon. Gentleman to identify a single occasion on which I have ever been reported as calling for the resignation of a Minister.

Dr. Wright: That is the impression that the hon. Gentleman has given me and many other people. I really am not making a party political point and I am certainly not making a personal point. We would be doing just the same thing. We would have the same knee-jerk reaction: talking up the incident to make it a major constitutional scandal, expressing outrage that standards of conduct in Government had been breached and suggesting that the consequence should be a ministerial head rolling. I merely suggest that that is not an intelligent or sensible way of doing politics—not if we care for the regard in which, on the whole, an uncorrupt political system is held by the people we represent.

I conclude, therefore, that it is not necessary or desirable to think about inventing yet more ethical regulators, as the motion proposes; it would simply be desirable, in terms of the motion, to correct the wording in the ministerial code. If the motion proposed that the words "are advised to" in paragraph 5.3,

> "Ministers are advised to provide their Permanent Secretary with a full list . . . of . . . interests",

be changed to "should", I would give it my wholehearted support. That is all that is required.

It would diffuse accountability to the House if the proposition is that we introduce another ethical regulator on to such a crowded field, when it is actually

[Dr. Wright]

entirely clear—or should be—what Ministers should do and what permanent secretaries should do. Once we begin to cloud the process, and other people are involved, accountability is diminished and diffused rather than enhanced.

Earlier, I made the case for an independent investigator, a point that was raised by the Public Administration Committee back in 2001, long before the Committee on Standards in Public Life got involved. For all kinds of reasons, I am as attached to that proposition now as I was then. The time has come to take a fresh look at the whole field of ethical regulation—all the bodies that we set up for particular reasons at particular moments—and to try to sort them out. As part of that sorting out, I hope that we shall introduce an independent investigatory element.

I end by saying that the Prime Minister said that

"no one will be better governed through fine-tuning the ministerial code."—[*Official Report*, 13 July 2000; Vol. 353, c. 1098.]

I have some sympathy with that view, but people will be better governed if they have more confidence than they now do in the system that we have to maintain probity in government. That is a serious matter; it deserves to be taken seriously, but we are not well served if we play party games with it because we will find that we are all brought down by that and the whole of public life will suffer as a consequence.

9.20 pm

Sir George Young (North-West Hampshire) (Con): It is a pleasure to follow the hon. Member for Cannock Chase (Dr. Wright), who speaks with great authority, conviction and knowledge on the subject. I concur particularly with what he said towards the end, but I wonder whether he asked himself the right rhetorical question halfway through his speech. The question he posed was whether public trust and confidence in us was increased as a result of what he described as the crowded field of ethical regulators. He concluded that, although standards may have risen, public confidence had decreased. The real question is where would public confidence have been if we had not responded to the concerns over the past 20 or 30 years and done nothing—if we had not set up the Register of Members' Interests and the House procedures to deal with MPs' conduct. If we had not responded as we have, public trust in us would be lower than it is at the moment.

Earlier in the debate, a number of hon. Members wandered down memory lane and exhumed unhappy incidents in the Conservative party's past. I am not sure whether the House is at its best when it engages in such exercises. Despite the incidents that have been shared by hon. Members on both sides of the House, I do not take the view that Ministers in this Government are basically sleazy, any more than those in the Major Government were. The Minister was on rather thin ice when he tried to claim some moral superiority for this Administration.

Fallibility is politically neutral. One or two individuals in both parties have made mistakes and paid a price. That has not infected the integrity of the political process in this country. By any international or historical standards, the integrity of the process of government in this country is remarkably high. We have a vigilant and at times over-intrusive press, a basically apolitical civil service, a fairly transparent decision-making process and an effective system of parliamentary accountability through Select Committees. As a result, there is a very high chance indeed that any irregularity will come to light, and when it does, judgment can be swift and harsh.

I agree, however, with those hon. Members who have said that there is no room for complacency. There is scope for improvement, not least because the perception outside the House is very different from the reality; and in our business, perception is crucial. That is why I welcome this debate on oversight of the ministerial code, which has a role to play in improving the perception, but it will not do so it on its own. In addition to an up-to-date and properly enforced ministerial code, the Government need to take action on party funding and, in particular, to put a cap on large donations, which would, in turn, remove any suspicion that money secures a place in the House of Lords or influences Government policy. We need a civil service Act, for which there is still no timetable, to regulate the interface between the Government and the civil service and, in particular, to clarify the role of special advisers.

You have indicated, Mr. Deputy Speaker, that you do not want a digression into the Meyer memoirs, but paragraphs 9.17 and 9.18 of the ministerial code deal with the publication of ministerial memoirs. All that I would say in passing is that, if Lord Armstrong and Lord Butler are correct when they assert that the relationship between Ministers and civil servants is threatened if memoirs break confidences, that is true irrespective of whether the confidence is broken by one side or the other. There is a strong argument for a level playing field because at the moment people see Ministers publishing their memoirs without any consequences, but if a civil servant does that, having apparently gone through the requisite procedures, he is criticised without restraint by the Foreign Secretary on the "Today" programme. The rules should be consistently drafted and applied right across the board, but that does not seem to be the case at the moment.

I want to devote the substance of my brief remarks to comparing the enforcement of the code with which we are all familiar—the code for Members of Parliament, which was revised in July—with that for Ministers to determine whether we can learn from each other. Both codes have the common purpose of promoting high standards of conduct in public life, but they have important differences. One is the property of the House, while the other is the personal property of the Prime Minister—we enforce ours and he enforces his. That reflects the different lines of accountability: that of Ministers to the Prime Minister for their appointment and, indeed, survival, and ours to our electorate through the House.

There are differences, however. Members have security of tenure and a complaint against a Member usually does not precipitate a collapse in confidence in him or her. Allegations against Ministers are slightly different because collective responsibility means that they have the potential of spreading to the Government as a whole, which risks a more generalised crisis of confidence.

There are two key procedural differences. First, the House has built its procedures around a strong independent component: the Parliamentary Commissioner for Standards. His report is always published alongside that of the Select Committee on Standards and Privileges, and if the Committee disagrees with him, it must say so and explain why. The fact that that strong independent element is built into our system enhances the credibility and integrity of our self-disciplinary procedures. The second difference is that we have clear rules and procedures on how our system works. For those who are interested, they are available in detail on the Parliamentary Commissioner's website. Neither of those two key features is present in the ministerial code, which weakens its impact and credibility.

Taking the second point first, the enforcement of the ministerial code is shrouded in secrecy. In the polite language of the Library brief on today's debate:

> "the Code is silent on the means by which allegations should be investigated."

Indeed, paragraph 4.77 of the Neill report says:

> "In our view, while the Parliamentary route is well-defined by established procedures, the procedure for holding Ministers to account by the public is less clear".

The follow-up report in 2003 of the Committee on Standards in Public Life advocated mechanisms for investigating alleged misconduct by Ministers, which brings me to the second difference between the codes: the lack of an independent element.

In the 1997 Parliament, I had reason to believe that a junior Foreign Office Minister had broken the code, so I wrote to the Prime Minister, as custodian of his code. He did not investigate the matter, but passed the letter to Robin Cook, the then Foreign Secretary, who exonerated his colleague of any breach. We need not debate now whether there was a breach of the code, but what cannot be right is the process. The Prime Minister played no part in seeing whether his code had been observed. That was sub-contracted not to an independent observer, but to the Cabinet Minister of the Department in which the alleged breach took place. When I gave evidence to the Neill Committee, it shared my concern about what I called the circularity of the procedure.

The new code that was published in July does not address either of those two weaknesses. It rejects the recommendations on an independent element that were made by what had by then become the Wicks committee, and there is no clarity on procedure. There has been minor drafting amendment to allow for the possibility of external advice on Ministers' private interests, but the Government rejected the recommendation that two or three senior individuals should be appointed at the beginning of each Parliament to be available to investigate allegations of ministerial misconduct.

One advantage of having clear and well-publicised procedures for handling complaints against MPs is that when questions about Members arise, they can be considered in a way that takes them—at least temporarily—out of the party political arena. If similar processes could be established in the ministerial area, it would be to the advantage of all parties as well as to the benefit of the public standing of politics in general.

Another feature of our own arrangements is the ready availability to Members of impartial advice on their obligations under the code and rules. While permanent secretaries advice their Ministers on obligations under the code, they are not in turn supported by a source of independent advice about tricky cases to which both they and Ministers themselves can turn. The Minister might argue that the propriety and ethics team at the Cabinet Office—a body of men that the hon. Member for Cannock Chase omitted to mention when he described the regulatory field—already performs that function, but I am not sure that it would be seen to be independent.

The Wicks committee, which has of course now become the Graham committee, has expressed regret at the Government's decision not to proceed with the recommendations. The chairman set out his views in more detail in *The Independent on Sunday* on 6 November.

The Government amendment has a welcome element, although they have never explained why they have taken so long to make progress, but the more that I listened to the Minister explain why the Government were rejecting the other recommendation about the independent panel, the less obvious the gap was between what the Government are now doing and what the Graham committee is advocating. The Prime Minister is prepared to draw on independent people in certain cases to investigate, and if so, what is the difficulty about the recommendation? I have high hopes that the new head of the civil service will apply his mind to those issues, and I am sure that the Public Administration Committee will want to review the matter.

I end on the point that independence and clarity are key features of the system of holding Ministers and Members to account. The system that the House has developed for its own procedures has that element of independence and clarity. I do not think that the ministerial code does so, and for that reason I hope that it may be further amended.

9.31 pm

Mr. Oliver Heald (North-East Hertfordshire) (Con): We have had an excellent debate, to which my right hon. Friend the Member for North-West Hampshire (Sir George Young) made a notable contribution. As Chairman of the Standards and Privileges Committee, he is able to bring his experience of many complaints against Members of Parliament and how they have been dealt with, and to compare that regime with what happens to Ministers under the ministerial code. When he asked where confidence would be if nothing had been done—if we had not had the register, the Committee of Standards and Privileges and the other changes—I agreed with his point.

That contrasted with the point made somewhat unusually by the hon. Member for Cannock Chase (Dr. Wright), who took an establishment view that we should just stop talking about possible breaches of the ministerial code and try to reduce the number of regulators, and everything would be all right. He must accept that there has been a change in culture over recent years, partly to do with the fact that previously Members of Parliament were paid very little and had outside interests, whereas now that is not the case. The public now expect transparency in what we do and to have an independent element of both advice and investigation.

[Mr. Oliver Heald]

The Government's amendment and the Minister's speech were—

Mr. Jim Murphy: Excellent.

Mr. Heald: The Minister may say that, but to me he sounded slightly pompous when he said, "Oh well, we can have the independent adviser and we will make an announcement shortly." Surely the public would react to that attitude by saying, "My goodness, can't they just say they'll do it?" The Minister also showed a certain complacency when he appeared to suggest that everything that the Government do is above board and that there was never a problem.

I began to think about a civil service Bill, on which I initiated a debate last year. Since 1997, the Government have been promising a civil service Bill, and to be fair to the hon. Member for Cannock Chase, he drafted one. I tried to debate such a Bill in the House, and when I managed to do so the Government said that they would be doing something in due course. Yet here we are today—1997 is a long time ago—and we still do not have a civil service Act on the statute book. The question of whether we are to have independent mechanisms to make the ministerial code work seems to be going the wrong way.

Dr. Tony Wright: One reason why we do not have such a Bill—I have heard this not just from Ministers but from senior civil servants, both serving and retired—is that people are terrified that Members will revert to type and simply play political games with its content. The last Conservative Government asked for an assurance that a measure could be introduced on a bipartisan basis. If the present Government could be confident that that was the case, more progress could be made.

Mr. Heald: The hon. Gentleman can look at *Hansard*, but I offered every possible co-operation and received nothing in return.

In 2003, the Committee on Standards in Public Life made those two recommendations. The Government accepted the need for an adviser on ministerial interests. It is extraordinary that the Minister felt it necessary to rake up all the old dirt from years ago, as we are suggesting that he should do something to which the Government have already agreed. Even so, they still will not establish such a post. The heart of the problem concerns the Prime Minister and his wish to remain unfettered by controls such as a civil service Bill and an independent mechanism to monitor compliance with the code. We could probably achieve consensus on a range of measures, so it is sad that the Prime Minister should say that the Government are not prepared to go down that route.

The Prime Minister's involvement in various incidents in recent years demonstrates why the problem has arisen. When the committee made its recommendation two years ago, it did not allow it to rest. Sir Alistair Graham has said on three recent occasions that the matter must be pursued. He said so at the beginning of this Parliament, and he said so again in July, when the code was issued, even though his committee was not consulted about it. He made the point, however, that we should have a ministerial adviser. During the recent troubles of the right hon. Member for Sheffield, Brightside (Mr. Blunkett) he made the point again. In *The Independent on Sunday* he said:

> "In the end it is a matter of style, tone and leadership of the Prime Minister. In the end, that's the central issue".

He said that those rules should be strictly adhered so that

> "everybody knows that if they step out of line, they won't get a second chance."

Sir Alistair went on to say that if, as the Prime Minister has done,

> "you sign up to a foreword to the Ministerial Code in which you expect ministers not only to sign up to the letter but the spirit as well . . . then if your actions don't live up to those words you're in danger of getting criticised and being perceived to be weak . . . and there is a danger that the Prime Minister could be under that charge".

Sir Alistair does not take the same view as the Prime Minister of the incident involving the right hon. Member for Sheffield, Brightside. He asks:

> "How many people in this country have the opportunity to invest £15,000 to possibly get back £300,000 within a few months' time? . . . You can give a rather obscure and muddied message about ethical standards. These issues in the end are always matters of leadership."

He made the point that Parliament and the entire political class will suffer a serious loss of confidence if they do not take those issues seriously. I am not suggesting that we should make changes just for the sake of it.

Mr. Kemp: The hon. Gentleman talked about a loss of confidence in Parliament and the political classes. May I return to my earlier point and ask whether he is prepared to endorse the recommendations of Lord Neill of Bladen, who told the Committee on Standards in Public Life that the application of the code of conduct to members of the Opposition Front Bench warrants investigation? In the past, shadow Chancellors have received money from oil companies but have taken part in Divisions on fuel tax. That is not acceptable and diminishes the House. Will he accept Lord Neill's recommendations—yes or no?

Mr. Heald: Lord Neill made his recommendation some years ago. The hon. Gentleman may wish to know that since that time hon. Members on the Opposition Front Bench have taken advice from the Parliamentary Commissioner on these matters, and in recent years there have been no examples of the sort that the hon. Gentleman mentioned. Those who wish to be shadow Chancellor give up interests that might conflict.

The Prime Minister writes in the forward to the code that he expects Ministers

> "to work within the letter and spirit of the Code".

but it is clear that Ministers need a little more help. It may be that they find it hard to ask for or accept advice from their senior civil servant. Perhaps the evidence that the Public Administration Committee received from Sir Robin Mountfield shows that senior civil servants also find the present position difficult. The culture is changing from one where people used to resign quite readily to one where they hardly ever do.

The issues that cause the difficulty are not so much those where there is a clear disaster in the Department or a clear problem resulting from a Minister's work. The real problems are the cases of actual or perceived conflict of interest. Those are the ones where the new adviser would be most useful, bringing an independent element, available at an early stage, before the Minister acts ill-advisedly. As the hon. Member for Somerton and Frome (Mr. Heath) pointed out in an excellent and measured contribution, what is the point of rules if they are not properly policed and if independent advice is not available?

It is not good enough to wait until Parliament is asking questions and the media are sniffing about. We need proper advice for Ministers at an early stage. I like the recommendation about the panel of investigators too, for the reasons that my right hon. Friend the Member for North-West Hampshire and others made clear, but the new adviser would be useful to Ministers in a range of ways on questions not just about their own position, but about spouses, relatives and the like. The outside world sees conflicts of interest and expects them to be stopped. Often the Government do not recognise them. Independence is vital in terms of advice and oversight, because often the Prime Minister is not a neutral and disinterested arbiter.

When the Labour party took £1 million from motor racing and then delayed the ban on tobacco advertising, it was the Prime Minister who was in the front line having to defend that. It seemed like a conflict of interest, but he said:

"I'm a regular kind of guy",

and somehow it was not a problem. It was he who wrote the controversial letter in the Mittalgate scandal, asking a foreign Government for a contract for a Labour donor. It seemed like a conflict of interest, but he said no, it was not.

When Peter Mandelson accepted a loan of £373,000 from the hon. Member for Coventry, North-West (Mr. Robinson) to buy a house in Notting Hill, he was Secretary of State for Trade and Industry and had oversight of inquiries into the hon. Gentleman's business dealings. It seemed like a conflict of interest, but not to the Prime Minister. It must have done to Mr. Mandelson, because he resigned—but not to the Prime Minister, who said he had done nothing wrong. In the Hinduja passport affair, where wealthy brothers donated £1 million to the faith zone of the dome when Peter Mandelson was the Minister, he called the then Minister with responsibility for immigration matters, now the Solicitor-General, the hon. and learned Member for North Warwickshire (Mr. O'Brien), to inquire about their passport applications, which I believe were then granted. It seemed like a conflict of interest. Mr. Mandelson resigned, but the Prime Minister said that he had done nothing wrong.

Then we come to the right hon. Member for Sheffield, Brightside and shares owned in a company bidding for work in his Department. It seemed like a conflict of interest. The right hon. Gentleman resigned, but the Prime Minister said that he had done nothing wrong, except that there had been a technical breach, and he left office without a stain on his character. On each of those occasions, there was a public perception of a conflict of interest and a Prime Minister in denial. It would be much better if we had a robust and transparent process with an independent element of investigation and advice, which would deter Ministers from sailing too close to the wind and enable them to take independent advice confidentially and without involving their civil servants. The funny thing is that although the Government have agreed to that step, they will not approve the motion.

Dr. Tony Wright: I keep reminding the hon. Gentleman that the motion does not propose the appointment of an independent investigator, which is sensible. It proposes the appointment of an "Adviser on Ministerial Interests", which is not sensible. I agree neither with the Opposition nor with the Government, who have, however, agreed to the proposal.

Mr. Heald: The Government have agreed to such an appointment, but they keep dragging their heels, as they do over a civil service Bill. The Prime Minister does not like independent oversight and does not want to be fettered, but it is time for Ministers to make that change and for Parliament to have an extra independent element.

9.46 pm

Mr. Jim Murphy: The debate has not been especially long for a variety of reasons, but we heard some high quality contributions from Back Benchers.

On the points made by the hon. Member for Somerton and Frome (Mr. Heath), we continually review the ministerial code, which is published after each general election. We take account of suggestions and recommendations from various Committees, including the Public Administration Committee and the Committee on Standards in Public Life. The precedent has been established, and I think that it will continue, because it would be remarkable if that procedure were turned on its head.

The hon. Gentleman made a fair speech and tried not to sound supercilious, but I remind him that a halo needs to slip only a foot or two to become a noose. It would be interesting to know whether the Liberal Democrats intend to return the £2.4 million dodgy donation from a Swiss bank account in line with his comments this evening.

Both Opposition and Government Members acknowledge that my hon. Friend the Member for Cannock Chase (Dr. Wright) speaks with an enormous amount of experience and authority—he keeps Front Benchers on both sides of the House on their toes with his analysis and his experience. He has announced the PAC investigation into who regulates the regulators, and we will pay close attention to the evidence and the PAC's recommendations, as we always do and always should do.

The Cabinet Office has a vested interest, because it is responsible for the better regulation agenda. At least 12 organisations oversee the probity and ethics of the body politic, and the question is whether we need a 13th—my hon. Friend's Committee may make such a recommendation. My hon. Friend is right that enhancing public faith in politicians from all parties and in Governments—this one, the previous one and any future one—will not be achieved by tinkering with the

[Mr. Jim Murphy]

details of the ministerial code. Although the ministerial code will continue to evolve, it is not a silver bullet to maintain public faith in politics. A much wider debate is taking place not only in this country and this Parliament, but across the world about the connection between the elector and the elected, and all Governments and Opposition parties across the world are grappling with it. I think that faith in politics and the political process will be enhanced not by tinkering with the ministerial code but by delivering real improvements in people's lives and then connecting those improvements to decisions that the Government, whom they have elected, have taken in respect of unemployment, the economy and investment in schools. Such improvements will drive up trust and faith in politics and the political process much more than any squabble across the Dispatch Box about independent assessment of business regulation and the ministerial code.

The right hon. Member for North-West Hampshire (Sir George Young) again demonstrated his enormous experience. We have been helped by the fact that although there were only two Back-Bench speeches they came from the right hon. Gentleman and my hon. Friend the Member for Cannock Chase, both of whom made important and detailed suggestions. Instead of making a knee-jerk response to the right hon. Gentleman, I will reflect on some of the specifics that he mentioned and offer a more considered response. He mentioned the propriety and ethics team in the Cabinet Office. I add my tribute to the work of the men and women in that team. I will not be alone in thinking that we should have heard the right hon. Gentleman's speech delivered from the Front Bench instead of the two speeches that we did hear.

The hon. Member for Epsom and Ewell (Chris Grayling) started by saying that he did not want to rake over old coals, and then proceeded to do so. Again, he behaved like a copywriter for the *Daily Mail* or, on a good day, *The Mail on Sunday*. He was challenged by my hon. Friend the Member for Cannock Chase on the issue of demanding resignations based on ministerial conduct. I am not able to name and shame the hon. Gentleman on specifics, but he generally uses the tried and tested approach of demanding action based on growing concern expressed in the *Daily Mail* and *The Mail on Sunday*. That concern gets into those newspapers because he issues a press release demanding action on it, so the concern that he says is growing is one of his own creation.

For example, the hon. Gentleman wrote to Ministers challenging the use of public funds on a flight by the Prime Minister to Singapore and then on to Riyadh. I imagine that the Prime Minister must have been in Singapore supporting the 2012 Olympic bid, and I know that he was in Riyadh for a very good reason. The response to the allegation is that there are no scheduled flights between Riyadh and Singapore. Once again, an accusation made publicly in the press turns out to be founded on nothing but speculation and tittle-tattle. That is only the latest example of the hon. Gentleman performing that sort of activity.

The hon. Gentleman is right to say that we do not yet have a civil service Act. However, we now have a draft civil service Bill on which we have consulted. In 18 years of Conservative government, we had neither a Bill nor a consultation. The hon. Gentleman, like others, will have to be a good deal more patient. We have waited 148 years for the draft Bill, and he can wait a little longer.

In previous years, a debate on Government ethics and ministerial conduct would have taken place in a packed Chamber. It would have been tense and highly charged, with the cut and thrust of a parliamentary event. This evening's debate was attended by perhaps 10 Members, although I am sure that everyone else had important business to attend to.

Mr. Heald: Surely the Parliamentary Secretary accepts that we are asking the Government to do something that they promised to do. It is obvious that nobody believes that that will happen.

Mr. Murphy: In the hon. Gentleman's winding-up speech, he argued for something that was not even in the motion and had to be clarified from the Labour Back Benches. It is a short motion but he managed to fail to understand what it demanded. He made up a whole speech on an entirely different matter, which did not appear in the motion.

Opposition Members mentioned complacency, but only six Opposition Back Benchers were present this evening. That does not suggest great demand to discuss—or difficulty with—issues of propriety and public service. However, the idea that there is complacency about those matters is wide of the mark. We are clearing up many of the issues that the Conservatives left unresolved in the 1990s. We are the first Government to publish the ministerial code, introduce a Freedom of Information Act and clean up party political funding. It is clear that those measures have helped to increase public trust in politics and will continue to do that.

Earlier, my hon. Friend the Member for Houghton and Washington, East (Mr. Kemp) asked whether the Opposition would abide by some of rules and regulations that they understandably expect Ministers to obey. The hon. Member for North-East Hertfordshire (Mr. Heald) was silent on the matter. Will he confirm that all members of the shadow Cabinet will voluntarily or collectively adhere to a similar set of principles to those by which Ministers are expected to abide?

Mr. Heald: I am sorry if the Parliamentary Secretary was not listening but I answered the question. I said that the report to which he referred was from some years ago and that the practice now is, as I described, in line with the principles.

Mr. Murphy: I am not sure what that mumble was.

Angela Browning: The Parliamentary Secretary knows that I have listened to the whole debate. It is a bit rich for him to talk about the principles to which Ministers adhere. When I asked him to define the seven principles of public life, he could not relate one. I know that the list has now been sent down from the Box. Would he like to read them out simply to fill up the next three minutes? The other Ministers present might be enlightened about the principles by which they are meant to be living.

Mr. Murphy: The hon. Lady is one of the few who attended the whole debate. [HON. MEMBERS: "Read them out."] I shall not read them out. Time will not allow me to do that.

In his winding-up speech, the hon. Member for North-East Hertfordshire referred to the former Secretary of State for Work and Pensions. My right hon. Friend the Member for Sheffield, Brightside (Mr. Blunkett) visited my constituency during the election campaign. He had a good campaign visit. However, one lady in particular was very keen to meet him. She approached him and said, "Mr. Blunkett, I'm delighted that you've come to East Renfrewshire. I wanted to meet you to tell you how much I dislike you." I do not know how many hon. Members have shared such a campaign experience. Of course, my right hon. Friend committed a technical breach of the ministerial code and he paid for it with his political career. That is a heavy price.

However, I reiterate that it is a world away from Conservative Members being paid to ask questions in the Chamber with brown envelopes in their pockets. It is a different world from former Conservative Cabinet Ministers occupying Belmarsh rather than the Opposition Benches—as I said earlier, Belmarsh was on the verge of setting up its own Conservative Association because so many Conservatives were being locked up there. It is a far cry from Ministers having to resign because they were trying to block investigations into the cash-for-questions inquiry.

The fact is that we have introduced a whole series of firsts: the first ministerial code; the first Freedom of Information Act; the first draft civil service Bill—

Mr. Patrick McLoughlin (West Derbyshire) (Con) *rose in his place and claimed to move,* That the Question be now put.

Question, That the Question be now put, *put and agreed to.*

Question put accordingly, That the original words stand part of the Question:—

The House divided: Ayes 229, Noes 288.

Division No. 95] **[9.59 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Beith, rh Mr. Alan
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Fox, Dr. Liam
Francois, Mr. Mark
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Osborne, Mr. George
Paice, Mr. James
Paisley, Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Pickles, Mr. Eric
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard

Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Henry Bellingham and
Mr. David Evennett

NOES

Ainger, Nick
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Borrow, Mr. David S.
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Corbyn, Jeremy
Cousins, Jim
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Dowd, Jim
Dunwoody, Mrs. Gwyneth
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Russell, Christine
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter

Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Tony Cunningham and
Joan Ryan

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House acknowledges that, amongst other measures, this Government introduced a requirement for individual Ministers, on appointment to each new office, to provide their Permanent Secretary with a full list in writing of all interests which might be thought to give rise to a conflict; welcomes the section of the Ministerial Code on handling Ministers' private interests which is more comprehensive than Questions of Procedure for Ministers; and recognises that this Government has agreed to appoint an independent adviser to provide Permanent Secretaries and Ministers with an additional source of professional advice as required and will make an announcement on this shortly.

EUROPEAN UNION DOCUMENT

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),

MARKETING OF FOODS DERIVED FROM GENETICALLY MODIFIED MAIZE

That this House takes note of European Union Document No. 12197/05, draft Council Decision authorising the placing on the market of foods and food ingredients from genetically modified maize line MON863 as novel foods or novel food ingredients under Regulation (EC) No. 258/97; and supports the Government's view that products derived from this maize meet the necessary requirements for authorisation under Regulation (EC) No. 258/97.—*[Mr. Heppell.]*

Mr. Speaker: I think the Ayes have it.

Hon. Members: No.

Division deferred till Wednesday 16 November, pursuant to Standing Order No. 41A (Deferred divisions).

PETITIONS

IsItFair Campaign

10.14 pm

Mr. Jeremy Browne (Taunton) (LD): I wish to submit a petition on behalf of my constituents who support the IsItFair council tax protest campaign. There is considerable concern and unease in my constituency about rising council tax bills, which particularly penalise people on low and fixed incomes—especially pensioners and people on the typical wages in my constituency.

The petition states:

The Petitioners therefore request that the House of Commons votes to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income, such tax to be based on a system that is free from any geographically or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.

And the Petitioners remain, etc.

To lie upon the Table.

Post-16 Education (Funding Inequalities)

10.16 pm

Frank Cook (Stockton, North) (Lab): In April this year, I was visited by two young students, who complained about the inequality of funding between their sixth form school and colleges of further education. They were most anxious to make an impact on what they saw as an inequitable position. On seeking my advice, the best I could give them was that they should start up a petition and secure as many signatures as possible to support their cause. They have done so, but with the general election and summer recess intervening, it has come back to life only now.

The two students were Linzi Cooper and Emma Lavery, students of Bede college, Billingham and the petition relates to the residents of Billingham and others.

The petition states:

That students of Bede College are proud of their OFSTED report, which found that "levels of achievement are high and few students leave the college before completing the course", but that students are anxious at the concerns of Principal Mrs. Miriam Stanton who said, "while current performance is good we are very worried that we can not invest enough in developing our buildings, our equipment and our staff to preserve this for future students".

The petitioners list five strong bullet points and pray that the Government take account of them and put into action all their claims

at the earliest possible date.

And the Petitioners remain, etc.

To lie upon the Table.

IsItFair Campaign

10.18 pm

Chris Grayling (Epsom and Ewell) (Con): My petition from constituents in my Epsom and Ewell constituency is also on behalf of the local IsItFair council tax protest campaign.

[Chris Grayling]

My petitioners

Declare that year-on-year, inflation-busting increases in Council Tax are causing hardship to many and take no account of ability to pay: further that the proposed property revaluation and re-banding exercise will make an already flawed system even worse.

The Petitioners therefore request that the House of Commons votes to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income, such tax to be based on a system that is free from any geographically or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.

And the Petitioners remain, etc.

To lie upon the Table.

Orhan Pamuk

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Heppell.]*

10.19 pm

Mr. Denis MacShane (Rotherham) (Lab): Orhan Pamuk is one of the greatest novelists in Europe, if not the world. He is Turkish, a man of Istanbul, where he has lived since he was born 53 years ago. His novels, which many Members of this House will have read, include "Snow" and "My Name Is Red". We are of course delighted that this year's Nobel prize for literature was awarded to our own Harold Pinter, but it is an open secret that Mr. Pamuk might be on his way to Stockholm as a Nobel laureate, had Harold Pinter not won the votes.

As you know, Mr. Deputy Speaker, I am a long-time supporter of Turkey's ambition to enter the European Union. I have debated on French television with the former French President, Valery Giscard D'Estaing, why he is wrong to oppose Turkey's ambition to join the EU. I have written and spoken here, in Germany and in other European countries to make the case for Turkey.

A great writer such as Orhan Pamuk is the perfect ambassador for a Turkey that is looking west to Europe—to the culture of Voltaire, Dickens and the Enlightenment, and to the great tradition of writing and reading that separates so much of European history from other cultures and regions. Yet far from celebrating Orhan Pamuk as an ambassador for Turkey—he was awarded the peace prize at the Frankfurt book fair last month, and his books have sold hundreds of thousands of copies in Turkey and can be found in translation everywhere in the world—we have the tragic spectacle of his going on trial and facing a terrible jail sentence. The trial is scheduled to begin on 16 December—in one month's time. If it begins, it will set back considerably Turkey's ambition to join the EU. It will become a show trial such as we have not seen since the darkest days of the Soviet Union. Mr. Pamuk's trial has caused outrage all over Europe. My right hon. Friend the Foreign Secretary and the Minister for Europe have protested against it, and I know that my hon. Friend the Minister responding to this debate will make the Government's position clear tonight.

So why is this great novelist facing trial and a prison sentence next month? The answer is that he gave an interview to a Swiss newspaper earlier this year, in which he said that a

"million Armenians and 30,000 Kurds were killed"

in Turkey in the last century.

That is an historical fact. He did not use the word "genocide" or seek to attribute blame. The Turkish Government have opened their archives on this sad period in Turkish history and have asked the Armenian Government to do the same—a suggestion that Armenia would be well advised to take up, as this matter must be settled by academic, historical and forensic investigation, rather than ideological name-calling in the Parliaments of Europe and the world.

Alas, however, there is a section of fundamentalist nationalist jihadis in Turkish politics, the Turkish media and Turkish state administration who reject any notion of discussing the history of Turkish massacres as history, rather than as contemporary politics. They called for Orhan Pamuk to be silenced, and he received so many death threats—a Turkish nationalist version of the fatwa pronounced against Salman Rushdie—that he left Turkey earlier this year. I met him then as a Minister, and invited him to the Foreign Office in April. We had lunch that day with the Turkish ambassador here in London, and we had a conversation as between civilised people about the Armenian deaths of 90 years ago. I urged the Turkish Government to do all that they could to protect Mr. Pamuk. But instead of the Turkish judiciary protecting this man against the death threats that he received, and the vituperative abuse that he received from the Turkish tabloid press, we have the sad sight of an Istanbul public prosecutor launching a prosecution against him, charging him with public denigration of Turkish identity.

The prosecutor cited—in effect, hid behind—article 301 of the Turkish penal code. This code is supposed to be reformed to bring it into line with Council of Europe and EU norms, as part of Turkey's preparation for negotiations on future EU membership. Alas, we see that a malign fundamentalist state functionary can take words from the code and use them to launch an attack on free speech and freedom of expression that one might expect in a repressive Ba'athist, Islamicist or other dictatorship, but not in a nation whose culture is long and glorious, whose writers and intellectuals have much to bring to Europe, and whose self-confidence as a Turkish nation secure in its identity is in no way under threat from one of its great novelists.

Let me make it clear that the issue of the Armenian massacres of 90 years ago is not a taboo subject. I was a British delegate at the NATO Parliamentary Assembly in Copenhagen. This very morning, I heard the Turkish Prime Minister, Mr. Erdogan, discuss the problem in a calm, sensible and matter-of-fact way.

Last month, a group of scholars in Istanbul held a conference to discuss the Armenian issue. They, too, had to run the gauntlet of court orders trying to ban the event, and were accused in the Turkish equivalent of our tabloid press of being traitors to Turkey. However, the conference had the support of Turkey's Foreign Minister, Abdullah Gul.

This morning, when he took questions after his excellent speech, I asked Mr. Erdogan about the Orhan Pamuk case. I asked him to make it clear that the Government of Turkey did not support the prosecution against Orhan Pamuk. Mr. Erdogan talked about the separation of powers between the judiciary and the Executive but, much as I am an admirer of Montesquieu, I know of no Government in the world who cannot find a way of not shooting themselves in the foot. The very great damage that the Orhan Pamuk trial would do to Turkey, if it is allowed to go ahead, should give even the most nationalist Turkish MP, prosecutor or judge pause for thought.

Frank Cook (Stockton, North) (Lab): I heard the Turkish Prime Minister in Copenhagen this morning, and he responded to the points made to him with great candour. Does my right hon. Friend agree that seeing how Turkey's judiciary handle the charges—misplaced though they may be—might give us an opportunity to measure that country's progress towards a mature, western-style democracy? The charges might be dispelled, so does not the case provide an opportunity for the country to prove that it has come of age?

Mr. MacShane: For Mr. Pamuk, the notion that he should go on trial and then see what the judge decides is rather a miserable option. Although the separation of powers between Executive and judiciary is well known, prosecutions are partly a matter for the state as well as for the prosecuting authorities. The penal code is wholly a matter for the legislature. As I develop my speech, I shall argue that we should not wait to see whether Mr. Pamuk is acquitted or given only a light or suspended sentence. I shall argue that Turkey should seize the opportunity to send a signal to the world that it is firmly on the democratic path, much as my hon. Friend has suggested.

Let me report to the House what Mr. Erdogan said in response to my intervention this morning. As a former journalist, I noted down his interpreted words carefully. He said:

> "Our hope and desire is that the judicial decision will be in line with the freedom of expression and freedom of thought."

I welcome that statement from the Prime Minister of Turkey but I would urge him now as a matter of urgency to find ways of suspending or amending article 301 of the penal code before the trial even starts. I plan to attend the trial, and I appeal to all Members of this House, and to fellow parliamentarians in Europe and the other democracies of the world, to show their support for a free Turkey by coming to the trial or otherwise manifesting support for Orhan Pamuk.

However, friends of Turkey do not want to see a drawn-out trial which, even if it ends with Orhan Pamuk not going to prison, will none the less only damage the good name of Turkey around the world. This is not simply a question of one writer: the editor of the weekly paper *Agos*, Mr. Hrant Dink, was found guilty by the Istanbul Sisli court and given a suspended six-month sentence for writing an article in which he was said to insult "Turkish identity." However, no one involved in the trial could point to a single sentence that justified this charge. Does Turkey really want to become the new land of Kafka, a latter-day home of Orwell's thought crimes, the kind of country where the Islamicist censorship machine would welcome article 301 of the penal code?

Even today, the *Sabah* daily newspaper reported that a prosecutor in Ankara had said that former head of Turkey's respected human rights advisory board, Professor Ibrahim Kaboglu, and his colleague, Professor Baskin Oran, were to charged with "insulting the judiciary" because they published a report saying that Turkey discriminated against people with separate sub-identities.

I am sorry, but in today's Europe many groups in our different nations feel that they are discriminated against. I do not know whether the human rights professors are correct, but in Europe we defend to the death their right to make their point. Alas, that is not the case in Turkey, where the state prosecutor in Ankara is invoking article 301 to prosecute those two academics, who can face prison sentences if convicted.

Frankly, I find it hard to believe that I am standing in the House of Commons making a speech about a writer and about journalists and intellectuals in a country that is seeking to become a member state of the EU.

[Mr. MacShane]

After my exchange with Prime Minister Erdogan in Copenhagen, I was buttonholed by a Turkish MP. I did not catch his name, but he told me that he thought that his Prime Minister had gone too far in supporting freedom of expression and that Pamuk was guilty of insulting the Turkish nation. I was pretty rough with him. I said that he would not last long in European politics. If every time that someone wanted to discuss a murky episode involving the deaths of many thousands, even hundreds of thousands of people in British or French or German history because of the cruelty or racism of the state, they were accused of insulting the British or French or German nation, all debate would dry up.

Listening to that Turkish MP, I thought that I was listening to an Islamic fundamentalist from Iran, or a Ba'athist supporter of Saddam Hussein in Iraq, but he was a fellow MP from a country in NATO that hopes to join the European Union. Instead of modernising Turkey, there appear to be many in Turkish politics and the judicial system who want to bring back ultra-nationalism in order to stop Turkey joining the European Union.

Orhan Pamuk, sitting and writing in that great cradle city of European civilisation, Istanbul, wants tomorrow's Turkey to look west. The men prosecuting him want to revert to pre-Atatürk days and turn Turkey's face to the dark nationalisms and censorship fundamentalisms of Turkey's eastern neighbours. When General de Gaulle, the French President, was suffering intolerable insults and abuse and calls to insurrection and the overthrow of state authority from the writer Jean-Paul Sartre, in the first period of de Gaulle's presidency after 1958, some smart French official found a law that would justify locking up Sartre and stop his inflammatory utterances. De Gaulle said only:

"France does not arrest Voltaire."

The idea that Orhan Pamuk will go on trial is an affront to every person in Turkey who wants that great country to modernise, reform, democratise and prepare for a 21st century future as a great Mediterranean civilisation and European nation. The decision of the prosecutor comforts all those anti-Turkish politicians in Europe who want to slam the door shut in Turkey's face almost as soon as the negotiations on EU membership have begun.

I am grateful to my right hon. Friends the Foreign Secretary and the Minister for Europe and to our excellent ambassador in Ankara, Sir Peter Westmacott, for the clear position that they have taken on this case. I ask my hon. Friend the Minister replying tonight to make progress on the following points. He need not reply directly tonight—I would be happy if he would put a letter in the Library. First, I ask him to write to Olli Rehn, the EU Commissioner responsible for enlargement negotiations, to ask him to consider making a condition of Turkey joining the EU either the removal of article 301 or the introduction of some clear freedom of expression clause that would override the abusive way that that clause has been used.

Secondly, I ask my hon. Friend to continue—in bilateral governmental meetings with the Turks—to underline the importance that Britain, as expressed by the Commons and the Government, attaches to the charges being dropped. Thirdly, if the trial does go ahead, I ask my hon. Friend to help MPs and others from PEN or British writers' bodies, in conjunction with the excellent human rights department of the FCO, with travel and other costs necessary to attend the trial. Fourthly, I would like the Government, as the current holder of the presidency of the EU, to issue a formal statement expressing concern about the trial and to publish it in leading Turkish newspapers. I hope that my hon. Friend the Minister will also consider placing a statement reflecting his reply to this debate on the FCO website.

Fifthly, I ask the Government to welcome the concern expressed by Prime Minister Erdogan and Foreign Minister Gul about the decision by state prosecutors to use the article 301 of the penal code for clear censorship purposes, in breach of European values of freedom of expression. Finally, I ask our embassy in Ankara to translate and make available the full *Hansard* report of tonight's debate to MPs and opinion-formers in Turkey.

I deeply regret having been obliged to debate this issue on the Floor of the House. I am and will remain a supporter of Turkey's bid for full European status, but that can happen only on the basis of freedom of thought, freedom of expression and freedom of publication. Orhan Pamuk is one of the greatest ornaments to the new Turkey that is taking shape. I hope that as he reads this debate and my hon. Friend's reply he will understand that he has friends in the mother of Parliaments. We will stand by him until he and his fellow Turks enjoy the same rights and freedoms that belong to every citizen of the European Union.

10.34 pm

The Minister for Trade (Ian Pearson): I congratulate my right hon. Friend the Member for Rotherham (Mr. MacShane) on securing this debate. He is a long-time champion of intellectual freedom, as well as of Turkey's accession to the European Union, and he made a passionate speech.

I begin by officially placing on record the Government's serious concern about the charges brought against the renowned author, Orhan Pamuk. Our hope, which has also been expressed by the Turkish Foreign Minister, is that Mr. Pamuk will be acquitted at the next hearing on 16 December. I also want to register concern about the recent charges, mentioned by my right hon. Friend, brought against the authors of a report reviewing Turkey's approach towards its minority constituencies. That is a most unwelcome development.

I was delighted that we were able to open accession negotiations with Turkey on 3 October. That has long been an objective of the Government. We feel strongly that Turkey's prospective accession will be good for the UK, good for the EU and good for Turkey. One of the primary motivations for our policy remains our firm belief that the prospect of EU membership is providing a major impetus for a fundamental transformation of Turkey and, most important, encouraging greater respect for human rights.

With the prospect of EU membership maintained through the launch of negotiations, I am confident that Turkey's leaders will be able to continue on the path of reform that has brought them so far. I thank my right hon. Friend for this opportunity to focus minds on the task that lies ahead and, by citing the specific example of the charges brought against Orhan Pamuk, for highlighting the fact that we might not expect the transition in Turkey to European standards to proceed entirely smoothly.

Last year, the December European Council was able to conclude that Turkey

> "sufficiently fulfilled the Copenhagen political criteria"

due to the remarkable progress that the Turkish Government had made in their decisive and far-reaching reform process. Although it was widely acknowledged that the legislative framework in Turkey was much improved, it was also clear that full and consistent implementation of the reforms introduced would require concerted effort over a number of years.

The Government are convinced of the Turkish Government's commitment to reform. In response to the publication, on 9 November, of the European Commission's 2005 regular report on Turkey's progress towards accession, the Turkish Foreign Minister said:

> "Our government is determined to implement the reforms, to deepen and strengthen democracy. We know our own deficiencies and we are determined to overcome them in the coming process."

The Commission report noted that

> "political transition is ongoing in Turkey",

but that

> "the pace of change has slowed in 2005 and implementation of the reforms remains uneven".

The report is clear about the significance of the new Turkish penal code and related pieces of legislation that recently came into force. It says that those

> "should lead to structural changes in the legal system, particularly in the judiciary".

Of the penal code, it notes that

> "in general, the Code adopts modern European standards in line with criminal law in many European countries",

but that

> "concerns remain regarding articles which may be used to restrict freedom of expression".

The UK, like the European Commission, has been concerned that a number of decisions in Turkey, in relation to the expression of non-violent opinion, have led to both prosecutions and convictions. Notable among them were the charges brought against Orhan Pamuk, but also the prosecution on 7 October, mentioned by my right hon. Friend, of the Turkish writer, Hrant Dink, for insulting the Turkish identity, and the recent charges brought against the authors of a report on Turkish policy on minorities.

I assure my right hon. Friend that, in our presidency, we have raised our concern about the case of Orhan Pamuk with the Turkish Justice Minister, in early September in the margins of the justice and home affairs informal ministerial, and again when Baroness Scotland visited Ankara on 11 November. Our ambassador in Ankara raised the case with the Turkish Foreign Minister last week, and drew his attention to the exchange in the House on 1 November that concluded that further reform would be necessary. Senior Turkish politicians believe that it is inappropriate for them to intervene, given the independence of the judiciary, but they expect the case to be dismissed when it goes to trial. I can confirm that European diplomats will attend the trial scheduled for 16 December.

Several recent judgments suggest that the judiciary is increasingly acting in accordance with the case law of the European Court of Human Rights. For example, on 24 October, a journalist, Rahmi Yildirim, who was facing trial for insulting the army, was acquitted after the prosecutor said that his article was not designed to insult anyone. International non-governmental organisations have suggested that broad and poor interpretation of the new penal code by the judiciary is, in part, the result of the vague wording of some of its articles.

The European Commission agrees with that view and has said that it is most concerned about the articles that refer to offences against symbols of the state and its institutions, including article 301, under which Mr. Pamuk has been charged. Although equivalent articles exist in some parts of the EU, it is crucial that the judiciary enacts the legislation as the political Administration intend. The Commission's regular report states:

> "If the code continues to be interpreted in a restrictive manner, then it may need to be amended in order to safeguard freedom of expression in Turkey."

The Turkish Prime Minister has himself acknowledged that further amendments to the code may be required and that the process of revision may continue for some years.

The European Commission has also stressed that, in tandem, efforts to train judges, prosecutors and lawyers must be sustained. My right hon. Friend will know that, last year, the UK co-sponsored a project with the Turkish Ministry of Justice to train more than 8,000 judges and prosecutors in European law and human rights. It is encouraging therefore that, perhaps as a direct result of that and similar training programmes, the courts are reported to have referred to the European convention on human rights in 224 judgments since 2004. Clearly, it is of paramount importance that the judiciary fully understands the provisions of the convention. An amendment to the Turkish constitution in May 2004 recognises the supremacy of international instruments over domestic legislation, in effect, binding Turkey to the provisions of the convention, including article 10 on freedom of expression, and providing a means of recourse when poor decisions are made.

Turkey's human rights record and the functioning of its judiciary will be subject to intense scrutiny during accession negotiations, and advancement in negotiations will be guided by Turkey's progress. The UK and EU will continue to stress to Turkey the need to safeguard freedom of expression and will raise cases, like that of Orhan Pamuk, where strong disparities with EU practice are clearly evident. However, notwithstanding the fact that Turkey must address such shortfalls, we should set them in the wider context of a country where a fundamental transformation is taking place rapidly to embrace enhanced democratisation—a transformation that we might not realistically expect to be achieved overnight or straightforwardly, but a transformation none the less and one of which my right hon. Friend is extremely supportive.

[Ian Pearson]

The reforms of recent years in Turkey have been hugely impressive. They have required great courage on the part of Turkey's political leaders, and the challenge of overseeing their implementation could be tougher still. The Turkish Government will have to work hard to bring about the culture shift required, and they might expect to encounter points of resistance. Again, my right hon. Friend mentioned them in his contribution.

The Government, however, are of the firm conviction that Turkey's leaders possess the will to see the process of reform through to its successful conclusion. The Turkish Prime Minister has always said that the reforms are first and foremost for the Turkish people themselves. The EU process has always underpinned the process of reform and acted as a spur to it. With the launch of negotiations, Turkey has set a course to follow for the future. I hope that we will all soon look back on events such as the charges facing Mr. Pamuk as the growing pains of a country maturing into a developing democracy.

Having said that, it is important to recognise the here and now, and the situation that Mr. Pamuk faces. I stress the importance that the Government attach to the points made by my right hon. Friend. Clearly, the UK cannot interfere in the Turkish judicial system, but we do not believe that Mr. Pamuk should be brought before the courts. We will continue to make representations to the Turkish authorities about his case.

I will gladly write to my right hon. Friend about the specific points that he made in his speech. The Government want to continue to raise our serious concerns about the fact that Mr. Pamuk is being brought before the courts.

Question put and agreed to.

Adjourned accordingly at fourteen minutes to Eleven o'clock.

House of Commons

Wednesday 16 November 2005

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

OFFICE OF THE DEPUTY PRIME MINISTER

The Deputy Prime Minister was asked—

Homelessness Innovation Fund

1. **Barbara Follett** (Stevenage) (Lab): What assessment he has made of the effectiveness of the homelessness innovation fund. [28524]

The Minister for Housing and Planning (Yvette Cooper): The £2.2 million homelessness innovation fund is funding 19 projects to help more than 6,000 households and is part of a strategy to prevent homelessness under which homelessness acceptances have fallen by 17 per cent. over the past 12 months.

Barbara Follett: I thank my hon. Friend for that reply and welcome the fall in the number of homeless people, but does she agree that the best way to help 228 families who are currently homeless in Stevenage would be to build the 900 affordable homes in the proposed development to the west of the town? Will she do all that she can to ensure that that goes ahead?

Yvette Cooper: My hon. Friend is aware that I cannot comment on cases that are going through the planning process, but I can say that I think she is right: we need to build more homes across the board. We have an ageing and a growing population. We need the new homes and both social housing and shared equity schemes to support not only key workers, but the economy. That is why Shelter, the CBI and Unison are all supporting the campaign for more homes.

Sammy Wilson (East Antrim) (DUP): A trawl through the regional papers this week has indicated that housing waiting lists have increased in the north-east by 22 per cent., in parts of the south of England by over 2,000 per cent. and in the midlands by over 100 per cent. Will the Minister outline some of the initiatives that the Government have taken to deal with homelessness in the United Kingdom? After eight years, why are we still finding waiting lists rising, rather than falling, despite the initiatives undertaken so far?

Yvette Cooper: The hon. Gentleman is right that demand for social housing is growing, just as demand for housing is growing across the board. That is why we have made it clear that we need to build new homes. We are funding a 50 per cent. increase in the number of new social houses over the next three years. We have already doubled new investment in social housing and doubled investment in repairs and refurbishment as well. We must recognise that we have had to deal with a disgraceful situation: the previous Government left us a £19 billion backlog in repairs and maintenance, which meant that 2 million families were deprived of decent homes to live in.

Margaret Moran (Luton, South) (Lab): While welcoming the homelessness innovation fund, I am sure that my hon. Friend agrees that the prevention of homelessness is very important. Does she share my concern that only about three local authorities have used the housing benefit emergency fund, which is intended to prevent homelessness? What does she intend to do to restore that?

Yvette Cooper: I will certainly look further into the points that my hon. Friend makes because councils need to work hard to prevent people from becoming homeless in the first place. We have made important progress. I referred earlier to the fact that homelessness acceptances have dropped by 17 per cent. over the past 12 months. That has happened because of the £200 million programme to prevent homelessness and because of some innovative work that is being done by local authorities, often to do things as simple as providing people with help to get a rent deposit for a new home to prevent them from becoming homeless in the first place.

Angela Watkinson (Upminster) (Con): The problem with homelessness innovation funding is that, like so many of the Government's eye-catching initiatives, it is time-limited. What hope can the Minister offer for the future of projects such as Tomorrow's People in Southwark, which is successfully helping people out of the no home, no job-no job, no home trap that they fall into? Its funding ends in March.

Yvette Cooper: The hon. Lady is right to suggest that we need to continue to support programmes to prevent homelessness. That is why we have set out £200 million of investment in preventing homelessness; but, in the longer term, we must recognise the need to build new homes across the board. The Conservative party needs to realise that one of its leadership contenders is calling for a 500,000 cut in the building of new homes. That will not help to prevent homelessness; it will not help first-time buyers; and it will not help key workers either.

David Taylor (North-West Leicestershire) (Lab/Co-op): I note from the Minister's announcement on 2 November the welcome grant to three adjacent authorities—Broxtowe, Gedling and Rushcliffe—in the adjoining county of Nottinghamshire. Will she consider a similar approach in the county of Leicestershire, where the number of homeless people is not necessarily large, but any initiative in adjacent areas needs to be a minimum size to make it worth while, so North-West Leicestershire, Charnwood, Hinckley and Bosworth come to mind. Will she look at that because North-West Leicestershire has a successful homelessness project, but it would benefit from working with adjacent authorities?

Yvette Cooper: I will certainly examine my hon. Friend's proposal. It is helpful if local authorities work together across boundaries because that can make an important difference. It has helped to cut the number of families in bed and breakfast in the long term and the extent of rough sleeping.

Flood Plains

2. **Miss Anne McIntosh** (Vale of York) (Con): What recent representations he has received relating to his planning guidance proposals for dealing with flood plains. [28525]

The Deputy Prime Minister (Mr. John Prescott): I have received representations to strengthen and clarify the present guidance, to extend the statutory role of the Environment Agency and to introduce call-in powers for planning applications in flood-risk areas. I intend to consult shortly on proposals for a new PPG25, which will include extending the agency's role and making a flood direction.

Miss McIntosh: I welcome warmly the Deputy Prime Minister's answer. He will be aware that under present law it is home owners who are responsible for knowing whether their homes are prone to flooding. Will he include in the revised planning guidance the requirement that it should be for developers to pass that knowledge on to home owners so that they can qualify for full insurance cover?

The Deputy Prime Minister: That seems to be a reasonable and sensible suggestion and I shall certainly consider it as we produce the draft. We intend to publish the draft shortly and hope to have the statement by summer 2006. That will make an important improvement by giving the Environment Agency greater influence on such directions. Indeed, I will also take extra powers to direct to deal with cases in which there is a dispute regarding the planning application going through a local authority and the Environment Agency.

Mr. Mark Todd (South Derbyshire) (Lab): May I draw to the Deputy Prime Minister's attention the representations that I made on the last occasion that we considered PPG25? I urged the Environment Agency to have call-in powers then, so I hope that the proposal will meet with his approval on this occasion. May I urge him to take that step?

The Deputy Prime Minister: In the draft that we will publish shortly, I intend to introduce a statutory responsibility to consult the Environment Agency, not to avoid it. I think that it is involved in considering 50 per cent. of applications, but I need to make it a requirement that it considers all applications. However, I do not want to give the agency the sole power to have call-in rights because that should remain with local, democratically accountable planning committees. However, if there is a dispute involving the Environment Agency, I can call the matter in myself through the appropriate Government office.

Mr. Mark Francois (Rayleigh) (Con): The Deputy Prime Minister will be well aware that flooding has been an emotive issue in Essex going right back to the great flood of 1953, when more than 100 Essex people were killed? Will he thus assure the House, and especially Essex Members, that the Government will not try to cram excessive numbers of houses into flood-plain areas in the Thames Gateway if the Environment Agency specifically recommends against that?

The Deputy Prime Minister: The proposals that I have mentioned will give the Environment Agency greater influence on matters involving flood-risk areas—we will certainly consider that. As I said, it will be the right of local authorities to make a decision on these matters. The Environment Agency can give advice and there will be a statutory requirement to consult it. However, I reserve the right to make a judgment at the end of the day.

The hon. Gentleman is right that there are difficulties with the resources available. We have doubled them, but as he will know from a reply that I gave the last time that the House considered the matter, the Conservative party's proposal at the last election was to cut the money available for flood defences. In the election that is under way, perhaps he should ask the candidates whether they will continue with that policy, or change it.

Geraldine Smith (Morecambe and Lunesdale) (Lab): I recently met the Environment Agency and residents from Halton, Lancaster, who suffer from flooding from the River Lune. Lancashire county council will shortly put forward a planning application for a major road scheme that includes a bridge over the River Lune at that point, which could lead to increased flooding. Will my right hon. Friend ensure that the Environment Agency takes an interest in the planning application and, indeed, puts forward any objections that it might have?

The Deputy Prime Minister: I would be surprised if the agency has not done that, but I will make my own inquiries about the matter and write to my hon. Friend.

South West Regional Assembly

3. **Mr. David Heathcoat-Amory** (Wells) (Con): What plans he has to hold a referendum on the future of the South West regional assembly. [28526]

The Minister of Communities and Local Government (Mr. David Miliband): We have no plans for a referendum on the future of the South West regional assembly. The regional assembly is a voluntary body that is established by local authorities, businesses and community representatives in the region.

Mr. Heathcoat-Amory: Is the Minister aware of what a useless and time-wasting body the South West regional assembly is, with its totally artificial boundaries stretching for more than 150 miles from Penzance up to the north Gloucestershire boundary? Will he comment on reports from his Department about abolishing the historical and traditional shire counties of the south-west in pursuit of its mad regionalisation strategy? If he is contemplating such an act of political vandalism, will he put it to an early referendum in the south-west, which will have exactly the same result as that in the north-east last year when the proposal was rejected by 78 per cent?

Mr. Miliband: If the right hon. Gentleman has a problem with the boundaries, he should speak to those who set them up in 1994—it was the Conservatives who set up Government offices. What the regional assemblies do is for the first time give local people, local councillors and local business people the chance to have a say—*[Interruption.]*

Mr. Speaker: Order. Hon. Members should let the Minister speak. They should not shout down the Minister. That is the last thing we want.

Mr. Miliband: Thank you, Mr. Speaker. I am grateful for your help.

The 31 Conservative councillors who sit on the regional assembly would be surprised to hear Conservative Members say that they are wasting their time.

Mr. James Gray (North Wiltshire) (Con): My right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) called the regional assembly a useless organisation; I call it self-appointed and self-important. Is the Minister aware that, irrespective of what happens to the South West regional assembly, the fact that the police, fire and ambulance services are, in effect, being regionalised and that planning is now being done not by local authorities but by those self-appointed people in Exeter means that we are facing the regionalisation of the south-west and the abolition of the 1,000-year-old county of Wiltshire? Will he stand at the Dispatch Box and express his strong support for the county council structure in England, which has stood the test of time?

Mr. Miliband: I was in Cornwall only the day before yesterday talking to the county council about how it uses its planning powers and works with the district councils, which also have planning powers. The ogre that the Conservatives are conjuring up is risible. The Labour Government are strongly committed to ensuring that the regional voice is that of local people, and that is what we are doing.

Richard Younger-Ross (Teignbridge) (LD): Will the Minister clarify what new powers his Department proposes to give the assembly? Specifically, is it the intention to give the assembly powers over transport planning and control over the transport budget for the whole of the south-west?

Mr. Miliband: The hon. Gentleman may be referring to the merger of the housing and planning functions, which has been set out clearly. Otherwise, the situation is as it has always been: the three main functions of the regional assemblies relate to planning, housing and the regional development agency and its scrutiny.

Mrs. Caroline Spelman (Meriden) (Con): The truth is that the Government are afraid to ask the people of the south-west whether they feel differently from people in other areas, who think that their regional assembly is a waste of their money. Can the Minister not see that the arrogant imposition of the regional agenda is a sure sign that the Government can get their way only by stealth or by force?

Mr. Miliband: On the first point, an independent report by Arup has complimented the positive impact of the regional assembly. Secondly, the 31 Conservative councillors on the regional assembly are free to try to abolish the regional assembly, which is a voluntary body set up by the local council, and they are at perfect liberty to withdraw from that body tomorrow or the day after.

Affordable Housing

4. **Mr. Andrew Love** (Edmonton) (Lab/Co-op): What progress is being made towards his targets for the construction of new (a) shared ownership and (b) affordable rented homes. [28527]

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick): Our policy "Sustainable Communities: Homes for All" sets out the Government's plans to deliver more affordable housing over the next five years. Measures include delivery of 75,000 social rented homes by 2008 and assisting more than 80,000 first-time buyers and key workers to achieve home ownership by 2010. Those targets include both new build and acquisition; there are no separate targets for the construction of new shared ownership or affordable rented homes.

Mr. Love: I congratulate the Government on their action on shared ownership. My concern is about affordable rented accommodation, especially in the capital. That is partly to do with construction cost inflation and the need for larger homes, but mainly it relates to the needs of the large number of people who are homeless or living in overcrowded accommodation. What action is my hon. Friend taking to deliver more resources for social rented homes in the capital?

Jim Fitzpatrick: I can assure my hon. Friend that the Government's success so far demonstrates that we will be successful with the capital as well. On homelessness targets, for example, we have ended the scandal of families in bed-and-breakfast accommodation. We have taken two thirds of rough sleepers off the streets and between now and 2010 we will deal with the 2 million homes that were below the decency threshold, which were left to us in 1997. We have spent £5 billion over the past three years on socially affordable homes. We intend to spend £3.9 billion over the next three years. The share of London and the south-east in that capital project is considerable.

Philip Davies (Shipley) (Con): Is the Minister aware that many people in Shipley are fed up to the back teeth with the Government setting more and more targets in planning matters? Will he therefore agree to give more powers back to local authorities so that they can set their own targets and not have Government-inspired targets forced upon them?

Jim Fitzpatrick: The hon. Gentleman says that he and his constituents are fed up with the setting of targets. The Government's programme in dealing with the 2 million homes that were below the decency threshold is clearly on track. I have quoted statistics relating to our dealing with the scandals of families in bed-and-breakfast accommodation and homelessness, and we are clearly on track. We issued new planning policy guidance earlier this year, which will help local authorities. We have consulted on one of the Kate Barker recommendations. The new planning policy statement will be responded to before the end of the year. That will help not only Shipley but the whole of the United Kingdom.

Jeremy Corbyn (Islington, North) (Lab): Surely the Minister is well aware of the housing crisis that exists in London with the lack of rented accommodation through councils and housing associations. What is he prepared to do to enforce further building by local authorities and housing associations? Is he prepared to call in all major planning applications in London that do not meet the Mayor's target of 50 per cent. of all new housing being for people who are in desperate housing need rather than for those who can afford to buy luxury accommodation?

Jim Fitzpatrick: As my hon. Friend is aware, we are reviewing the powers and responsibilities of the Mayor. We shall be issuing a consultation document shortly, which will deal with housing matters as well as planning and other issues. We have been working closely both with the Mayor and London local authorities. I have mentioned the fact that the Office of the Deputy Prime Minister has allocated money for housing, and considerable elements of it are going towards London; it will get its fair share. The arrangements between ourselves, the Mayor and London local authorities can only demonstrate that this approach will be successful for the capital.

Sarah Teather (Brent, East) (LD): A million and a half families are waiting for council housing, often living in appalling conditions while they wait. When will the Government give councils the financial freedom that they need to invest in building their own affordable rented housing?

Jim Fitzpatrick: We have doubled the investment in socially affordable homes since 1997, as I have mentioned. We are working as hard as we can. In the first instance, we have prioritised the 2 million homes below the decency threshold. We have introduced a step change in housing new build. We are working with the Housing Corporation to ensure that those in need of homes get them as soon as possible.

We will be helping 100,000 people to get their homes by 2010, including those on the housing waiting list and those who come within the key workers strategy. We are clearly demonstrating that we are working hard to deal with the housing backlog. However, to deal with decades of no new build will take us time. We are on target for 1.1 million homes by 2016 in London and the south-east.

Neighbourhood Renewal Funding

5. **Mr. David Chaytor** (Bury, North) (Lab): If he will make a statement on the future of neighbourhood renewal funding. [28528]

The Minister for Local Government (Mr. Phil Woolas): Decisions on the future of the neighbourhood renewal fund beyond 2008 have yet to be made. Resources beyond that point will be considered as part of the comprehensive spending review 2007.

Mr. Chaytor: My hon. Friend will know that under the old regime access to neighbourhood funding was used as a barrier to stop certain smaller metropolitan districts accessing other regeneration funding streams. Can my hon. Friend assure the House that in future, regeneration funding will not be used as a barrier in this way?

Mr. Woolas: I am aware of this issue because the hon. Gentleman has, rightly, raised this point on several occasions on behalf of his constituents. I can give him some good news. Given that the Government measure deprivation now by sub-ward geographical areas, we can identify smaller pockets of poverty within better-off areas. This has meant that my hon. Friend's local authority has been allocated £3.8 million from the livability fund for 2006–09, and £1.6 million for the safer stronger communities fund for 2006–09.

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): Given that many new homes are built near to airports and that millions of residents live under flight paths, Luton Town football club has said that the expansion plans for Luton airport effectively sterilise their plans to move to junction 10 of the M1. Is it correct in that assumption?

Mr. Woolas: I do not have a clue whether it is correct or not. I do know, however, that Luton airport is expanding because of the Government's successful economic policies. The 10-year transport plan ensured that my right hon. Friend the Deputy Prime Minister put in place Luton airport's rail and road links as part of the largest investment in public transport in this country since the Victorian era. On the specific point raised by the hon. Lady, however, I will ask for a letter to be drafted which I shall read and send to her.

Alistair Burt (North-East Bedfordshire) (Con): The neighbourhood renewal fund is all about building communities up. How does that fit in with the Department's pathfinder project, which is literally about pulling down communities?

Mr. Woolas: I thank the hon. Gentleman for his question, as it gives me an opportunity to put on the record once again the fact that the housing market renewal fund, which addresses the problems of markets for housing in areas suffering from abandonment or poor housing, has enabled us to build new communities in the areas that have benefited from pathfinder schemes.

Thames Gateway

6. **Andrew Mackinlay** (Thurrock) (Lab): If he will make a statement on progress with the Thames Gateway proposals. [28529]

The Minister of Communities and Local Government (Mr. David Miliband): The Government set out our commitment to the Thames Gateway in our strategy document earlier this year. A total of £6 billion in the three years to 2006 will contribute towards key transport, education, health and other infrastructure. Both the London and Thurrock urban development corporations received planning powers in October 2005. In addition, Thurrock UDC has now developed a regeneration framework, which will be launched later this month.

Andrew Mackinlay: If I look irritated and disappointed it is not synthetic. We have had the Thurrock Urban Development Corporation for two years but there is very little to show for it. A different Minister answers questions about it every time, and I want to know when we will have housing units and tangible assets to show for our manifesto commitment to create that UDC. It has a lifespan of seven years—two years in, there is very little to show for it, so I want some movement now.

Mr. Miliband: I would never accuse the hon. Gentleman of being synthetic in his questions. I share his frustration that it has taken so long to get the Thurrock UDC up and running, but it is now in place, and we intend to hold it to the highest possible standards.

Bob Russell (Colchester) (LD): With the Minister's enthusiasm for the Thames Gateway in south Essex, will he give us an assurance that that will not be at the expense of the Haven Gateway in north Essex?

Mr. Miliband: The Thames Gateway will not be developed at the expense of one part of Essex or another. It is a coherent plan for the 40-mile stretch of land on both sides of the Thames to Southend, and we intend to drive it forward on both sides.

Derek Wyatt (Sittingbourne and Sheppey) (Lab): My constituency has much to thank the Thames Gateway for, including nearly £200 million of inward investment. We have one last piece to put in the jigsaw—the Rushington link road. Is my right hon. Friend in a position to tell us when that decision will be made?

Mr. Miliband: There is a long answer to that question, but the short answer is no, I am not in a position to do so. However, I will look into it.

Firefighters

7. **Mr. Peter Bone** (Wellingborough) (Con): How many professional whole-time firefighters have been in service in (a) England and (b) Northamptonshire in each year since 1997; and if he will make a statement. [28531]

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick): Between 1997 and 2004 the number of whole-time firefighters in England has fallen from 32,033 to 31,856. During this period the number of whole-time firefighters in Northamptonshire has risen from 286 to 311. Full details of the numbers in each year have been placed in the Library of the House of Commons.

Mr. Bone: The regional incident response unit which would be deployed in the case of a terrorist attack is based at a fire station in my constituency. The previous Labour administration at county hall proposed to cut the number of firefighters at that station by 40 per cent. Does the Deputy Prime Minister think that was a good idea?

Jim Fitzpatrick: If I may answer on behalf of the Deputy Prime Minister, what he thinks is a good idea is that the Fire and Rescue Services Act 2004 placed a responsibility for deployment, the number of fire appliances, resources and staff in the hands of local fire and rescue authorities and the chief fire officer, in consultation with colleagues and with local communities. That Act is clearly having an impact. The public service agreement targets set for the number of deaths and injuries in the UK indicate a successful reduction in 2003 and 2004 in England and in Northamptonshire. The fire service is modernising itself. It is becoming more resilient and repositioning itself to do more by way of prevention, not just responding to 999 calls. That is working.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [28539] **Mr. Mike Weir** (Angus) (SNP): If he will list his official engagements for Wednesday 16 November.

The Prime Minister (Mr. Tony Blair): This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

Mr. Weir: Does the Prime Minister intend to carry on regardless with his controversial legislation, or has he managed to locate the reverse gear that he once so famously claimed not to possess?

The Prime Minister: We will carry on with the policies that, in Scotland, have delivered a strong economy, rising employment and falling unemployment, and massive additional investment in the national health service, education and law and order—all policies pursued by this Government and opposed by the Scottish national party.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Is the Prime Minister aware that for the 11th year in a row, the European Union budget has been found to be riddled with waste, fraud—[Hon. Members: "Hear, hear."] Wait for it—waste, fraud and corruption. Given that much of the money that is mis-spent, wasted or stolen comes from the British taxpayer, will the Prime Minister ensure that we give no more until these matters are tidied up? And, by the way, would he like to support Japan's bid for the—

Mr. Speaker: Order.

The Prime Minister: In respect of the EU budget, I know my hon. Friend will be familiar with the conclusions of the ECOFIN Council just a few days ago, when it set out some very interesting and persuasive conclusions as to how we could improve the EU budget. I have no doubt at all that in time to come they will have their effect. When that time is, we cannot yet be sure.

Mr. Michael Howard (Folkestone and Hythe) (Con): I am sure the whole House will be disappointed by the Prime Minister's last answer. Can he tell us when he will publish his Green Paper on incapacity benefit reform?

The Prime Minister: We will publish it in January.

Mr. Howard: I am very grateful for that answer, but the Prime Minister—*[Interruption.]* Hang on. The Prime Minister will understand if I am just a little sceptical, because in May he promised a Green Paper on incapacity benefit "before the summer recess". Then we were told it would arrive "shortly". In July we were told it was due in September. Last month we were promised it in the autumn. It is now the middle of November, so perhaps he will tell us why it has been delayed.

The Prime Minister: The right hon. and learned Gentleman may be aware that there has been a change of Minister at the head of the Department for Work and Pensions. It was a relatively well known change at the time. As a result of that, the Green Paper has been delayed and will be published in January. I hope very much that it will command support not just on the Government Benches, but from the Opposition. Action is necessary to cure the situation where, under the previous Government, of whom he was a member—*[Interruption.]* Oh yes, this is why we have the problem. Incapacity benefit was used to shield the true levels of unemployment. That is why the Labour Government believe in helping people off benefit and into work.

Mr. Howard: The Prime Minister is telling us that every time there is a new Secretary of State, it is back to square one. Since there have been four Secretaries of State for Work and Pensions in just over a year, it is not surprising that the Government are in such a mess.

It is now nearly nine years since the Prime Minister promised that welfare reform would be a "key task" of the Labour Government, and it is six and a half years since he promised to reform incapacity benefit. The Minister for work says that the whole system has left people "languishing on benefit" and that so far the Government have done "sweet nothing" to deal with it. The Prime Minister's first choice as the man to sort out welfare reform says that the Government have "lost the plot" on welfare reform, extended dependency and

> "undermined the principle of work, mocked the idea of saving, and weighted public policy against people who tell the truth".

Does the Prime Minister agree?

The Prime Minister: I will tell him what I agree with: a Government whose welfare reform policy has moved more than 1 million people off benefit and into work. When he was Employment Secretary, he put up unemployment by 1 million, and his Government had 3 million unemployed. As a result of the new deal and welfare reforms, we spend £5 billion a year less on unemployment benefits. That is what I mean by off benefit and into work.

Mr. Howard: I do not know where that answer leaves the Minister for work. The truth is that more people are economically inactive under this Government today than in 1997. While we are waiting for the Green Paper on incapacity benefit, will he tell us when he will publish his education Bill? And will he confirm that the House of Commons will have the opportunity to vote on the provisions outlined in his White Paper to give schools greater control over their admissions policies?

The Prime Minister: Of course the House of Commons will have an opportunity to vote on the matter.

If we can just return for a moment to his point on welfare, I am always delighted to debate unemployment with the right hon. and learned Gentleman, who is shortly to become unemployed. He is completely wrong—fewer people go on to incapacity benefit each year than in 1997. We have managed to do that because of policies such as the new deal and the working families tax credit, which he and his party opposed. Today, we have 2 million more people in work, more than 1 million of whom were specifically helped by the new deal. In the light of the success of the new deal, will he tell us whether he will drop the Tory opposition to it?

Mr. Howard: I understand why the Prime Minister does not want to talk about education. We know what his Back Benchers think of his education policy: the hon. Member for Dagenham (Jon Cruddas) has said that he is opposed to the Prime Minister's policies; the hon. Member for Norwich, North (Dr. Gibson) wants them neutered; and the hon. Member for Bury, North (Mr. Chaytor), who is a member of the Education and Skills Committee, has described the plans in the White Paper as "bonkers". The Prime Minister has said that he will give the House of Commons the opportunity to vote on those matters, but will he confirm that he has still got the strength to face down his opponents on his Back Benches and his opponents in No. 11? And will he tell us when he will publish the Bill?

The Prime Minister: I am delighted to debate education with the right hon. and learned Gentleman, the Conservative party—*[Interruption.]*—or anyone else. In the five years before we came to office, he was part of a Government who cut education funding per pupil. This Government have raised education funding to its highest level—we have got 30,000 more teachers and 100,000 more classroom assistants, and results at 11, at 16 and at 18 are all up. The education White Paper is important, because it will continue to give opportunities to children who do not currently have them. *[Interruption.]* It may be tough, but we will see it through, because since 1997 this is the party that has cared about education. *[Interruption.]*

Mr. Speaker: Order. Hon. Members should not shout down the Prime Minister.

The Prime Minister: Since 1997—*[Interruption.]*

Mr. Speaker: Order.

The Prime Minister: Since 1997, we have invested in education and reformed education, and the results are there to see in every single constituency. That is the programme that we will continue—a programme that has been opposed at every stage by the Conservatives, whose record on education meant that literally millions of children did not get the chance of the education that they deserved. Now, under this Government, they are getting that chance.

Mr. Howard: Let me give the Prime Minister a word of advice. He and I are both on our way out. He does not have much time left, so he should not waste it abusing those who agree with him on this issue. Why does he not understand that he needs to spend every minute that he has got persuading those on his own Benches who disagree with him?

The Prime Minister: First, let me thank the right hon. and learned Gentleman for his advice—I am sure that it is kindly meant. But let me give him some advice. When he wins an election, then he can give advice to someone who has won three.

Mr. Lindsay Hoyle (Chorley) (Lab): Does my right hon. Friend agree that it is despicable for BAE Systems to close the Royal Ordnance factory in Chorley, with a loss of 200 jobs? That puts at risk British service personnel in the Navy, the RAF and the Army, who require the very best ammunition. The initiators and box caps that are needed for the explosive to work will now have to be supplied from Switzerland and around the world because no one else in the UK is capable of doing so. That is unacceptable. Will my right hon. Friend use his good offices to see whether we can get the decision reversed?

The Prime Minister: BAE Systems Land Systems is responsible for the security of the supply of ammunition, and it has provided detailed plans to the Ministry of Defence on how it intends to achieve that if the Bridgwater and Chorley sites are closed. We are confident of its ability to fulfil its obligations. However, I understand my hon. Friend's point and I am happy to see him about it.

Mr. Charles Kennedy (Ross, Skye and Lochaber) (LD): Returning to the exchanges on social policy, does the Prime Minister recall that back in 1998 he said that the Child Support Agency had

"lost the confidence of the public",

was a "mess" and needed "urgent reform"? Today, for every pound that the CSA spends on its own bureaucracy, it gets only £1.85 to the children whom it is supposed to be there to help. How on earth can the Prime Minister defend such an appalling track record?

The Prime Minister: The right hon. Gentleman is right that the amount of money that the Child Support Agency gets in is not substantially greater than the amount of money that it costs to administer it. That is different from the situation in 1997, when it was the other way round. However, I make no defence of the current situation. The CSA is in an extremely difficult position for a very simple reason, and it is as well that we are absolutely frank about that. It is the investigating agency, then it is the adjudicating agency, and then it is the enforcement agency. That is an extremely difficult situation, and the staff who have to work in the present system do so in conditions of very great difficulty. The right hon. Gentleman should remember why the CSA—*[Interruption.]* Incidentally, the Conservatives created it, and when we took over its administrative costs outweighed the amount of money that it got in.

Having said that, the truth is that the situation at the CSA is extremely difficult and we are looking urgently at what the solutions might be. The problem is fundamental to the nature of the task that it is called upon to perform.

Mr. Charles Kennedy: The Prime Minister tells the House that he is looking urgently at the situation. However, he was looking urgently at it as Prime Minister seven years ago. What has happened in the intervening period? In the past four years, there have been 35,000 cases of maladministration and there is now a backlog of 350,000 cases. Unpaid maintenance now stands at £1.7 billion. What on earth can the Prime Minister mean by "urgently" in the light of such a disgraceful record?

The Prime Minister: We legislated on this before to simplify the procedure involved, and that has reduced the costs quite considerably. However, the basic problem remains. I am not disputing the difficulties; indeed, I agree that they exist. Let me make a point that emphasises those difficulties. As the figures to which the right hon. Gentleman referred show, the vast majority of the compensation payments—33,000 of the 35,000—were for amounts less than £1,000—

Mr. Charles Kennedy: That is still a lot of money.

The Prime Minister: Of course it is, but it is extremely difficult to make this operation cost-effective when the agency is the investigating, adjudicating and enforcing authority. Furthermore, in the majority of cases that the agency deals with, the child concerned is the product neither of a married relationship nor of a stable partnership. All I am saying is that the task that we are asking the agency to perform is an extremely difficult one—[HON. MEMBERS: "What are you going to do about it?"] I was about to say that we cannot discuss sensibly the Child Support Agency unless we are prepared to look urgently at the fundamental nature of the task that it performs and at the reasons why it was set up in the first place. For reasons that I understand, the previous Conservative Government established the agency to ensure that parents carried out their obligations to their children. The truth is that the agency is not properly suited to carry out that task.

Dr. Desmond Turner (Brighton, Kemptown) (Lab): I am sure that my right hon. Friend is aware that some of his recent comments on climate change have led to allegations that his resolve on that subject is weakening. I hope that he will be able to refute those allegations. Does he agree that, as far as our economic future is concerned, we cannot afford not to tackle climate change effectively?

The Prime Minister: I agree entirely with my hon. Friend. I am absolutely in favour not only of the Kyoto treaty, which this Government helped to bring about, but of a framework that includes binding targets. The Kyoto protocol expires in 2012, however, and I am determined to ensure that any future arrangements involve the United States, India and China. Unless all those countries are involved, whatever agreement the rest of the world comes to will not be effective in reducing greenhouse gas emissions.

Q2. [28540] **Mr. Julian Brazier** (Canterbury) (Con): The House knows the burden placed on young soldiers and their commanders when we send them into combat. Will the Prime Minister join Field Marshal Inge in condemning the activities of British lawyers who are hawking no-win, no-fee arrangements around Iraq, and promising taxpayers' money to those who will bear witness against British soldiers? We all accept that prosecutions have always been brought, rightly, against British soldiers when there has been genuine wrongdoing, but will the Prime Minister tell the House why he has refused to give our armed forces the protection that the French and the Americans have given to theirs against the more unreasonable aspects of the new so-called war crimes treaty?

The Prime Minister: First, that is not the basis on which people are being prosecuted, and the Army prosecuting authority—I am pleased to make this very clear—has the sole responsibility to decide on prosecution or otherwise. I understand that one of the hon. Gentleman's hon. Friends was saying the other day that either I or one of the Ministers had something to do with the initiation of particular prosecutions. Let me make it quite clear that that is completely untrue. The prosecutions are initiated by the Army prosecuting authority, not by Ministers.

Secondly, let me say this to the hon. Gentleman: I yield to nobody in my support for our armed forces in what they have done—in Iraq, in Afghanistan, in Kosovo, in Bosnia, in Sierra Leone. They have done a magnificent job, and I think that the whole House should be proud, as should the country, of the contribution they made. Any wrongdoing that ever occurs comes, I am quite sure, from a very small minority—totally unrepresentative of the broad mass of the British armed forces. Time and again, I, like Prime Ministers before me, have had cause to be grateful to them.

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): Hackney council has introduced a number of zones in my constituency where street drinking is banned. It has also declared a saturation zone, working with residents and businesses, where licensed premises are not just tolerated, but encouraged. Does my right hon. Friend agree that that is a good example of good practice, thanks to the local control of licensing hours that the Government have introduced?

The Prime Minister: My hon. Friend is absolutely right. It is indeed an example of how the new licensing laws allow local residents and the local police to take action against the minority who are rowdy or are causing trouble in areas while allowing the majority the freedom that they should have. I was surprised to see Opposition Members all voting against the liberalisation of licensing laws yesterday, when they did not when they had the opportunity to do so on the Bill. A certain Member, the hon. Member for Witney (Mr. Cameron), once wrote:

> "When at the Home Office as a special adviser in the early 1990s, I wrote endless papers about scrapping our ludicrous laws."

So, I rather fear that the opportunism that has been a characteristic of the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) is about to be transferred to his successor.

Q3. [28541] **Mr. Graham Stuart** (Beverley and Holderness) (Con): More than 90 community hospitals, including Hornsea and Withernsea hospitals in my constituency, are threatened with cuts or closure. In recognition of that, Members from across the House yesterday became patrons of CHANT—Community Hospitals Acting Nationally Together. Will the Prime Minister show his commitment to community hospitals by joining them in becoming a patron of CHANT?

The Prime Minister: The configuration of community hospital services is, ultimately, a local decision and a matter for the primary care trust. We have committed about £100 million to build, rebuild and furbish more than 50 such hospitals over the next five years. In the hon. Gentleman's constituency, and in others, there has been a massive increase in health service spending, but how that is used is best decided by PCTs.

Mr. Mark Todd (South Derbyshire) (Lab): Derbyshire police has been particularly successful in driving down crime in my area this year—by about 10 per cent. What can my right hon. Friend do to reassure me and other residents that proposals to merge Derbyshire police with other police authorities in the east midlands will assist in that endeavour rather than distract the force from further achievement?

The Prime Minister: That is exactly the point that has to be gone into during the consultation. There is no point in carrying out such mergers unless they increase operational efficiency, and that has to be decided case by case. As to the reason we are initiating this, obviously many people believe that such mergers will help operational efficiency, but that has to be tested in the consultation that is conducted in my hon. Friend's area as in others. We will obviously look carefully at the results of that consultation.

Q4. [28542] **Mr. Edward Vaizey** (Wantage) (Con): We have excellent doctors and nurses working in the national health service in Oxfordshire, but they are facing ward closures and redundancies. Everyone in our county agrees that the £35 million deficit has been caused by demonstrably unfair funding for Oxfordshire, health inflation and bureaucratic reorganisation.

As *The Oxford Times*—a newspaper I know the Prime Minister read avidly as a student—has said, "Ministers should not be"—

Mr. Speaker: Order. The Prime Minister can read *The Oxford Times* at his leisure.

The Prime Minister: It is not only that the nurses and doctors are excellent in the hon. Gentleman's area; there are many more of them under this Government. In fact, to be precise there are 2,700 more nurses, 390 more consultants and 516 more doctors.

Also, the South West Oxfordshire primary care trust has £166 million of funding, which is an increase of 6.5 per cent. on the previous year. It is true that there is a deficit in the South West Oxfordshire PCT. Last year, three organisations, of which it was one, were responsible for the £11.5 million deficit in that area, which was offset against surpluses in the remaining seven organisations. However much money is put into the NHS, there must be proper financial control. With the massive additional sums of money going into our health service, it is important that that money is properly used. I would have thought that the hon. Gentleman agreed with that.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): My right hon. Friend might not be aware that Firstbus in South Yorkshire has recently increased fares by more than 15 per cent. in some cases. That is the fourth fare increase in 12 months. Fare increases, together with regular cuts in services, have reduced passenger numbers in South Yorkshire by 30 per cent. over the past 10 years. Does he now agree that it is time to end the deregulation introduced by the Conservative party, and to move to the sort of regulatory regime for public transport that has been so successful in increasing passenger numbers in London?

The Prime Minister: As my hon. Friend will know, we keep the matter under review. As I said earlier, however, whatever system of regulation there is, there will obviously be a limit on the resources available.

Q5. [28543] **Mr. Jeremy Browne** (Taunton) (LD): Is the Prime Minister aware that in Somerset the Government are amalgamating our four NHS primary care trusts, regionalising our fire control centre and creating a huge new merged police force? Is not the inescapable conclusion that both in the overall direction of policy and their overall character traits, the Government are now increasingly centralised, less accountable, more remote and more and more out of touch?

The Prime Minister: I think that the hon. Gentleman could have rehearsed that one a bit longer. There will be, and always have been, reorganisations of services to achieve the best operational efficiency. I cannot comment on the reorganisations in his area, although I am happy to write to him and do so. It is not something that this Government alone have introduced—all Governments attempt to achieve the greatest efficiency in the way that services are configured. We should never say that the configuration at one particular time must exist for all time.

Q6. [28544] **Joan Walley** (Stoke-on-Trent, North) (Lab):Can I tell the Prime Minister that coal health compensation payments to ex-miners in former coalfields such as north Staffordshire are making a real difference to their quality of life? There is growing anger and impatience, however, because miners who worked for small mines, which were licensed by the Coal Board, are not getting their pay-outs. Will he look into that, and if need be, will he change the rules?

The Prime Minister: I pay tribute to the work that my hon. Friend has done on this matter. I agree that there has been positive progress on the coal health schemes. About £1.8 million a day is being paid out, and in her constituency, for example, payments have amounted to almost £12 million. I understand, however, that of the nearly 600,000 lung disease claims, about 2,600 involve small mines, and the Department of Trade and Industry has now agreed with the representatives of both the former British Coal miners and the independent small mines how those claims will be processed. They are now trying to increase the number of offers, which, I think, will run at about 50 a month. Some 760 have already been settled, and I will certainly look into how they can be processed faster.

Q7. [28545] **Patrick Mercer** (Newark) (Con): The Prime Minister will be only too painfully aware that recently in Iraq, 10 British soldiers have been murdered by roadside bombs. Our ambassador to Baghdad suggests that those devices have come from Iran. Our major-general in the Basra area has asked for extra troops to seal the border and save British lives. The Government have refused that request. Given the Prime Minister's earlier comments about supporting our servicemen to the nth degree, how can he make that stand up?

The Prime Minister: Obviously, we want to do, and must do, everything that is necessary to protect our troops in Basra. In our regular discussions with the armed forces about the numbers of troops that we have in Iraq, this issue arises, but it is not one that has led us or, as far as I am aware, the armed forces to believe that we need to increase the numbers of troops there. Of course we keep that constantly under review, but the most important way of protecting people down south and elsewhere is to build up the capability of the Iraqi forces themselves. In many parts of the south they are now in control of the policing of some areas, and ensuring that the security concerns of the local population and our own forces are dealt with.

As for the other things that we need to do, we work closely with the local elected representatives. I do not believe, however, that the need to protect the border would be best met in the way that the hon. Gentleman suggests.

Jim Dobbin (Heywood and Middleton) (Lab/Co-op): Following the demolition of the former Turner and Newall site, 3,500 tonnes of asbestos-contaminated material is to be transferred from the constituency of the hon. Member for Rochdale (Paul Rowen) through the length of my constituency, to be dumped in the constituency of my hon. Friend the Member for Bury, North (Mr. Chaytor). Can my right hon. Friend confirm that the Environment Agency and the Health and Safety Executive must at all costs protect the people of those three communities?

The Prime Minister: I am looking around the Chamber, but I am afraid I am not getting a great deal of help. *[Laughter.]* Thank you very much. I am not getting a great deal of help from the Opposition either.

Of course the Health and Safety Executive must abide by the rules. I shall have to look into the specific points raised by my hon. Friend, but I am sure that the HSE will act according to the obligations with which it is charged. If I learn anything to the contrary, I will contact my hon. Friend urgently.

Income Tax (Earnings Exemption for Persons Living in Poverty) (No. 2)

12.32 pm

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I beg to move,

That leave be given to bring in a Bill to provide that income tax be not chargeable on the earnings of persons living in poverty.

The Bill is designed to alleviate poverty for some of the lowest-paid in our society. Those who earn less that 45 per cent. of the median of annual earnings, as defined by the Office for National Statistics, are struggling to survive on the equivalent of less than the minimum wage for working a 40-hour week. That group includes far too many of our youngest employees and elderly pensioners with a small amount of savings. I believe that there is a moral injustice in charging those people income tax on their meagre wages.

I propose to abolish income tax permanently for that group, which, on the basis of current figures, includes all whose income is £10,000 a year or less. Their income tax bills would be reduced by about £872 per year, which would offer a considerable fillip to their wages and, above all, provide an incentive to work and improve their standard of living.

To enhance those proposals, I also suggest the adoption of a system whereby those earning between £10,000 and £15,000 a year can be phased into the existing tax system through a £1 decrease in their new tax allowance for every additional £1 that they earn. Those earning between £10,000 and £15,000 would pay half the income tax that they pay now, while those earning more than £15,000 would be taxed according to the existing system. Although the means of introducing that method of easing low earners back into the existing income tax system would fall beyond the remit of my Bill, I believe that it would facilitate the implementation of my proposals.

The Conservative party has a proud record of helping those who are most disadvantaged in society. We are the only political party in Britain that has always offered the poorest in society the opportunity to pull themselves out of poverty and make a better life for themselves, their families and their communities. Indeed, the Conservative who was Chancellor of the Exchequer between 1993 and 1997 is the only current Member of this House who has made a real reduction in income tax—a reduction of 2p in the pound—that has not been accompanied by an increase in national insurance contributions, more than compensating for the reduction.

Moreover, when the Conservative party was in office between 1990 and 1997, we helped 8.2 million of the poorest people on the basic rate of income tax by removing them from the system. That trend has, sadly, been reversed, and since 1997 6.2 million of our poorest people have been dragged back into the system—a striking contradiction to the principle of the Rooker-Wise amendment introduced by the Labour party in 1977. Together, we must all foster a tax system that offers opportunity rather than entrapment. We must not construct a system that dictates that the poor are to be permanently trapped at the bottom of the income league.

We all know about the difficulties that have been faced by hard-working families. The failing tax credit system has led to wrongful payments to 1.9 million of our poorest families and to thousands of people being financially crippled because of administrative error—and all at a cost of £475 million a year.

My Bill aims to help to reverse that trend by taking 6.6 million of our lowest paid workers out of the income tax system altogether, and reducing the income tax burden for a further 6.1 million, thus helping a total of nearly 13 million people. That would result in more than £5 billion being redirected from the Government coffers to the pockets of our lowest paid workers. I believe that, because of the balancing increases in public revenues, which I will set out in a moment, it should be possible to achieve that without serious reductions in funding for our public services.

Office for National Statistics figures show that we have an economy with only three quarters of those of working age actually in work. Moreover, there are some 625,000 employment vacancies, and there are more than 2 million people out of work who say that they would like to be in work. By allowing people to keep more of their own earnings, we will reduce welfare costs. Depending on the number of people who are encouraged back into work, that saving could be as much as £2.5 billion.

My proposals would make tax avoidance less profitable and so help the Government to tackle the black market and to improve the health and safety issues facing unregistered workers. Hopefully, a tragedy of the kind we saw at Morecambe bay would never occur again.

Even Whitehall would make savings, as the Inland Revenue would not have to deal with the complex tax affairs of the low paid, who often change jobs, do a lot of casual work and drop in and out of employment. Sometimes, they work in the black economy. Those macro-economic benefits are of course important, but my Bill is designed, first and foremost, to help the poorest members of our work force, who will, for example, be able to choose to save more of their own earnings to counter the looming pensions crisis that so many of my constituents are having to struggle with, or to keep more of their wages so that they can start to pay off personal debts. Unsecured debt has spiralled to a terrifying average of £7,650 per household.

Moreover, we will be able to reverse some of the disgraceful structural trends that have occurred in the past few years. Personal income tax allowances for the lower paid have failed to increase in line with inflation, contrary to the Rooker-Wise amendment. The poorest 10 per cent. of people in Britain have to give some 90 per cent. of their income to the Government, before credits, benefits and other allowances are provided. Above all, as the Department for Work and Pensions recently stated, the incomes of the poorest 10 per cent. of households after tax and benefits have fallen in each year since 2001.

It is vital to remember that, by giving the poorest workers the opportunity to keep more of their hard-won income, we would be allowing them to spend their wages as they wish, resulting in increased indirect revenues that will help us to balance the loss of income tax revenues. There is a strong case that my reforms could be

[Mr. Geoffrey Clifton-Brown]

undertaken without significant reductions in Government revenue, due to the increase in indirect revenues, the decrease in welfare costs as people move into work, the increase in national insurance revenues, the savings in Government bureaucracy and the tackling of tax-avoidance problems. Fundamentally, the reforms should result in increased growth and vibrancy of the economy.

The Bill is designed to take people living in poverty permanently out of the income tax system. It should be supported by hon. Members on both sides of the House. Helping our lowest-paid workers is not a party political issue—it is a moral good. This is a practicable proposal and a modern manifestation of the proud Conservative tradition of offering opportunity to all.

Question put and agreed to.

Bill ordered to be brought in by Mr. Geoffrey Clifton-Brown, Mr. John Whittingdale, Mr. Iain Duncan Smith, Mr. Edward Leigh, Nick Herbert, Mr. William Hague, Mr. Peter Atkinson, Mr. Peter Ainsworth, Andrew Selous, Peter Luff, Sir George Young and Mr. David Curry.

INCOME TAX (EARNINGS EXEMPTION FOR PERSONS LIVING IN POVERTY) (NO. 2)

Mr. Geoffrey Clifton-Brown accordingly presented a Bill to provide that income tax be not chargeable on the earnings of persons living in poverty: And the same was read the First time; and ordered to be read a Second time on Friday 20 October, and to be printed [Bill 89].

Orders of the Day

Immigration, Asylum and Nationality Bill

[Relevant documents: The Second Report of the Constitutional Affairs Committee, Session 2003–04, on Asylum and Immigration Appeals, HC 211, the Fifth Report of the Committee, Session 2004–05, on Legal Aid: Asylum Appeals, HC 276, and the Government's responses thereto, Cm 6597and Cm 6236.]

As amended in the Standing Committee, considered

New Clause 1

OVER-STAYING LEAVE PENDING APPEAL

'(1) A person does not commit an offence under section 24(1)(b)(i) of the Immigration Act 1971 (c. 77) (over-staying leave to enter or remain) by virtue only of remaining in the United Kingdom at a time when the conditions in this section are satisfied.

(2) Condition 1 is that—

(a) the person's leave has been curtailed, or

(b) his application for variation of leave has been refused.

(3) Condition 2 is that a decision has been made to remove the person from the United Kingdom.

(4) Condition 3 is that—

(a) the person could bring an appeal against that decision while in the United Kingdom by virtue of sections 82(2)(g) and 92(4) of the Nationality, Immigration and Asylum Act 2002 (c. 41) (appeals) (ignoring any possibility of an appeal out of time with permission), or

(b) the person has brought an appeal against that decision while in the United Kingdom by virtue of those sections and the appeal is pending.

(5) In subsection (4)(b) "pending" has the meaning given by section 104 of the Nationality, Immigration and Asylum Act 2002.'.—*[Mr. McNulty.]*

Brought up, and read the First time.

12.41 pm

The Minister for Immigration, Citizenship and Nationality (Mr. Tony McNulty): I beg to move, That the clause be read a Second time.

Mr. Speaker: With this it will be convenient to discuss the following: Amendment (c) to new clause 1, in line 4, at end insert—

'( ) At a time when the conditions in this section are satisfied a person's leave to enter or remain is extended by virtue of this section save that such extension shall not prevent a decision to remove the person from the United Kingdom being made.'.

Amendment (a) to new clause 1, in line 8, leave out subsection (3).

Amendment (d) to new clause 1, in line 8, after 'been', insert ', or could be'.

Amendment (b) to new clause 1, in line 10, leave out '3' and insert '2'.

Amendment (e) to new clause 1, in line 11, at beginning insert

'where a decision to remove a person from the United Kingdom has been made'.

Amendment (f) to new clause 1, in line 11, leave out from 'decision' to '(appeals)' in line 13.

New clause 5—*Entry Clearance Applications—*

“90 Entry clearance

(1) A person may not appeal under section 82(1) against refusal of entry clearance as a visitor unless the application was made for the purpose of visiting a member of the applicant's family.

(2) In subsection (1) the reference to a member of the applicant's family shall be construed in accordance with regulations made by the Secretary of State.

(3) Regulations made under subsection (2) may in particular

(a) define 'member of the applicant's family” for the purposes of this section;

(b) make provision by reference to the duration of two individuals' residence together;

(c) confer a discretion.

(4) A person may not appeal under section 82(1) against refusal of entry clearance as a student if the application is for entry clearance to follow a course of study and—

(a) the course of study for which he has been accepted will not last more than six months,

(b) he has not been accepted for a course, or

(c) the course of study for which he has been accepted is not at a UK education institution on the approved register.

(5) Where a person has no right of appeal under subsections (1) or (4) above, a person applying for entry clearance as a dependant on his application shall have no right of appeal.

(6) Nothing in this section prevents the bringing of an appeal on either or both of the grounds referred to in section 84(1)(b), (c) and (g)”.'.

Amendment No. 47, in page 1, line 3, leave out Clause 1.

Amendment No. 4, in page 1, line 16 [Clause 1], at end insert—

'( ) the leave was granted to a person to follow a course of study at a UK education institution on the approved register; or'.

Amendment No. 33, in page 1, line 16 [Clause 1], at end insert—

'( ) the leave was granted to a person who had applied for but not been given asylum or humanitarian protection as an unaccompanied minor but had been granted exceptional or discretionary leave to enter or remain'.

Amendment No. 3, in page 1, line 21 [Clause 1], at end insert—

'(fc) Variation of, or refusal to vary, a person's limited leave to enter or remain in the United Kingdom if—

(i) the leave was granted to a person to follow a course of study at a UK education institution on the approved register, and

(ii) the result of the variation or refusal taking effect is that the person is unable to—

(a) complete that course of study,

(b) attend or undertake any event or activity in connection with that course of study, or

(c) move from that course of study to another course of study at the same or another institution.'.

Amendment No. 5, in page 2, line 31 [Clause 3], at end insert—

'( ) An appeal under subsection (2) may be brought in the United Kingdom.'.

Amendment No. 6, in page 2, line 36, leave out Clause 4.

Government amendments Nos. 27 to 29.

Mr. McNulty: I preface my remarks to this group of amending provisions by alluding to what happened in Committee. We had a very fruitful and productive series of sittings, with engaging debate and useful points being made by Members on both sides. On the many occasions—although, I think, not all—when I said that I would look further into particular matters, I have sought to do so and have tabled amending provisions, where appropriate. New clause 1 is the first example.

Much disquiet and concern was expressed in Committee about the gap between the notification of someone's leave coming to an end or being curtailed for whatever reason and the one and only time permitted under the Bill to appeal against removal initially and then all the other elements leading up to the removal. Members of the Committee were concerned, as I said, because they did not want people to be committing an immigration offence if they stayed in the UK while bringing an in-time appeal against a removal decision. That was an entirely fair point and new clause 1 was tabled in the light of those genuine concerns expressed by Opposition Members in Committee. As I said, that was characteristic of the sensible and constructive manner in which the Committee's work was conducted. I am pleased to move new clause 1 in response.

It is entirely a matter for the House authorities, but, under the broad heading of appeals, a significant number of amending provisions and amendments to them are appended that embrace a number of concerns. It is my intention—I believe that it is in order, Mr. Speaker—formally to speak to new clause 1 and then, in the fullness of time, to listen to all the concerns expressed in the debate, including the other amendments, and to respond appropriately to them. I prefer to do that, rather than preempt discussion by giving my view on every aspect of every other amendment in the group at this stage of our deliberations.

To finish speaking to new clause 1, where a person has no leave to enter or remain in the United Kingdom, a decision can be made that they should be removed from the country. By virtue of section 82(2)(g) of the Nationality, Immigration and Asylum Act 2002, that is an immigration decision, which gives rise to a right of appeal to the Asylum and Immigration Tribunal.

If the appellant has made an asylum or human rights claim while in the UK, or argues that removal would result in a breach of their rights under EU law, that appeal can be brought prior to their removal from the UK. In all other cases, any right of appeal against a decision to remove can be exercised only once the appellant has left the country.

The purpose of the new clause is to ensure that a person who has complied with the term of their leave—that is, who has made an unsuccessful application for further leave in time, or who has existing leave curtailed—is not liable to prosecution under section 24(1)(b)(i) of the Immigration Act 1971 as an overstayer during any period in which they can bring an in-country appeal against a decision to remove them from the UK, or in which such an appeal was pending.

[Mr. McNulty]

As I said in Committee, it is not our intention to force people who have observed the conditions of their leave to risk criminal sanction during their appeal. The new clause fits with the principle that there should be a "soft-touch, light-touch" compliance regime for those who comply with our system of immigration control, but far stricter enforcement for those who abuse it.

The new clause fills a gap in the original Bill about which legitimate concerns were expressed. In Committee, I undertook to explore whether we needed to introduce further proposals and, if so, whether existing rules would provide a suitable vehicle or could be modified to do so. I also undertook to consider whether new legislation was needed. After much thought and reflection, we believe that it is on balance right and appropriate to include these provisions in the Bill. That is the intention behind Government new clause 1.

I repeat that I shall return to the Dispatch Box when other hon. Members have had a chance to state their case in respect of the new clause and the other amendments that are grouped with it, quite fairly, under the broad heading of "Appeals".

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): First, I appreciate the spirit in which the Minister has introduced the debate on the new clause. We had extremely valuable discussions in Committee, and we have few disputes about large portions of the Bill, but the Minister knows that some matters remain contentious, both in the House and among a wider audience.

Secondly, this group of new clauses and amendments covers the whole of the first part of the Bill. That amounts to 13 clauses, so I have a lot of ground to cover in my speech. I hope that colleagues will forgive me for boring them to death over a period of time—

Mr. McNulty: Surely not.

Mrs. Gillan: The Minister says, "Surely not," but I look forward to hearing his views on the other amendments. I feel that he has an open mind on these matters, and that he may be moved to accept some of the proposals.

As we know, this part of the Bill removes the right of in-country appeal for leave to remain or for variation of leave from all applicants, other than those in the categories covered by clause 1(4). That means, for example, that international students applying for leave to remain or to vary their leave will have no right of appeal against refusal.

The Government intend that such applicants should have one right of appeal against a subsequent decision to remove them from the UK, but that appeal will be exercisable only outside the UK. Another problem noted in Committee is that applicants whose leave expires while they are awaiting a decision on a leave-to-remain application will become illegal overstayers, once they are told that their application has been unsuccessful.

All hon. Members will know that the consequences of overstaying illegally are serious. People in that position lose the right to work or study, and their access to benefits such as primary health care. On their way out of the UK, their passports are likely to be stamped with a record of the fact that they had no legal right to be in the UK. That would affect the likelihood of those people getting visas in future.

One feature of the Bill's passage through the House so far has been that a wide range of bodies have raised grave concerns about the Government's intention to remove people's rights of appeal in respect of refused entry clearance or leave-to-remain applications. Universities UK, the Association of Colleges, the National Union of Students and the Council for International Education have expressed concern about the impact of the measures on international students. I regret that their fears were not allayed by the Minister in Committee. In addition, as the Minister is aware, we have received excellent advice from the Immigration Law Practitioners Association, which has briefed Members on both sides of the House. The association has raised serious concerns over this part of the Bill, which I hope to reflect in some of my remarks.

To set my remarks in context, I remind the House of some basic statistics. In 2004, about 228,035 applications were made for leave to remain, of which 149,250—about 66 per cent.—were from international students. About 30 per cent., which is a large number, had to apply for a variation or extension of their leave to remain during their time in the UK. A significant number of people could be affected by the provisions.

The net effect of the first 11 clauses is to make anyone who is refused an extension of leave with right of appeal under the amended section 88(2) of the Nationality, Immigration and Asylum Act 2002 an overstayer. In fact, it is a double blow, as the applicant is not only refused further leave but precipitately finds themselves categorised as an overstayer. As the Minister admitted in Committee, the individual is, in effect, criminalised and can be prosecuted and charged with the criminal offence of breaching immigration control. To be fair, I concur that that is a rare occurrence but, although I appreciate the spirit in which the Minister introduced new clause 1, there are other problems for the overstayer, which the Minister appeared to acknowledge in Committee and that are not rare. For example, an overstayer is immediately denied the right to work and their employer could be liable to prosecution, too. The overstayer is denied the right to access benefits and the right to study, and some rights of access to the health service. They could also be liable to detention.

The new clause does not cover those points at all. Far from clarifying the situation, as we expected after Committee, it merely addresses the question of the criminal offence and does so in a way that offers only a fairly loose promise that the Government will not prosecute in the future. It certainly does not address the range of difficulties facing the overstayer, or the issues we raised in Committee. The Minister must forgive me, but I feel that he has led us—or certainly me—down the garden path a little. I was heartened by what I thought was his real intention to amend the Bill—*[Interruption.]* He protests, but he certainly gave a greater impression that he would be more flexible than has proved to be the reality.

In the second sitting of the Committee, the Minister said:

> "There is confusion about people's status at the tail end of the decision-making process, after the decision to remove, and during the subsequent appeal against removal. I fully accept that."

He continued:

> "Let me be clear: if we need to amend the primary legislation in the Bill to clarify section 24(1)(b) of the 1971 Act, I shall. Equally, if I need to clarify the same point in the immigration rules in relation to the gap between a final decision and the commencement of the appeal process, I shall."—[*Official Report, Standing Committee E*, 19 October 2005; c. 60–62.]

Sadly, the Minister's comments are not reflected in his amendments and some confusion remains.

Later in our Committee proceedings, the Minister was still pandering to our requests and reinforced the Committee's belief that he would grapple with the problem and present a solution. He said:

> "The only issue ... is the difference and gap between the cancellation of leave and removal. I made it clear during the debate on clause 1 on appeals that we would examine that gap and not leave people in limbo. I am happy to give that assurance again in terms of any cancellation of leave."—[*Official Report, Standing Committee E*, 25 October 2005; c. 245.]

I am certainly not the only one to be disappointed by the proposal in new clause 1—

Dr. Evan Harris (Oxford, West and Abingdon) (LD) *rose*—

Mrs. Gillan: We worked quite closely with the Liberal Democrats and I give way to the hon. Gentleman.

Dr. Harris: I certainly endorse the hon. Lady's remarks; she saves me from having to repeat those points later. As she knows, we have tabled amendments to the new clause to try to tease out some of the issues and we hope that the Minister will explain, in answer to her questions and ours, how he will deal with the problems other than criminalisation of the overstayer.

Mrs. Gillan: I am grateful to the hon. Gentleman. What is interesting about the group of amendments is that we have all tried to approach the matter from different angles, to move the Minister in the direction we thought he was taking in Committee. He will have a bit of work to do when he responds to both the hon. Gentleman and me.

The Immigration Law Practitioners Association looked at the issue and has set out one element of our disappointment. The association believes that new clause 1 does not even rectify the problem in the limited context of the criminal offence. The Minister acknowledged that there is a long time between refusal of leave and the making of removal decisions. The effect of the new clause is to suspend the chance of prosecution until the appeal is finally determined. However, subsection (3) means that during the time between refusal of leave and the removal decision there is no protection from criminal prosecution—certainly as I read it. The Minister's defence could be that it is not usual to prosecute, but if that is his line the provision looks more like window dressing than real movement.

There is further confusion. People with out-of-country appeals, even if they rapidly leave the UK, could have applications prejudiced by risk of endorsement as an overstayer. Under the immigration rules, leave to enter would normally be refused if the time limits on previous entries had failed to be observed, yet that person has no control over whether he overstays; he is simply in the hands of the Home Office and the timing of its decisions, with no redress. I hope that the Minister will deal with the issues raised by new clause 1 on the position of overstayers, which is still confusing, especially in respect of their entitlements.

I want to move on to some of the amendments tabled by my hon. Friends and me. As I pointed out earlier, about 30 per cent. of international students—about 45,000—apply for variation or extension to their leave. Common reasons for those applications, as I am sure the Minister is well aware, are to complete PhD studies, to transfer courses from one university or college to another, to attend graduation ceremonies or even to attend vivas. With the amendments, I am trying to probe the Government to find out whether they will consider the position of students in those catch-22 situations.

The educational world is seriously concerned, and so am I. I hope that the Minister agrees that, over several years, there has been broad cross-party support for the principle that where a subjective decision-making process could lead to mistakes there should be a right of appeal. That is really not an excessive request in the United Kingdom. However, under the legislation, thousands of individuals could be left on the wrong side of the law through no fault of their own, by becoming illegal overstayers the moment that the decision to refuse their application has been made.

Concern in the education sector has been driven by an awareness of the reputational damage that such a change could have on the UK as a study destination. Already, as we discussed in Committee, a raft of recent measures, which includes substantial increases in fees for leave-to-remain applications and initial visas, has had an impact—possibly damaging—on international student recruitment. There is growing evidence to suggest that international students are beginning to choose to study elsewhere.

Mr. McNulty: I appreciate that it is early days in the application process, but what the hon. Lady has just said is entirely wrong. Early signs are that international student applications in this country are up 5 per cent., not that they are appreciably down or that there is a trend downwards. That is simply a matter of fact from Universities UK.

1 pm

Mrs. Gillan: The Minister needs to consider this in relative terms. Although he believes that applications are up 5 per cent., I suggest that he look at the Organisation for Economic Co-operation and Development's report on the UK's market share in international student recruitment, which shows that the number is down by 3 per cent., although I agree that that covers the period since 1999. Acceptances for international undergraduates through the Universities and Colleges Admissions Service from key markets are also down this year in certain areas—by 22.5 per cent. for China, by 18.6 per cent. for Singapore, and by 7.9 per cent. for Malaysia. Those statistics have been provided by Universities UK.

[Mrs. Gillan]

Some 40 per cent. of vice-chancellors who responded to a Universities UK survey in December last year reported that they had seen a fall or no increase in the number of international student enrolments in the last academic year, and 50 per cent. said that they had missed their targets for international student recruitment. According to a snapshot survey by Universities UK, many institutions report a decline in international student enrolments for entry in 2005 compared with 2004. That decline inevitably means heavy financial losses for institutions—some universities report expected losses of between £1 million and £3 million this year.

UK Visas reports a decline in student visa applications in a number of key posts, including Beijing, Islamabad, Hong Kong, Kuala Lumpur and Chennai. In Beijing, student visa applications are down by 38 per cent. and in Islamabad by about 37 per cent. In the further education sector, colleges report decreases of 20 per cent. in their income from international fees. I find it hard to understand where the Minister's information about an increase in applications comes from when the evidence that Universities UK has put before me shows quite a different position.

At the same time, for example, the USA has had an increase in student applications during 2005, and is issuing about 15 per cent. more student visas this year compared with previous years, encouraged by a US Government campaign in China to attract international students to US institutions. I am informed that US visa officers have been advised to concentrate on the intention or ability to study, rather than on the intention to leave on completion of the course. Visa officers concentrated previously on the intention to leave and often had doubts about applicants' intentions to leave, and therefore refused more applications.

Australia has been running an electronic visa application system in China for several months, and it is proving popular with international students owing to its efficiency and speed. It appears that electronic applications for UK visas in countries such as China are still several years away.

All those indicators certainly show that we are not doing our best to encourage international students to study in this country. Certainly, in the context of increasing global competition and given the evidence that the market may be suffering, the Government should not press ahead with these potentially damaging measures. Although the downturn cannot be attributed to a single factor—I am being fair—visa changes are still the most commonly cited reason for recruitment difficulties this year.

It is always good on Report to go back to read what was said in Committee. Once again, the Minister has certainly admitted that attention needs to be given to illegal overstaying as a result of a leave to remain refusal being communicated after the original leave has expired. That is very welcome. However, he has not addressed concerns about the fact that the appeal against removal will not be exercisable in the UK. He has not adequately explained why he thinks it acceptable that students who find that they need to stay for an extra couple of weeks—for example, to attend graduation ceremonies—must return to their home countries to appeal against a decision to remove them from the UK, when it is absolutely clear that, in many cases that relate to students, that will result in the individuals missing the occasion for which they require leave to remain in the UK.

Simon Hughes (North Southwark and Bermondsey) (LD): Entirely in support of that proposition, may I tell the hon. Lady something that is not theory, but a real experience that many hon. Members have had to deal with for their own constituents and others? I know of someone from Latin America who did a masters degree for a year, finished in the summer and graduated in December, but was required to go back with all the additional expense entailed. In the meantime they were being encouraged to apply for both jobs and further academic opportunities, but they could not do that if they were not in this country, so their whole career was put in jeopardy because of the imposition of that requirement.

Mrs. Gillan: I am grateful to the hon. Gentleman for giving that example because it certainly puts the flesh on the bones of the points that I am making and that other hon. Members will make when they speak to this group of amendments. It is sad to think that someone's career can be blighted by archaic rules practised in this country, when it would be easy for the Minister to make exceptions in such cases and dispense with the anomalies that we are pointing out.

Simon Hughes: A further anomaly is produced—the Minister is alert to this and I hope that he will be sympathetic—when those people have to return. An integrity issue then arises: what do they say is the purpose of coming back? The purpose is to graduate, but are they seeking to come as a visitor, a student or to continue the job applications? So someone who has been entirely open and honest and has contributed to the British economy and society and wants to contribute further may be caught out completely inadvertently because they are in a no person's land when they come back.

Mrs. Gillan: Again, I am grateful to the hon. Gentleman for making that point. I have been trying to outline exactly that Catch-22 situation, which is something that the Government need to take seriously, as Opposition Members have done.

Universities UK and the other organisations in the education and immigration sectors firmly oppose the scheme that the Government propose in the Bill. I was disappointed that the Minister was not willing to accept the amendments that I moved in Committee. Unfortunately, these amendments are more narrowly focused on preserving appeals only for international students. Since the Minister repeatedly emphasised in Committee that he understood the education sector's concerns, we hope that he will now reconsider at least some of these proposals. I should like him to tell us whether he has had any representation from the Department for Education and Skills about how it feels about the provisions that he is proposing from the Home Office.

Again, we must put the proposals clearly into context. There are 210,510 international students in higher education in the UK today. International fee income accounts for 8 per cent. of the total income to the higher education sector. That is about £1.5 billion a year. A further 75,000 international students are studying in further education colleges, and they bring £58 million in tuition fees alone into the FE sector. It is estimated that, in the round, international students contribute about £5 billion to the UK economy through their spending on goods, services, accommodation and so on.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): May I just reinforce the importance of not just that direct economic contribution, but the long-term lifetime contribution of those students' links with the UK, especially if they have studied a practical subject such as engineering? They are much more likely to look favourably on dealing and trading with us when they go back to become major decision makers in their own countries. How we treat them makes a big difference to how they will relate to this country in the future.

Mrs. Gillan: The hon. Gentleman is absolutely right. We are sending the wrong message around the world about the way in which we welcome students here. We are underestimating the enormous long-term benefits that people who are educated in this country can enjoy. Many hon. Members will have been to places abroad where people have said proudly that they were educated in the United Kingdom. That is seen as a badge of honour, so the Government must take anything that damages our reputation in that area seriously before deciding to dispense with public relations so readily through such a draconian measure.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): I support the hon. Lady's contentions fully. She referred to the large number of international students whom we welcome. Even on the Government's figures, at least 25 per cent. of international students' appeals succeed at the moment. Secondly, it is awful to give out the signal internationally that such young people may be criminalised for wanting to stay on in the course of their legitimate studies. The situation is utterly appalling.

Mrs. Gillan: I thank the hon. Gentleman for his words. I hope that he will make a contribution to the debate, certainly about Government amendment No. 27, which relates to monitoring. If we were dealing with a situation in which few mistakes were made and the process was not subjective, we might feel more comfortable. Unfortunately, that is not the case, which explains the concerns being expressed in all quarters of the House.

Let me continue to put the matter in context. Education and training exports are worth £10.2 billion a year. I do not know whether the Minister is aware that that is more than the amount for food, tobacco, drink, insurance, trips and aircraft. The Chancellor predicted that the figure could be twice [illegible] by 2020. If we send out the wrong messages ab[illegible] we will jeopardise that income to UK plc.

Simon Hughes: The consequence of the changes might not be addressing the mischief with which the Government intend to deal. There is mischief because there have been examples of bogus colleges, institutions and courses. It is perfectly proper not to want someone to keep applying to come back again and again when they never pass any exams and are still here seven years after they first came. However, surely reputable, recognised and accepted universities, colleges and other places of learning that offer recognised and accepted qualifications are doing all the right things that Opposition Members—and many Labour Members—would support.

Mrs. Gillan: I draw the hon. Gentleman's attention to amendment No. 4, which would insert in the Bill the phrase:

"the leave was granted to a person to follow a course of study at a UK education institution on the approved register".

That amendment deals with his point. No one wants to encourage bogus educational establishments and we know that there has been such abuse. With respect, however, the provisions in the Bill are not the best way of dealing with the problem.

Mr. Roger Gale (North Thanet) (Con): I would hate it if the wrong impression were given. Does my hon. Friend agree that the Home Office's track record on determining whether an educational institution is bona fide is not terribly good, as I hope to demonstrate if I catch the Speaker's eye later?

Mrs. Gillan: I hope that my hon. Friend will manage to catch the Speaker's eye because he can cite a pertinent and personal example from his constituency that should be brought to the Minister's attention. The Government's track record is far from perfect, hence the problems that we are encountering.

Let me return to the point about engineering made by the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith). Some 39 per cent. of postgraduate research students who are here are international. There are especially high proportions of such students in science, engineering and technology subjects. As the European Commission tells us—goodness knows why I believe the European Commission on this occasion, but I think I probably do—Europe is 700,000 scientists short of meeting what was originally the Lisbon goal of making Europe into a competitive and dynamic set of knowledge-driven economies.

The Prime Minister launched an initiative in 1999 to attract an extra 50,000 international students to higher education and another 25,000 to further education by 2004. I understand that the Government plan to renew that initiative, but at the same time they are sending out conflicting messages through the Bill.

1.15 pm

The UK attracts 13 per cent. of all international students, with the US attracting 31 per cent. However, we are losing market share. As I said, according to the OECD, the UK lost 3 per cent. of its market share between 1998 and 2002. That was the fastest decline of any OECD country. I admit that the US also lost market share after tightening up on visas following 9/11. It suffered a 2 per cent. drop in 2002–03, but it has learned its lesson and eased up on its visa restrictions. The UK could learn a lesson from the Americans on this matter.

[Mrs. Gillan]

Amendment No. 6 would delete clause 4 in its entirety. Depending on the Minister's response to the debate, I might be forced to press the amendment to a Division. If that happens, I hope that Members of other Opposition parties—and, indeed, some Labour Members—will join me in the Lobby. The amendment is an attempt to address the heart of our concerns about the Bill. The removal of rights of appeal is opposed on principle and on practical grounds by such a wide range of organisations that I wish to focus the Minister's mind clearly on the problems.

The Minister has argued that when the new points system on which the Government have been consulting is introduced, it will represent a new and better system. However, the details have not even been finalised yet, let alone road-tested and proven to be effective. In Committee, the Minister repeatedly asked us to trust him. He said that he was confident that the new points system would improve initial decision making. He implied that if we just wait and see, we shall understand that the Government are correct to predict, as they appear to do, that the right of appeal will be rendered unnecessary by improvements to the immigration system.

The Minister also said that clause 4 was unlikely to commence immediately. I have read carefully what the Minister said in Committee about amendments to clause 4. His words on the timing of the abolition of appeal were not exactly reassuring. He said:

> "I cannot say absolutely that clause 4 will not be introduced until after the points system. To be helpful to the Committee—I say this on a personal level, so do not put me up against a wall and hold me to this—I think that it is very unlikely that clause 4 will be implemented before, at the very least, the transition period between the absolute points system and the introduction of elements of the system . . . Do not shoot me should some of clause 4 be implemented before the points system is introduced, but in all likelihood it may not."—[*Official Report, Standing Committee E,* 20 October 2005; c. 116.]

That was as clear as mud. Quite frankly, on the basis of that performance, I would quite like to put the Minister up against a wall and shoot him, because that was probably one of the most inarticulate utterances that we heard from him in Committee.

Mr. McNulty: I am sure there were others.

Mrs. Gillan: The Minister says that, but I have been through the proceedings with a fine-toothed comb and his performance was not that bad.

Perhaps the Minister is now in a position to offer a little more clarity about the intended timing. He will understand that the phrase

> "in all likelihood it may not"

is not an especially firm reassurance to those who believe that it would be entirely wrong to abolish appeals before the points system is up and running and proven to be working.

We need to focus on amendment No. 6, because the quality of initial decision making is so low that an adequate independent appeals system is essential to the credibility and fairness of our immigration system.

I am sure that the Home Office view is that appeals are expensive and time consuming for the applicant and especially for the Government, but they would be far less expensive and time consuming if there were not so many basic errors in the initial handling of cases.

Mr. Philip Hollobone (Kettering) (Con): My hon. Friend makes a good point about initial decisions being incorrect. Is not that a theme in all the Government's major agencies, including those administering tax credits, child support and immigration?

Mrs. Gillan: My hon. Friend tempts me to go down an enticing route. Yes, the performance of many Government agencies is sadly lacking, especially the Child Support Agency, which has an appalling record. I had an Adjournment debate on that very agency only the other day: a constituent of mine felt that she had been very badly treated.

The problem is reflected in the statistics. In 2003-04, 65 per cent. of the 225,030 applications for student visas were successful, but 32 per cent. were refused. There is a considerable body of evidence to suggest that the reasons for refusal are frequently inappropriate or based on a simple misunderstanding of the facts of the case in question. In 2003, we were told that 52 per cent. of all applicants who had been refused initial entry clearance appealed successfully. In cases relating to international students, the official proportion of successful appeals is 25 per cent., but the Immigration Advisory Service states that the appeal was successful in 49 per cent. of the cases in which it acted on behalf of students.

In 90 per cent. of the cases involving international students who had accepted offers from the university of Sheffield and who were refused visas, either a successful appeal was made or, more commonly, the entry clearance post reconsidered the case before it reached appeal. Professor Bob Boucher, vice-chancellor of the university of Sheffield, has repeatedly made the point that without the right of appeal the incentive for entry clearance officers to reverse a visa refusal following representations will no longer exist. He is echoing a point that is extremely familiar to the House. In 1992, the then shadow Home Secretary opposed a similar measure in the Bill that became the Asylum and Immigration Appeals Act 1993, which removed the right of appeal for rejected visitors and short-term students. He said:

> "When a right of appeal is removed, what is removed is a valuable and necessary constraint on those who exercise original jurisdiction . . . The immigration officer who knows that his decision may be subject to appeal is likely to be a good deal more circumspect, careful and even-handed than the officer who knows that his power of decision is absolute."—[*Official Report,* 2 November 1992; Vol. 213, c. 43.]

I ask the Minister the question I that asked in Committee, to which his answer then was not satisfactory: what has changed since then? Was the right hon. Member for Sedgefield (Mr. Blair) wrong, or merely naïve at that stage?

For the benefit of the House it is important that I give some examples to illustrate my arguments, although I expect that other hon. Members will offer examples of their own. A prospective student with a place at a highly regarded university was told:

> "Similar courses to the one you are proposing to follow were available in Sri Lanka at a fraction of the cost of a similar course in the United Kingdom."

Unbelievable. Another university reports considerable difficulty in recent months with the visa application process, especially from China and South Asia. It said that on one academic linkage between the university and a partner institution in China, out of 25 applications only 10 were successful in obtaining a visa and then only after two or three attempts. Only as a result of the intervention of senior university staff and Ministry staff in China was a higher level of success achieved, despite it being a joint programme. It said that there appeared to be little appreciation that students had studied two years in China prior to application with the specific intent to transfer for the third and final year to a UK university. The university believes that it loses between 200 and 300 genuine students each year due to careless screening, inappropriate questioning and unsympathetic consideration by some visa clearance officers sending the signal of fortress Britain, where students are not necessarily welcome.

Another university reports difficulties with visas. For one student, doubts were expressed about the student's ability to maintain and accommodate herself—notwithstanding the fact that she had a grant from her own home Government to cover all of her costs. The immigration officer in the case also said that there was no reason for her to experience the British education system, which runs contrary to the spirit of the Prime Minister's initiative. There seems to be scope for further training of ECOs on the importance and quality of UK education. One institution reported that a prospective student from China was told that the course he proposed to study was widely available in China, led to the same qualification at significantly cheaper cost, and said that he could not satisfactorily explain why he did not undertake the course in China.

Difficulties for sponsored students have been reported by other institutions. Two students were refused on the basis of insufficient funds despite both producing evidence of scholarships that covered the full cost of living and studying in the UK; the decisions in their cases were overturned by entry clearance managers on review following institutional representations.

I think that I have given the House the flavour of the problem. We are in danger of damaging our reputation further. I do not know whether the Minister has read the article in *The Independent* of 20 October, which stated:

> "The drop in overseas students becoming obvious this term is affecting old and new universities alike. The big boys such as Warwick and Birmingham are experiencing falls, just as Derby, Greenwich and Southampton Solent are. We won't know the exact figures until mid-November . . . so we don't know yet whether overall overseas student numbers will be down. But we do know that a substantial number of universities are worried. Overseas students have kept British universities afloat, particularly in some subjects. Universities cannot afford a meltdown.
>
> The reasons for the fall are complex. According to . . . the director of education and training at the British Council, huge competition is building in the overseas student market. Australia, New Zealand, America and Canada have raised their game, and new competitors are emerging, such as Singapore and Malaysia. And China, which used to send large numbers of students abroad, is now recruiting overseas students to its shores."

If the Minister fails to heed that warning, it will be at the expense of our education establishments.

I have probably spoken for far too long on this group of amendments, but I feel strongly about the subject. I shall listen carefully to the Minister and if I am less than satisfied by his response, I hope to register our protest against the measures by dividing the House.

My final comment is on Government amendment No. 27, to which the Minister did not speak. I am pleased to see at least some response to our concerns about the quality of entry clearance decisions, but I ask the Minister to make it clear whether the monitor mentioned in the amendment is a new person, what case load is envisaged and what resources will be allocated to the role. Although I welcome the post, it should not be seen as a plaster to cover the wound of the removal of the appeals system; a monitor will in no way substitute for that system.

Mr. Neil Gerrard (Walthamstow) (Lab): I shall try to be briefer than the hon. Member for Chesham and Amersham (Mrs. Gillan) was in explaining my concerns about new clause 1 and amendments Nos. 47, 6 and 33.

New clause 1 is generally welcome because it goes some way to meeting some of the concerns raised in Committee about the position of people whose leave had been curtailed or whose application for variation of leave had been refused and whether they would immediately be committing an offence. There are still some uncertainties. What exactly does it mean and how will it operate? I would be grateful if the Minister could address some of those issues when he replies.

1.30 pm

Subsection (3) is in the middle of the list of conditions that someone has to fulfil in order not to commit an offence. The condition is

> "that a decision has been made to remove the person from the United Kingdom."

What does that mean in practice? Does it mean that the person has been served with notice of decision to remove, for example? There are many examples where decisions are taken to refuse an application of one sort or another. The decisions having been taken, there is then quite a considerable gap before anything happens about a removal decision. There is certainly a gap before the removal decision is served on the person concerned. I would like there to be clarify on what that condition will mean in practice.

Secondly, if somebody is covered by new clause 1, is not committing an offence and is awaiting an appeal, exactly what rights do they retain given the permissions that they already have? If someone had an entitlement to work, will that entitlement continue until the time where either removal or appeal occurs? People might be entitled to benefits or other forms of support. They will certainly be coming under some of the conditions in the clause in future. There are those who have been given refugee status—which will now be a temporary protection—whose leave has been curtailed. Will someone in that position still be entitled to any form of support when they are awaiting a decision on appeal? It would be helpful to have some clarity. The clause is well intentioned, but I am not convinced that it is drafted perfectly to cover all situations that might arise.

Simon Hughes: I endorse and underline the point about the need for certainty, especially as regards the

[Simon Hughes]

right to continue in employment. The benefits system is also important. In my experience, there are many cases where people have had the right to work and then find themselves in the in-between period. They need to be able to produce something to confirm that they continue to have the right to work, that they are self-sufficient and are independent, otherwise they suddenly have to look to the state or to other people for benefits. That means that their prospects are again put at risk. Clearly, an employer does not want to break the law. It is an important issue and clarity is needed.

Mr. Gerrard: That situation frequently occurs now. Someone may have been given temporary permission and perhaps exceptional leave to remain, which is coming to an end. They submit an application for indefinite leave, but that will take months to determine. Although their entitlements continue, if they do not have a piece of paper that proves that, there will be problems. I have come across many cases of people having employment problems who have been in that situation. There are also many people who have problems in accessing benefits where the Benefits Agency has not been prepared to accept that the earlier permission still existed. There is then the performance of having to get in touch with the Home Office for confirmation. We need absolute clarity and certainty about what someone's rights will be during the interim period. We must be clear about the meaning of the clause. I suspect that the drafting still has some holes in it.

Sarah Teather (Brent, East) (LD): Does the hon. Gentleman agree that the problem is exacerbated by the time that it takes the Home Office to make decisions and by the complete opacity of its replies to constituents and to their solicitors? There is no information contained in the letters detailing whether these people really have the right to work or what their status is. This causes the problem. If we could have clarity and speedy decision-making, the situation would be improved.

Mr. Gerrard: That is right. Ministers agreed fairly recently that they would look at the form of the letters that are being sent out to ensure that they are clearer in what they say. I hope that there will be improvements and that we shall get away from the notorious 30-week letters that state that decisions will be made within 30 weeks, and then six months later a constituent is asking his MP what is happening.

Irrespective of the contents of the letters, it is important to be clear about how the new clause will operate and what people's rights will be. We need to know what they are entitled to and what is meant by, for example, a decision to remove. If we do not have that clarity, many people will be in confused situations, with the Benefits Agency, housing authorities and employers not really knowing quite where they stand. Many people will be ending up on our doorsteps wanting help and wanting to know just where they are in the process.

I welcome the intention behind the clause because it addresses issues that were raised in Committee, but I am not convinced that it is right, given the way in which it has been formulated.

I move on to the amendments that relate to new clauses 1 and 4. There are amendments that suggest that we leave out, in their entirety, both new clauses. I am gratified that the Conservative party has been converted to the cause of appeals. The hon. Member for Chesham and Amersham quoted my right hon. Friend the Prime Minister, when he was shadow Home Secretary. I think that I have heard the quote about half a dozen times during debates on the Bill. My right hon. Friend was responding to a Conservative Government who were taking away a swathe of appeal rights. At least the Opposition have moved in the right direction.

All of us who deal with these matters in our constituencies have concerns about the quality of the initial decision-making and about who will lose appeal rights under the provisions that are before us. I hope that my hon. Friend the Minister will say in some detail how he intends to use the powers that he is given within clauses 1 and 4. There are regulation-making powers. In clause 1(4)(fb), the right is given to the Minister effectively to restore appeal rights to more or less whoever he chooses by regulation. He has indicated already that he will intend to use that provision in respect of people who have been given humanitarian protection rather than full refugee status. That is one clear category of person. I hope that he will consider using the powers rather more widely. There are, for example, unaccompanied minors. There are other categories of people whom I hope my hon. Friend will consider.

Before coming to this place, I worked for a considerable period in further education and dealt with many overseas students. I am familiar with the arguments. Much has been done to get rid of fake colleges. The hon. Member for North Thanet (Mr. Gale) has raised some scepticism about the Home Office. It is probably the Department for Educations and Skills that he needs to direct his fire at if he thinks that a wrong decision has been made on whether an institution is on the approved list.

I have been pleased with much of what has been done to get rid of some of the fake institutions. For a start, they were conning students. They were taking large amounts of money from people who really did not have that much money, only to give them nothing worth while. Some of them were facilitating entry into the country of people who had no intention of being genuine students.

We have done quite a lot to get rid of much the abuse in the system. I am a little wary of proposals to delete clause 1 entirely without replacing some of the appeal rights. People who are given refugee status are no longer given indefinite leave to remain and receive only temporary protection, and clause 1 creates a right of appeal for them if their leave is curtailed in future. Caution is therefore required in removing that provision.

Dr. Evan Harris: Members who think that there are various problems with clause 1, including the things that the hon. Gentleman has raised, cannot redesign the provision on Report. We shall seek to delete clause 1, but we also want the other place to grasp the small kernel of good provisions in the clause and replace the rest. I want the hon. Gentleman to know that we accept his concerns.

Mr. Gerrard: I am grateful, as that is obviously important. I do not like the new measure which removes indefinite leave for people who are given refugee status. We have had an Adjournment debate on that issue, but the change has been made so it is vital that those people should have the right of appeal if their leave is curtailed.

In Committee, I raised the issue of unaccompanied minors and, encouragingly, the Minister suggested that he was prepared to look at the issue. Quite a few minors who apply for asylum are simply granted discretionary leave for a year—in some cases, it is less than a year—every year until they reach the age of 18. When they do so they are refused variation of leave on the ground that leave was only granted on the basis of age. People who are given leave for one year or less after being refused asylum do not have the right to appeal against that refusal. Unaccompanied minors or children are given a decision on the variation of leave at 18, but they do not have the right to appeal against the initial refusal. If clause 1 ends the right to appeal against the variation of leave, many of those unaccompanied children will not have any right to appeal at any point in the process against the substantive decision on their asylum claim. That serious problem has been created by the legislation.

Simon Hughes: I hope that we can rid of clause 1, but if we do nothing else today, I hope that Ministers will respond positively to what the hon. Gentleman says. People come here on their own—often without any family to leave behind—from Afghanistan, Iraq, Sierra Leone and central Africa, which has suffered from civil war. They do not have anyone else in the world, but they do brilliantly here—they gain a place at university or college and can contribute to the British economy. Suddenly, at 18, 18½ or 19, they are told that they must go home. However, they do not have a home to go to, so they must have a chance to appeal.

Mr. Gerrard: I accept that. In Committee, the Minister accepted that this was a serious issue and that he needed to explore what could be done. He could make a statement that he will use the powers available to him under clause 1 to ensure that unaccompanied minors, as well as people who are granted humanitarian protection, will keep the right of appeal. I hope that at the very least that is what we achieve. Support for unaccompanied minors could also be a problem under Government new clause 1, as it is not clear that such children are still entitled to support from the local authority if they are leaving care, as is supposed to be the case for all children leaving care.

1.45 pm

Clause 4 leaves a great deal of regulatory discretion to the Minister. He has received representations from many hon. Members, so he will know of concerns about the removal of appeal rights under that provision. Many Members are very worried about the possible removal of oral appeals for family visitors. It would be extremely helpful if he could further clarify his approach this afternoon. The Government restored appeal rights to family visitors and we do not want to reverse that positive change.

Mr. John Leech (Manchester, Withington) (LD): Young single men have been disproportionately affected by the regulations on family visitor appeals. They may have a low-paid job, and they do not have a wife, children or other family connections in their country of origin. As a result, they are told that they do not have a tie to make them return to their own country.

Mr. Gerrard: I have seen similar cases. Again, the quality of the initial decision making is crucial, but an appeal mechanism should be retained. I hope that the Minister can provide us with comfort on this point.

Sarah Teather: May I echo the comments of my hon. Friend the Member for Manchester, Withington (Mr. Leech)? I raised the issue when I was in Delhi with the head of UK visas there, and I have seen many such cases in my constituency. A family may be allowed to visit for a wedding or another event, and the only person who will be refused entry will be the young man.

Mr. Gerrard: I am sure that Members who deal with such cases will know of similar instances. For example, I recently learned that two sisters applied for a visa to visit. One was granted a visa, but the other was not. It is difficult to see the logic behind those decisions. If there is no right of appeal there is clearly a problem, which is why I am seeking assurances from the Minister.

I echo what has been said about Government amendment No. 27 and I welcome the extension of powers. It would be useful to know exactly how that will operate and whether the extension applies to the monitor who deals with other types of case or whether there will be an additional monitor. Many hon. Members are concerned about appeal rights in the Bill. Powers in Government new clauses 1 and 4 essentially give the Minister considerable discretion to retain appeal rights as he wishes. I hope that he can give us assurances that, in addition to appeals for people given humanitarian protection, he will give serious consideration to maintaining lone appeals for other significant groups.

Dr. Evan Harris: I shall deal with our concerns about clause 1, and I shall also speak to amendment No. 47, which would delete clause 1. I shall look at the problem of overstaying in clauses 1, 3 and 11, and the way in which the Government attempt to solve that problem in new clause 1, as well as the amendments to that provision that my hon. Friends and I have tabled. Finally, I shall say a brief word about clause 4, as a great deal has already been said about it.

The problem with clause 1 is that people will not be allowed to appeal against a refusal of extension of leave in country. Students, workers and spouses will lose their in-country right of appeal and will have to leave the country in order to appeal. That seems an unfair way of treating people who are in the United Kingdom legally, have abided by the terms of their leave and are simply seeking to extend it.

Sometimes the initial leave is given with a view to the likelihood of further leave being granted in future. A spouse or an unmarried or civil partner is expected to stay with their partner for more than the initial two year period, of course. If there were doubts about that, they

[Dr. Evan Harris]

would not have been given leave in the first place. The granting of leave in such a case presupposes a reasonable right to apply for leave and therefore to appeal against decisions that are wrong, without having to seek human rights grounds on which to do so. In addition, business people are welcomed to the UK with limited leave in order to set up a business. I presume the expectation is that they will grow that business once they are here, and therefore seek leave to remain more than two years, particularly in view of the provision that they invest more than £200,000.

Various groups of people would be affected by the clause. I have mentioned some of them. They include a person married here who has been living two years with their British citizen or British resident spouse, perhaps with children, who has been refused indefinite leave to remain on the basis of that marriage. I will deal in a moment with the proportion of decisions that are won on appeal. It is pretty significant to get that wrong and separate people from their spouse and/or their children.

The clause would also affect a work permit-holder—for example, a nurse, a maths teacher or a head of an export department in a big company, whose employer wants them to extend their contract but whose application is refused, at least in the average third of cases where that decision is wrong; a person established in a business, who has invested £200,000 or more, and who has created, under the regulations, at least two jobs for people settled in the UK; and a student several years into their studies—we heard examples of how they might be affected in respect of graduation.

The Government's position seems extremely unreasonable. It is not as though such people had hopeless cases. There is no right of appeal in the case of mandatory refusals—that is, where there is a mandatory requirement on the basis of age or nationality, or specific requirements to switch from one category of leave to another. Those cases do not attract a right of appeal. As I said, 33 per cent. of in-country non-asylum appeals succeeded in 2003, the last year for which figures are available. The Government have never justified the sweeping powers in clause 1.

The Minister suggested in Committee that it was unfair to give a right of appeal against a refusal to vary leave in cases where the decision results in people having no leave left, whereas those who applied and were refused before their original leave runs out get no such appeal. However, that unfairness does not exist in practice, because as we know, the Home Office urges people not to apply for a variation, such as an extension, until shortly—usually a month—before their leave expires. When a person applies for a variation and is refused before their leave runs out, the normal practice would be for them to make a fresh application before the leave expires. It is not an appeal, but it provides an opportunity to address what are said to be the shortcomings in their original application, which are identified in the refusal.

At present, people prefer not to do that because of the cost, but if they are faced with the prospect of becoming overstayers if they do not, more will apply earlier. If more people apply more than a month before their leave runs out, that will create more bureaucracy or a replacement bureaucracy for the Home Office. That does not make sense. I see one of the Ministers—the Under-Secretary of State for the Home Department, the hon. Member for Leigh (Andy Burnham)—in his place. Can he confirm that it will be his policy to continue to tell people not to apply for a variation more than 28 days in advance, or does he recognise that the effect will be that people will want the opportunity to get their refusal while they still have leave to remain?

I endorse the points made by the hon. Member for Walthamstow (Mr. Gerrard) in respect of unaccompanied minors. I shall not repeat what he said in the Chamber or in Committee, but he is right.

Our main concerns about clause 1, in summary, are that the Government's desire for a single appeal can be achieved using existing powers. If the object is streamlining, we demonstrated in Committee that there are alternative ways to achieve that. We are not opposed absolutely to streamlining, but the provision is not a fair way of doing so. It is misleading to say, as the clause does, that people will still have a right of appeal against removal, if they will be able to exercise it only after they have left the UK. That is not the same thing. It puts people at a significant disadvantage and it is no cheaper for the Home Office to run the appeal from abroad. If anything, it may well be more expensive. The Government are relying on people not bothering to appeal. Denial of justice is not a substitute for justice.

We have already explained that the Home Office decision making is poor, so the best thing the Home Office could do is improve decision making, not deny appeal rights. The rights at stake are important. We have discussed the situation of spouses and people who are investing or working or who want to continue their rights to education and training. The opportunity for all these good things—family life, more education and training, investment—will be lost if people have to leave the country for an appeal against removal. The current system is not broken in terms of its structure. Decision making could be improved, but it does not need fixing on the suggested basis.

In Committee the Minister spoke at length about the new managed migration schemes. I am not inviting him to do so again, as he spoke eloquently and with passion on the subject then. Whatever the system is, there will still be the problem of people seeking to extend their leave. The Government say there will be a new and better scheme, but that does not solve the problem of injustice. There will still be human rights applications, which will still be allowed, but because of the fracture to family life that will result from the provision, more people will attempt to make such appeals than would otherwise be the case. The Government will not gain as much as they anticipate.

On the new clause, the problem that the Government have created in respect of clauses 1 and 11, which was clause 9 earlier, is, as we heard from the hon. Member for Chesham and Amersham (Mrs. Gillan), that people are effectively overstayers when they receive the first judgment—that is, they do not get extended leave. I am disappointed by new clause 1, which is why I tabled a series of amendments. The hon. Lady and the hon. Member for Walthamstow spoke to those amendments, so it will not be necessary for me to speak to them at length.

The Minister said he would deal with the problem of criminalisation, although he did not accept the language adopted. However, as we heard from the hon. Lady, the new clause does not do that very effectively. He also said in Committee, at column 60, that he intended to clarify matters. However, given all the issues that were raised, not least by the hon. Member for Walthamstow, the new clause does not do so at all. It does little more than reflect the status quo and is quite inadequate.

On the basis of what he has heard in the debate, can the Minister say whether there will be other provisions to follow new clause 1? If he can give that undertaking, it would be welcome. However, if the Government propose nothing more than new clause 1 to deal with the issues raised by calling people overstayers before they have had a chance to exercise their right of appeal, that is a problem. Does he recognise that people who lodge a human rights appeal have an in-country right of appeal, and that, like everyone else with an in-country right of appeal now, they are allowed to stay in the country on the basis of their existing conditions while that appeal is heard? Even when there is a human rights appeal to be heard and it is not certified as clearly unfounded, the Government are saying that those people will still be treated as overstayers. That is a real change for people in the country who are arguing a non-certified human rights claim. Will the Minister at least concede that those people should not be considered as overstayers and that their existing leave should carry through to the appeal stage, as it does now? Does he think that anyone should be entitled to carry through their appeal right, and if so, who?

2 pm

Is the Minister going to do something about the problem, which the hon. Member for Chesham and Amersham has already identified, that people who leave the country to appeal will do so as overstayers, which will blot their records? That problem is caused by the architecture of the Bill, and new clause 1 does not deal with it effectively.

I will deal with the Liberal Democrat amendments to new clause 1. Amendment (c) would insert the following:

> "At a time when the conditions in this section are satisfied a person's leave to enter or remain is extended by virtue of this section save that such extension shall not prevent a decision to remove the person from the United Kingdom being made."

That is the key point that the hon. Members for Walthamstow and for Chesham and Amersham and I were trying to capture in Committee. I cannot see why it is not possible for the right to remain to carry through to a simple right to appeal against the decision to remove.

Amendment (a) would leave out "Condition 2" to probe why none of the rights not to be persecuted apply until after a decision has been made to remove, when we know that a decision to remove can happen many days, weeks or months after the decision on the extension.

Amendment (b) is a consequential amendment. Amendments (d) and (e) are another way of making the point to the Government that their approach is not reasonable. They seek to clarify that people are entitled to some consideration when a decision could be made to remove a person.

In his introductory remarks, the Minister said that he would not discuss the amendments until they had been introduced. I hope that he will address not only their structure, but the real reasons behind them, which have been politely put from both sides of the House.

We have a major problem with clause 4 in and of itself. It is not right when the quality of decision making is so poor to sweep aside appeal rights. The priority should be to improve decision making, and in Committee we recognised the Government's willingness to implement programmes to improve decisions. Sweeping away appeal rights is wrong, regardless of the consequences for the universities and for family life.

I endorse the points made by the hon. Member for Chesham and Amersham and will not repeat them, but I have a number of questions. Are the Government planning to define "family visitor" more narrowly? And will Parliament have an opportunity to examine the draft regulations to see who will have appeal rights before hon. Members are asked to vote on the legislation?

Mrs. Gillan: The hon. Gentleman is right that whether an applicant is a member of the family needs consideration. The definition will be determined by regulation, and it could be extremely restrictive. Does he agree that, for example, an unmarried partner may have no right of appeal under the regulation?

Dr. Harris: That is right. It is not clear whether an unmarried or civil partner is a dependent relative. Given that the Government are keen to recognise civil partners—I commend them for doing so—the point is important.

In Committee, I raised the question of conformity with European Community law, and the Minister expressed his willingness to return to that matter. If I have missed a letter from him, or if I misunderstood him in Committee, I apologise, but that question needs to be addressed. If the Bill is to conform with EC law, when will regulations be laid before Parliament?

In Committee, I also raised the question of returning residents. Returning residents are people with indefinite leave to remain in the UK who have been out of the country and who are refused entry when they seek to return. Will they lose the opportunity to return to their long-term home with no right of appeal, and if so, what is the Government's purpose? The Government must think again about clause 4.

I am giving the Government an opportunity to provide assurances on improving new clause 1, which would be something. The hon. Member for Walthamstow has said that he has found the kernel of something good in new clause 1, but he must have looked very closely.

Mr. Gerrard: The hon. Gentleman has put the words into my mouth, because I do not think that I said that new clause 1 is "good". New clause 1 is obviously necessary if refugees are no longer to be given indefinite leave to remain, which is a change that I do not like.

Dr. Harris: I take the hon. Gentleman's point. If new clause 1 is not improved, or if the Government do not indicate that they will consider our amendments, with

[Dr. Harris]

your permission, Mr. Deputy Speaker, we will seek to vote on amendment No. 47, which would delete clause 1. We would ask hon. Members on both sides of the House to support us in such a vote because of the real problems that the Bill will create. I feel that if we do not do it here, another place could, should and will.

Mr. Gale: I want to discuss amendment No. 3 and the right of appeal for would-be students, and I will use the example of a particular educational establishment to demonstrate why the Government's approach is profoundly wrong.

Before I do so, as a generality I endorse entirely the observations made by my hon. Friend the Member for Chesham and Amersham (Mrs. Gillan) in her opening remarks. The measures undoubtedly damage the interests of universities in the United Kingdom, and, perhaps much more importantly, they also damage the interests of UK Ltd.

Mr. McNulty *indicated dissent.*

Mr. Gale: My hon. Friend the Member for Chesham and Amersham has made the point that educational establishments—universities and colleges—are experiencing a decline in the numbers of foreign students. Those of us who have the good fortune to travel abroad as election observers in developing countries with the Inter-Parliamentary Union or the Commonwealth Parliamentary Association see China, which is the largest developing country in the world, moving into a whole host of other countries, where it seeks to gain an advantage in the same way as the former Soviet Union.

The British legacy—let us be proud of it—across the continent of Africa is significant, but scores of Africans are now looking to other places and other institutions both to the east and to the west of this country because they feel that it will be difficult to get here, that it will be expensive to pay their way and that they will not be made welcome. Nothing could be further from the truth: if one asks the university vice-chancellors, they say that they want to welcome overseas students with open arms, but the impression has been given—impressions are vital, particularly in the developing world—that it will be difficult and unpleasant to study in Britain and that overseas students are not wanted, which is a sad state of affairs.

I ask the Minister to consider the effect of that impression in a generation's time. All those people are ambassadors, many of whom have brilliant brains and very good qualifications. They have traditionally come to the United Kingdom, qualified, and gone back home having become the friends of this country. Now, they are going to be lost to us. It is no good the Minister shaking his head, as he did a few moments ago. The Bill will have a profound effect on British business and our power and influence throughout the world. That is the backdrop to what I want to say.

I want to take one very specific point to prove why I believe that this part of the Bill is nonsense and amendment No. 3 is so important. The Institute of St. Anselm in Cliftonville in my constituency is a highly reputable Roman Catholic college. Some of its buildings were opened by Archbishop Basil Hume. For most of the early years of my membership of this House, students—nuns, priests and ordinands—came from around the world, but particularly from Africa, to study theology there. In 2002, we suddenly experienced a spate of visa refusals for students to attend the institute.

I have a file on this subject that is more than 12 in high. I am holding in my hands 87 separate pieces of paper. Hon. Members will be delighted to know that I do not propose to quote from most of them, but I will quote from some of them. On 25 June 2002, I wrote to the right hon. Member for Stretford and Urmston (Beverley Hughes), who was then a Home Office Minister, about the problems that the Institute of St. Anselm was having:

> "the Institute is a bona fide organisation and . . . therefore applicants of this kind"—

the students—

> "should have their requests granted rather than turned down and forced to go to appeal."

I have personally dealt with 19 cases that would have been ruled out of court under the Bill.

When I intervened on my hon. Friend the Member for Chesham and Amersham to say that the Home Office's track record on defining a bona fide institution was not entirely brilliant, the Minister said from a sedentary position, "It's just as well that the DFES does it then, isn't it?" That sentiment was broadly echoed by the hon. Member for Walthamstow (Mr. Gerrard).

Mrs. Gillan: Does my hon. Friend agree that is therefore important that the Minister tells us whether the Department for Education and Skills has made any representations—and, if not, why not?

Mr. Gale: My hon. Friend is absolutely right. It would perhaps have been helpful to hear from the Foreign and Commonwealth Office as well, because interdepartmental responsibility is involved.

On 25 July, following my letter to the then Minister, Lord Filkin—a Home Office Minister—responded. He said that

> "as a result of the enquiries by my officials,"—

that is, Home Office, not DFES, officials—

> "it was decided that the institution did not fully meet the requirements of a bona fide institution, hence the reason for the refusal decision."

We challenged that in the light of the institute's background and support from the Catholic church, including eminent people such as Cardinal Basil Hume.

On 8 August, I wrote to Lord Filkin. I said:

> "I feel that the time has come when I have to ask formally that the status of The Institute of St Anselm be investigated and recognised formally in view of the assertion pertained in your letter that 'The Institute did not fully meet the requirements of a bona fide institution'."

I had to write to him again on 17 September, saying:

> "I would be grateful if you would be kind enough to confirm that this matter is now being dealt with as a matter of urgency . . . and would like your assurance that it has been satisfactorily resolved."

Throughout this time, students were being turned away and having to appeal on grounds that would be denied under the Bill.

2.15 pm

On 12 September 2002, Mr. Lawrence from the integrated casework directorate of the immigration and nationality directorate wrote to Louise Cuming at the Institute of St. Anselm, saying:

> "I can confirm that from the information submitted, I am happy that the Institute of St Anselm meets the requirements of the Immigration Rules."

We thought that we were back on track—that the students seeking to apply would have their visas granted and there would be no need for them to appeal—but no. That is what the IND said in September, but on 1 October Lord Filkin wrote to me to say that

> "further enquiries are already being made by the Immigration Service to establish whether or not St Anselm is now deemed to meet the necessary requirements to qualify as 'bona fide'."

Although one part of the immigration service believed that the institute was bona fide, Lord Filkin was pursuing further inquiries.

On 7 October 2002, Lord Filkin wrote to me to say:

> "You will be pleased to hear that those investigations are now complete and my officials are now satisfied that all of the requirements of the Rules have been met.
>
> I understand that a letter to this effect was sent to Louise Cuming on 12 September and I am enclosing a copy".

That was despite his having written to me on 1 October to say that inquiries were still going on, at the same time as students were still being turned down and required to go to appeal. Those appeals would be denied under the Bill. That is why amendment No. 3 is so important.

Following Lord Filkin's letter, the director of the Institute of St. Anselm wrote to me to say:

> "However it has to be said that this information had clearly not penetrated Heathrow Airport three weeks later, where three of our students were held for between six and twelve hours while our status was clarified . . . It is therefore disappointing to see that the same information . . . does not appear to have reached Lord Filkin."

We can begin to see a pattern emerging.

Perhaps the Minister will begin to understand why I have very little confidence in the ability of the system—part of which may be the responsibility of the DFES and the FCO, and a significant part is certainly that of the Home Office—to ensue that fair decisions are reached. Unless we are absolutely certain that decisions are fair, students who are unfairly treated, or feel unfairly treated, must have some right of appeal.

After all that, one would have thought that things would be all right. Geoffrey Filkin had told me that it was a mess and that he was going to sort it out. However, I had to write to him again on 8 November of that year. I said:

> "On Sunday the 30th September Jabulani Khumalo, a student intending to commence a course at the Institute of St Anselm arrived at Heathrow Airport at 7am. Mr. Khumalo carried letters of invitation from the Institute, a letter of designation from the Bishop . . . and confirmation that the fees would be paid directly by the Diocese."

I will not go through the whole sorry incident, but Mr. Khumalo was held for three hours. Investigations were conducted and correspondence was opened, and he was finally escorted to the plane and escorted off it when he arrived back in Johannesburg. Eventually he came back to the United Kingdom.

In my letter to Lord Filkin, I went on to say:

> "It is . . . plain that the assertion made by Mr. Lawrence to the effect that 'I have today notified staff and Ports' is . . . nonsense".

The fact is that the undertakings given by the Home Office throughout this sorry episode have not been worth the paper that they are written on. I appreciate that I am talking about one educational establishment, but I have no reason to suppose that such errors are not being made time and again.

Lord Filkin wrote to me on 15 May—we are now in 2003, so this has been going on for more than a year—to say that

> "following our previous correspondence, assurances were given both to yourself and the Institute that the establishment now met the requirements of the Immigration Rules and that immigration staff had been advised of this fact. It is most regrettable however that whilst the Institute was informed of this on 12 September 2002, the central computerised records were not amended until early October. It is now apparent that students intending to study at St Anselm's continued to experience difficulties".

He was so right about that.

More time passed, and more students were affected. We are about halfway through the 19 cases now, Mr. Deputy Speaker—they are piling up. On 6 May 2004, a year later, I had to write to the hon. Member for Sunderland, South (Mr. Mullin), who was by then at the Home Office, to say:

> "In spite of this and Geoffrey Filkin's clear undertakings, the message does not appear to have reached Entry Clearance Officers around the world",

and more in the same vein. On 29 June 2004, I wrote again to the Minister to point out

> "the failure of successive government ministers to properly resolve this issue in spite of assurances given to me".

On 30 June 2004, there was more of the same. The Minister wrote to me to address the issues, and effectively to apologise, mentioning an "error". He wrote:

> "As each student application will be checked against this information, I hope that there will be no repeat of mistakes of the past by entry clearance officers about the status of the Institute".

This was two years after the Department had determined that everything was all right.

On 1 July 2004, Jessica Mabbutt, the head of the correspondence section at UKvisas, wrote to me:

> "The Institute of St Anselm's correct status as an educational establishment is now available to all Entry Clearance Officers and I hope that the Institute's status should no longer be cited as a reason for refusal in any application."

Yet still the cases were coming in. Without the right of appeal that would be made available in the amendments tabled today, these students would have been denied access to the education that they were finally, in most cases, able to enjoy in the United Kingdom.

We come, at last, to this year. On 8 February 2005, I wrote to Bharat Joshi, head of section at UKvisas. I want to place on it record that Bharat Joshi is one of the most helpful and sympathetic civil servants that it has ever been my privilege to work with. He is a super guy, and he tries his level best to sort things out. I wrote to

[Mr. Gale]

him, and he was immensely helpful, but even he could not sort this out. I received a letter from UKvisas on 21 March 2005, which stated:

> "Although at the time of Fr Okora's application the Entry Clearance Officer was satisfied that Fr Okora met the other student criteria, the Institute of St Anselm was not at that time"—

this is 2005—

> "on the list of recognised educational establishments."

This is three years later—*[Interruption.]* The Minister says from a sedentary position that there was not one. If that is so, why does UKvisas go on to say:

> "His application therefore fell to be refused"?

What would Father Okora have done if there had been no right of appeal?

I wrote to the Home Secretary, the Minister's boss, on 30 March this year, to say that I would be grateful if he would look into the matter. The hon. Member for Pontypridd (Dr. Howells) was by then the Minister in charge—we have got through quite a chapter of Ministers in the Department, have we not? Let us bear it in mind that the institute has been recognised, then not recognised and then recognised again. The Minister wrote on 14 April:

> "I am satisfied that there was no fault within the Department's procedures and that the Institute of St Anselm was included on the Register at the earliest opportunity."

Four years? Are we serious?

On 8 July, I wrote to the head of correspondence at UKvisas, Peter Hooper—another extremely helpful civil servant—and told him that

> "I was given Ministerial assurances that our Embassies and High Commissions would be notified of the approval of the institute".

On 1 August 2005—we are nearly there, Mr. Deputy Speaker—I received a letter from UKvisas concerning Sister Bernadette Mwita, saying:

> "The Entry Clearance Manager in Nairobi reviewed the decision to refuse entry clearance in the light of your representations . . . and decided, given the information enclosed with your letter, to overturn the refusal decision."

What would Sister Bernadette Mwita have done about her education at the Institute of St. Anselm, had there been no right of appeal?

Sister Matilde Adong, Sister Joan Tombe, Sister Anna Patrick, Sister Teresa Hanh, Sister Mary Kim, Yaqub Gill, Jabulani Khumalo, Mary Ebbele, Leopold Kashama, Cajetan Metu, Barthelemy Namdeganaramna, Rita Dube, Lourdes Manrique, Hye Ko, David Okeke, Leo Rozario, Ambroise Bahiya, Bernadette Mwita and Joyce Hoedoafia are all real people whose initial applications to come to this country to study—in many cases as sisters in the Catholic faith—were rejected by entry clearance officers because of the blinding incompetence of the Home Office and its inability to recognise this one institute. I recognise that this is one case, but it involves 19 real people. If this can happen in the case of the Institute of St. Anselm, what might be happening in all the other educational establishments across the country?

I am firmly convinced that the Government are making a profound error. In all equity, a right of appeal must be granted to students whose applications to come to this country to study on bona fide educational courses are rejected. I hope, for that reason, Mr. Deputy Speaker, that you will allow my hon. Friend the Member for Chesham and Amersham to move amendment No. 3 and to press it to a vote. I shall most certainly support it.

Mr. Llwyd: I rise to support amendment No. 3, amendment (c) and the consequential amendments tabled by the Liberal Democrats. The most controversial parts of the Bill, clauses 1 and 4, also cause the most concern. They would result in there being no more in-country appeals in variation cases in which people had applied to extend their leave or to change from one category to another. I understand the need to tidy up in this area, but the Bill is not the right vehicle for that exercise—at least, not the Bill as currently framed.

The hon. Member for Chesham and Amersham (Mrs. Gillan) and others have said that one of the most insidious consequences of these measures will be their effect on international student numbers. All our universities depend to a large degree on international students. We should be proud of the fact that people come here to study, succeed, and make an economic contribution to society—whether in the UK or abroad, it matters not.

I went to Aberystwyth university in Wales in the early 1970s, and I was proud to have friends there of many nationalities, including people from sub-Saharan Africa and many from Iraq. Most of them were studying agriculture, and many went on to study for an MSc or PhD. They would probably not be allowed to do that now because their time would be up. In March this year, I met two members of the Iraqi Cabinet who had studied in Wales, but it will be far more difficult for such people to study here in future, which is a great sadness—*[Interruption.]* The Minister, in his usual way, shouts, "Rubbish".

Home Office decision making is, as we all know, of poor quality, and one of the most important things that must be done is to improve the quality of that decision making. Even a cursory look at the figures shows that many appeals are granted because of mistakes made at an early stage. Whether they were innocent mistakes or not I do not know, but we are all aware that some pretty basic mistakes are made.

We have heard many statistics today, one of which was that, according to the Government's figures, 25 per cent. of student appeals are successful. Other statistics show a figure as high as 49 per cent. Even the lower figure represents tens of thousands of students who, under the Bill, would be forced to leave the UK to present their appeal.

2.30 pm

It was said earlier that the Bill might be a way to get rid of such people because they will not bother appealing once they have left this country. That is insidious. It is unfortunate that this Government, of all people, are presenting such a measure and it is misleading to say that there is a right of appeal against removal when it will be exercised only when the person has left the UK. That is nonsense. There are things that the Government can do under existing legislation. I understand their desire to achieve a single appeal, but many commentators say that that can be done under current powers. I must stress that decision making needs to be improved.

The hon. Member for Oxford, West and Abingdon (Dr. Harris), who spoke for the Liberal Democrats, said that many things are at stake. He and I, and others, have received the Immigration Law Practitioners Association briefing, which I found very useful. He mentioned the right to be with a spouse and children and the right to continue in business. All those rights are important.

Many variation cases will involve human rights claims, and as was said earlier, there is a right to present those human rights claims within the UK jurisdiction. Therefore, even on that basis, I fail to see how the Bill can be certified as being compliant with the Human Rights Act 1998, although time will tell. It is obvious to me—to anyone, I think—that human rights points will become stronger if people are forced to leave the UK pending appeal. It will, inevitably, bring the legislation into disrepute if, time after time, human rights cases are presented to defeat it.

If the Government insist on taking these powers, one would have hoped they would redesign the clauses to achieve a broader in-country appeal process that could anticipate the consequences of removal, and that they would not base their new proposals on an appeal right that was available only to those who have left the UK. That has been stressed; it is worthy of being stressed again.

I shall not keep hon. Members any longer. The amendments are sensible and I hope that the House, if it divides, will support them.

Simon Hughes: I, too, shall be brief, but I hope that the Minister, as I have heard him do in other contexts recently, pays heed to some of the strong cases that we are making in calling for clauses 1 and 4 to be substantially rethought. I do not dissent from the points put by the hon. Members for Meirionnydd Nant Conwy (Mr. Llwyd) and for Walthamstow (Mr. Gerrard), as well as other colleagues. The hon. Member for North Thanet (Mr. Gale) made a particularly good case, which I hope has resonated among hon. Members.

I want to make three observations, which relate to the two categories of people that the debate is about and which support amendments Nos. 47 and 6, which, effectively, would allow us to start again in this area by removing those parts of the Bill. Those categories of people are students and those who come here aged under 18 and are suddenly told when they are over 18 that they can no longer stay.

I make my observations from three pieces of experience. First, as a constituency MP, I have regularly dealt with such cases, which have caused unnecessary additional trauma to people who come here with the best of motives, wanting to give of their best and to contribute. They come with the intention of learning and then leaving or because they can think of nowhere better in the world to come to.

I am dealing with several cases at the moment, and I alluded earlier to some of the countries involved, such as Iraq and Afghanistan. Another that comes to mind is Liberia—often, the African countries involved have a very poor recent history. Other people come here as students from perfectly peaceful countries. They are regular people who come to Britain because they think it is either the best place to learn or the best place to come to having had to flee their own country.

Secondly, I make my observations on behalf of institutions such as those in my constituency that either want these people to come to them if they are students or want to take them on if they come fleeing from torture. I represent London South Bank university and a large part of King's college, London. The medical and dental schools are in my constituency. Many London School of Economics students live in student residences in Southwark, as do students from other universities and colleges and, locally, students from Southwark college.

Institutions such as those not only benefit from and rely on such people coming here, but contribute hugely because they are coming—not just from the Commonwealth, but from all over the world. The institutions benefit in particular from people who come from the Commonwealth because they want to be here and think they will be welcome. Given that so many such people have a history of being rejected only to succeed on appeal—we have heard the figures—it would be quite wrong to deprive people in that category of the opportunity to appeal.

Thirdly—this is not a declarable interest, but I have registered it because it matters—I make my observations because I have been privileged to be involved with the Council for Education in the Commonwealth and the Commonwealth Youth Exchange Council. Both seek to foster good relationships, and other Members of the House, across the parties, have been involved. The Commonwealth Youth Exchange Council gets involved when people are teenagers and growing up so that they will think well of our country and might consider this a place to come to, just as we want our young people to experience other countries. There is a reciprocal benefit: we give, but we also receive; we send our people abroad so that we can receive others.

The Council for Education in the Commonwealth is about ensuring that people have shared Commonwealth experiences as young adults. That cannot work if so many people go back to their country reporting difficulties, which undermines the ethos and credibility of this being a good place to come to. That is the point that the hon. Member for North Thanet made.

A friend of mine is a Southwark councillor who fled Sierra Leone and became the first African mayor of Southwark. He did his university studies in Russia. I have no complaint about that, but the reality is that other places—whether in eastern Europe, Russia, China or elsewhere—will bid for and take those who should rightfully come to us and will benefit from it.

I hope that the Minister understands that the Government's new clause and their other amendments will not remedy that problem, as the Bill will create it. We are dealing with limited categories of people and recognised institutions. The amendment tabled by the hon. Member for Chesham and Amersham (Mrs. Gillan) would ensure that we were dealing with recognised institutions, whether it be Oxford and Cambridge or St. Anselm's in Cliftonville, Kent. These would be places that were being seen to do a valid job, whether they be generalist or specialist, or agricultural or theological colleges. They would be places where people came to learn English or computer skills.

[Simon Hughes]

I ask the Minister to consider and respond sympathetically to a serious and regular case. If we can get this right, we shall do our reputation a huge amount of good. If we get this wrong, we shall further disadvantage our reputation. We could also harm the prospects of those people of complete integrity and merit—mainly, they are young—who benefit from coming here and who have a right legally and validly to put their case to stay for a further course or a further opportunity, but whom the system is somehow failing.

I hope the Minister will make a hugely sympathetic response. If we do not manage to succeed today, we shall rely on the House of Lords to change this part of the Bill, which is wrong and which will have adverse and serious consequences.

Adam Afriyie (Windsor) (Con): I want to thank the Minister for the spirit in which he introduced the debate, which has encouraged some open and honest contributions. I also want to thank my hon. Friend the Member for North Thanet (Mr. Gale) for his contribution, which gave 19 tangible examples in relation to the amendments. I want to speak briefly about amendments Nos. 3, 4, 5 and 6.

Certainly, the holding of British nationality is a privilege that must not be underestimated. British citizenship and educational qualifications are much sought-after commodities across the globe. We have a proud history and heritage, and a successful and prosperous economy that has been built up over hundreds of years, alongside our educational institutions. Our heritage is on display across the nation, not only in historic buildings and infrastructure but in the education institutions that we all know and that many of us have enjoyed. We also have a vibrant democracy.

With the robust and extensive infrastructure that we have built up over generations—sewers, rail networks, power stations, airports and roads—as well as our vast array of substantial historic buildings and institutions of state, and our excellent universities and higher education establishments, it is no wonder that people from across the world, of all nationalities, wish to join us for a short or sometimes longer period to study and learn. We have a great history of welcoming not only those genuinely fleeing terror but those who seek to learn at our educational establishments.

We want to encourage overseas students to pay for studying at our institutions. International students derive many benefits from studying in Britain. It provides not only an excellent education by world standards, but an opportunity to learn about our way of life, culture and customs. That builds a reservoir of good will among those students for their future relationships with the United Kingdom.

Without the amendments, and by removing the right of appeal for certain classes of students, we shall build a reservoir not of good will but of ill will. Someone who comes here to study, of which we have heard many examples, pays fees that help our economy and, in a way, subsidises the education of British citizens. The education that they receive propagates the English language across the globe, and students become more comfortable about dealing with Britain, as they have an understanding of our institutions and democracy.

Mrs. Gillan: My hon. Friend is making an excellent contribution to the debate. Does he agree that it is also a two-way street? Having foreign nationals as students in our universities is also of great benefit to UK students, who learn about the cultures, practices and procedures in other countries. At a time of world turmoil, that is an important factor.

Adam Afriyie: My hon. Friend makes an excellent point. It is true that there is an exchange of understanding between various cultures and political systems, which bodes well for future relations.

Most Members' postbags are full of problems associated with the Home Office, not only delays in processing applications but delays and mistakes in appeals and granting people access to appeals. Some students might undertake a particular course, and then expect to move on to take a further course, such as a PhD. Without the amendments, delays in processing their applications would mean that they would be asked to leave the country, and their right of appeal would be removed. That would generate a strong sense of ill will towards a country about which they felt very positive when they arrived.

Mr. Llwyd: Earlier in the debate, the Minister said that student numbers had apparently not gone down. We had the same debate on the tuition fees debacle, and the same comment was made then. Does the hon. Gentleman agree that if this Bill is passed unamended, student numbers from abroad will definitely decrease?

Adam Afriyie: The hon. Gentleman makes a good point. There is some ambiguity over the numbers, but it seems fairly clear from the percentage of international students coming to Britain that we are beginning to lose our share of the international student market. The Science and Technology Committee has considered that issue over the past few years, and it seems clear that if student numbers are reduced, there is a danger that many of our educational establishments, especially in STEM—science, technology, engineering and mathematics—areas, will suffer.

2.45 pm

Dr. Evan Harris: I serve with the hon. Gentleman on that Select Committee. One of the issues that we consider is the problem of the brain drain of researchers from this country, but by stopping students coming here, we are stopping brains arriving in the first place. The two problems are additive.

Adam Afriyie: The hon. Gentleman is absolutely right, and I have enjoyed my time serving with him on the Science and Technology Committee. We must not overestimate the impact, but it is undeniable that there will be an impact.

Mr. Jeremy Hunt (South-West Surrey) (Con): Is my hon. Friend aware that one of the most promising and important markets for international students is the

Chinese market, and that the number of students coming from China has decreased dramatically? That is partly because the United States has just relaxed visa requirements for Chinese students, at precisely the same time as we have made it more difficult for Chinese students to come to this country to study.

Adam Afriyie: My hon. Friend makes an excellent observation, which is certainly factually correct. The Minister is shaking his head—if he disagrees, perhaps he would like to justify himself with some proper statistics.

Without the amendments, the ill will caused by delays and inadequacies at the Home Office is likely to lead to open hostility towards the visa system and the treatment of international students in Britain.

Keith Vaz (Leicester, East) (Lab): I apologise for joining the debate during the hon. Gentleman's speech. Does he agree that one way in which the system could be improved is through the three Departments concerned with entry clearance—the Foreign Office, the Home Office and the Department for Constitutional Affairs—using one reference number to deal with such cases? He must have had the same problem as I and other Members have had in trying to find three reference numbers to deal with one particular case.

Adam Afriyie: I am happy to give way to the hon. Gentleman, who has just arrived in the Chamber. There is no evidence that that approach would have the effect for which the hon. Gentleman hopes. If he thinks that it would, I suggest that he raises the matter with his party, whose thinking on the subject seems disjointed.

It is clear that one in four Home Office rulings on international students is incorrect. Our postbags bear testament to that. I would like to see international students continue to value and rate highly the education that they get in Britain, particularly in science and technology subjects. I would be very concerned if the Bill were to pass in its current form, without special classes of international students continuing to have the right of appeal, especially in the absence of Home Office efficiency.

Mr. McNulty: As I said at the start of the debate in introducing new clause 1, it is right and proper that Members should speak to the new clause and their assorted amendments specifically in relation to education, and that I should then respond. I do not seek to detain the House, but clearly many serious points have been made.

In passing, those who observe our debate from afar would think that there was an unrelenting attack on the whole notion or existence of overseas students in this country. I caution Members to be slightly more temperate in their language. We are not about to lose every overseas student application as a result of the Bill, and those who claim that are highly misinformed. My hon. Friend the Member for Leicester, East (Keith Vaz), who has just bothered to join us, talked about the huge changes that would be made in regulations governing overseas student applications. That is not in this Bill. My hon. Friend should either go and find the Bill that it is in, or desist from misinformed and ill-informed comment.

This is a serious subject. No one demurs, in substance, from the notion of what overseas students add to our broader higher education community. No one in Committee, where we engaged in highly informed debate, said anything other than that, and for all the reasons given by the hon. Member for Windsor (Adam Afriyie) we continue to welcome and positively encourage overseas students. No one at a reception that I attended—

Keith Vaz: I am sorry to interrupt the Minister when he was about to tell us about the reception that he was attending when he gathered the evidence that he needs to present to us. I understand what he is saying, but the universities themselves are saying that fewer students will come here as a result of the Bill. That is why we need to take the issue seriously. The universities deal with it day in, day out. Unless decision making is better in the posts abroad—I know that the Minister has just been to New Delhi, where we have one of our best posts—we will still have a problem.

Mr. McNulty: I do not underestimate some of the difficulties that many universities are experiencing, but I challenge the notion that either a £50 increase in the cost of visas—the first hook on which all the malaise of the HE sector was hung—or what the Bill says about appeals is absolutely and quintessentially, which is how the universities sometimes put it, the reason for the malaise that affects some courses. There are substantive reasons for the fact that the huge success of the HE sector in recent years is now being challenged. The language used by some members of the sector suggests that the entire world is crumbling down. It is not—there is a vibrancy about many courses, although I do not dispute the fact that some universities are experiencing difficulties with overseas recruitment for certain courses. What I do dispute, as I told the Universities UK board at a recent meeting, is the casual, causal empiricism that leads people to say that it is all the Home Office's fault and that nothing else in the entire world is causing the malaise.

Mrs. Gillan: If there is absolutely no problem—

Mr. McNulty: No one has said that.

Mrs. Gillan: Then I shall choose my words carefully. If there is a wonderful, thriving, vibrant market in international students in Europe, why is the President of the European Union proposing that foreign students completing doctorates in Europe should be offered citizenships in an effort to lure them into that market, and why is the Prime Minister backing that idea as part of his liberal reform agenda? Why did he push it during his presidency, which of course will end in December?

Mr. McNulty: With respect, that is another issue entirely. It is a post-education issue.

Mr. Charles Walker (Broxbourne) (Con): I want to thank the Minister for helping me with a difficult case that has been on my desk for the past few months. A few weeks ago, I met the chancellor and vice-chancellor of Hertfordshire university, who were having particular

[Mr. Charles Walker]

problems with Chinese students. I shall not go into those problems now, but would the Minister mind if I wrote to him about them?

Mr. McNulty: I should be happy for the hon. Gentleman to write to me, and for the hon. Member for North Thanet (Mr. Gale) to do likewise. I listened carefully to his rather lengthy recitation of the difficulties affecting the Institute of St Anselm. I think that many of his complaints relate to clause 4, which deals with entry clearance, rather than to new clause 1 and amendment No. 3, but if there are continuing problems affecting the institute and I can help with them, I shall be more than happy to oblige. Nevertheless, I disagree entirely with the hon. Gentleman's starting point, which is that the 19 cases that he mentioned prove that the Bill is not appropriate.

I should have made a point at the beginning of my speech. Someone kindly alluded to it earlier, and I accept that it is a difficulty. The Bill must be seen not just in the context of the consultation paper on the points system—consultation ended only on 7 November—but, as I said in Committee, in the context of all that we are trying to do in regard to the entry clearance officer decision-making process. I said in Committee, and will say again, that I accept the charge that all ECO decision making throughout the entire world that takes place under the auspices of UKvisas could, broadly, be improved. I have committed myself to ensuring that those improvements are undertaken now, and will continue to do so. The hon. Member for Chesham and Amersham (Mrs. Gillan) kindly read out probably the most turgid remarks that I made in Committee about the link between the commencement of the orders on appeal and the improvements in ECO decision making. I shall say more about that later.

Adam Afriyie: I thank the Minister for giving way so gracefully. I hope that his answers will be equally graceful. May I be bold enough to suggest that he sets a target for reducing the number of incorrect decisions to allow an appeal before the Bill is implemented?

Mr. McNulty: I take that point, which is germane to what I just said about the link between commencement orders and other matters. However, I shall not go down that road. I think most fair-minded people would accept that the position is not as clear-cut as "successful appeal equals bad initial decision"—*[Interruption.]* That is the import of what the hon. Gentleman was suggesting. He should calm down.

Limited empirical evidence from the National Audit Office and material that we discussed in Committee suggest that up to 50 per cent. of problems—happily only 50 per cent.—were caused by inaccurate or incomplete documentation at the start of the process, or by the absence of some element at the start of the decision making. We need to explore those issues, and I shall be more than happy to do so in a moment. However, the crude notion that appeal success equals bad initial decision is simply not sustainable.

Lynne Jones (Birmingham, Selly Oak) (Lab): My hon. Friend's comments about the vibrancy of universities were welcome, but his account of their complaints was a travesty of the way in which I interpret what I consider to be genuine concerns. Many cases are overturned as a result of initial decisions because academics draw attention to problems, and a manager examines the position again. How will the Bill deal with that? Surely the poor decision making in the Department is due to the complexity of the legislation and the ever-increasing number of changes that the Government are introducing. Would not better and better administration be preferable to more and more legislation?

Mr. McNulty: With respect, that is entirely wrong in most instances. I was not traducing or undermining anything that the universities had said. I fully recognise that there are difficulties in the sector. What I dispute is the causal link between the Bill and visa fees. I spent some 14 years in the sector, so I know and understand it. I also understand that it is now entirely different from how it was then.

My hon. Friend's other point is important in the context of the points system and the five-year plan. There is a separate tier for students. There is a far stronger accreditation system, rather than the simple flick-switch that caused some of the early difficulties that the hon. Member for North Thanet mentioned, where an institute is good or bad with nothing in between—no gradation, no notion of its past experience or anything else. There are also the elements to improve decision making. Those issues go to the heart of how to move on and to improve the welcome for overseas students.

We are seeking to address all the other elements that are difficult for the sector through the joint education task force and close working with Universities UK and others, including, it is often forgotten, the FE sector. Therefore, I do not accept many of the premises that have been put forward. It must be about making decision making better, rather than hanging on to an appeals process that often means that the appeal is heard, if one is lucky, some two and a half years down the line.

3 pm

Dr. Evan Harris: I think the Minister fairly reflects the disagreement in the Standing Committee about whether the high proportion of appeals that were won by applicants was due to poor decision making or new factors coming in. However, I think the point was made in Committee that when appeals go in, the papers are supposed to be collected by the entry clearance manager, who has the opportunity to reverse a decision that was made on the basis of incomplete information. When the manager does not do that, there has been a second opportunity, with all the information the appeal has, for that to be corrected, so the point still stands about poor decision making overall.

Mr. McNulty: I do not think that it does. I specifically refer to the 900 or 1,000 decisions that were looked at by the NAO, or whoever it was—if it was not the NAO, I apologise. That was done deliberately before a second sift, as I understand it, by the entry clearance manager. The paperwork that was initially submitted was examined. I absolutely accept that there are difficulties across the HE sector, but I do not accept, as I have said, that they are ultimately connected, simply put, to fee structures or to what we are doing on appeals. I cannot say loudly enough that the Government and the House, on a cross-party basis, will continue to work as closely as possible with the HE sector to ensure that those overseas students continue to get good service.

I accept the point that was made by some hon. Members, who are not in their places any more, that it is about far more than the initial three or four-year experience of the overseas students. I happened to teach a number of people who were overseas students and who are still friends. There is that initial contact at, if one likes, elite level, but then there is contact at a more general level, and affection for the country where one did that initial study. None of that I refute in any way, but we think—in the context of the five-year plan, the points system and all the improvements that we are trying to make in terms of ECO decision making—that the way forward that we are suggesting, with those elements rather than simply what is in the Bill, has merit for students.

Mrs. Gillan: Will the Minister give way?

Mr. McNulty: I will do so for the final time on this point because I want to cover other elements without boring the House with this for the rest of the afternoon.

Mrs. Gillan: The Minister has accused Conservative Members in Committee and on the Floor of the House of being disingenuous, but he should take into account the report from the Select Committee on Constitutional Affairs, which looked at, among other things, the quality of initial decision making in the Home Office. It wrote in its recommendations:

> "There are significant flaws in Home Office practice at the stage of initial decision making"—

so methinks he doth protest too much. He is not taking it on the chin and dealing with it, but sweeping it under the carpet.

Mr. McNulty: Absolutely not, otherwise we would not be introducing the new points system and investing heavy resources in the entire decision-making process. We would not be doing all that if I were being entirely smug and complacent, saying that every decision made by the Home Office or any agent thereof was 100 per cent. correct. I accept that excellent work is being done throughout our posts internationally, but I accept, too, that there can and will be improvements. Part of that improvement will come about with the clarity afforded by the points system. I accept that that is the other half of the policy. I am not defending—I do not think I would—every decision made by the Home Office, but that is where the future lies in improving circumstances and conditions for overseas students and others who apply to work or to study here, not in holding on to the appeals system.

Keith Vaz: No one doubts the Minister's personal sincerity on the matter. He is a dedicated and hard-working constituency MP dealing with hundreds of thousands of immigration cases, but it is the system that needs changing, not the Minister and not the appeals system. He should defer these measures until he puts in place a package of measures that will deal with the issue of bad decision making, exactly as the Select Committee recommended. All he has to do is defer and get his package in place, and he will find that he does not need to make the changes that he is making today.

Mr. McNulty: I am grateful to my hon. Friend for his advice, but we are doing that now. We are doing any number of things in terms of the ECO process. Admittedly, we are just starting the process, but all those things are happening now. We are enhancing the role of the independent monitor. He will be full-time, but it is essentially the same post, to answer the question asked by the hon. Member for Chesham and Amersham. I hope that he or she will be appointed in January. We are enhancing training, there is quality focus in UKvisas and we have objectives on best practice. This is within our international obligations. There are best practice reviews, more management resources for posts, quality of refusal notices—which are often a problem for many individuals and MPs—and we are working more closely with judges. There is any number of other elements: risk assessment, so we are informed far more readily on where risks are involved, communications, and general awareness, where we have suffered in the past. Those and other elements are happening now.

I said this clumsily in Committee, as the hon. Lady reminded us, but I think that rather than delay matters to some far-off time, there is merit in looking at the notion that only when elements of the points system are introduced completely should the commencement order on appeal systems happen. The House will forgive me for not saying simply in terms that when the points system in all its entirety is introduced, only then will there be a commencement order on the lifting of appeals. I made it clear to the Standing Committee that there will be some elements of the points system that can be introduced earlier than mid-2007. Save for those elements that may be introduced earlier, including tier one and the highly skilled migrants programme, I will say that I am happy not to go down the route of introducing the provisions of the Bill that refer to appeals until the points system is in place. Those points were made in Committee and they are fair.

I am trying to think of a way where, on the premise we get the independent monitor in place in January, he or she can help in that process, having grown into the role over a year when these resources are going in. There may be a commensurate impact both on allowed decisions and refusals, and more generally on the appeal rate, but it is not going to give us significant evidence to say yea or nay in any mechanistic sense. However, I will say, with the caveats that I have mentioned, that we will not do that with the appeal process until we get there.

I will come back to money because it is in this huge pile here—not the money but the point that the hon. Lady made. There are some specifics to which I want to refer. Some go to the debate and some to other points raised. We have had, apparently, legal advice to the effect that, following the ECJ cases of Panyatova and Dorr and Unal, certain classes of persons claiming under European Community association agreements are entitled to rights of appeal under EC law. The hon. Member for Oxford, West and Abingdon (Dr. Harris) alluded to that point earlier. I will give him this note.

Such persons have rights of appeal under current legislation, but those rights will be removed by the changes to appeal rights in the Bill. We may provide the

[Mr. McNulty]

necessary rights of appeal by using the necessary legislation without amending the Bill. In other words, this is still work in progress. I undertook to let the hon. Gentleman know about that. We may need to provide a right of appeal for non-EEA nationals who are primary carers of EEA children exercising treaty rights in the UK following a subsequent judgment. We think that we can cover that through section 92 of the Nationality, Immigration and Asylum Act 2000. I shall write more fully to the hon. Gentleman about that.

Dr. Evan Harris: I am grateful for the Minister's response and I hope to receive his letter in good time for consideration in the other place, particularly in respect of whether an amendment to the Bill or regulations would be satisfactory.

Mr. McNulty: On the substantive elements in new clause 1, I shall disappoint the House in that the most compelling point made in Committee was about the issue of the twilight zone and criminality. New clause 1 addresses that matter, although it may be clumsy. The hon. Member for North Southwark and Bermondsey (Simon Hughes) clearly said that the provision affects only a limited number of people. On the appeal right process—non-suspensive appeals versus in-country appeals issue—it is an even more limited group. The points made about criminality in the new clause are limited to those who would exercise on a notice of removal and through the one-tier appeal their right to pursue an asylum or human rights claim. That is the very narrow pool of people who are affected in that regard.

Let me be clear—those people will not get extensions to leave or the rights and benefits that leave accrues because, as a result of the position that they are in, they have no leave. There can be no leave to pursue. I do not want to reach the stage—there has been evidence of it over the past three, four or five years—of putting a perverse incentive in the core of a Bill under which those people, albeit small in number, queue up to make erroneous and capricious human rights and/or asylum claims simply because they know that it will elongate the right to work and the benefits that they may have had prior to the refusal. The debate about that has been interesting and I shall take some of the points into account—I do not accept the substance of points about students—but much of the argument was erroneous because of the small, narrow focus of people who are involved.

Dr. Harris: If it is a small narrow group of people, there is presumably nothing wrong with preserving their right to exist and to carry on working while the appeal is being considered. I may want to say more about that in a few moments. I want to raise a point that I made in Committee, to which I do not believe the Minister has responded. What happens if a valid judicial review application is given against a decision not to extend leave? Do the rights continue under that application? The Minister indicated at column 148 of the Committee proceedings that he might write to me, but I am not clear that he has done so. Will he now take the opportunity to clarify it either by answering now or writing later?

Mr. McNulty: I shall write. I do not think that the matter is particularly germane to new clause 1, but I will write in more general terms to the hon. Gentleman. His point—I hope that I have it right—is that the grant of leave pre-supposes that the holder should be able to stay while they bring any future appeal, but that is a presupposition that simply does not exist under law—in intent or otherwise. A grant of leave signifies that someone may stay in the UK while they meet the conditions on which the leave was granted. If that is a truism, I apologise to the House. There is no presupposition there, only the terms of the conditions that were granted. Once they no longer meet the requirement of the rules or any application for further leave, there is no basis on which they are entitled to stay here. That is a fair point.

As I said earlier to the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd), if he would only read the Bill he would understand that his points about human rights are nonsense. How can the Bill be non-compliant with the European convention on human rights terms if all the terms of the Bill do not apply to those who make human rights applications and they are dealt with in a specifically different way under ECHR? When it comes to the interpretation of the ECHR in all its glory, on balance I trust the hon. Member for Woking (Mr. Malins) rather than the hon. Member for Oxford, West and Abingdon, and I certainly do not trust the high street solicitor from Meirionnydd Nant Conwy. I do not accept those points at all.

3.15 pm

Dr. Harris: Surely the Human Rights Act extends beyond those people who are making a claim under it. I urge the Minister—and, indeed, all of us—to await the view of the Joint Committee on Human Rights, on which I serve. It was set up specifically to advise the House on these issues. The Minister would not then have to pick and choose between hon. Members on the advice that he wishes to follow.

Mr. McNulty: Not in the context of this Bill, I say very strongly. Let me say in gentler terms that the hon. Gentleman's membership of the Joint Committee makes him no more an expert in human rights than membership of the House makes anyone a parliamentarian. That takes work—*[Interruption.]* I cheerfully strike for that position myself; it is not something that happens automatically when one walks through the Door.

On the matter of family visits, much of it is not covered, but the hon. Member for Oxford, West and Abingdon made a point about spouses. He will know, as he takes an interest in these matters, that I have just issued immigration rules that speak to the Civil Partnership Act 2004. There is a new category of civil partner now reflected in those immigration rules. We are looking into how best to fit it in on a family basis.

I am sorry, Mr. Deputy Speaker, that it has been rather a rush through a very difficult area—

Simon Hughes: It would be helpful if the Minister could respond—either now or later—to the point made by myself, the hon. Member for Walthamstow (Mr. Gerrard) and others about people entering the country as unaccompanied minors and then reaching 18. At the moment, they appear to be completely caught if the proposals go ahead.

Mr. McNulty: That point was made in the context of amendment No. 33. I said clearly in Committee that unaccompanied minors reaching the age of 18 while still here are precisely one of the categories that we shall exempt—and the Bill makes clear provision to do that. I was also very clear in Committee that unaccompanied asylum-seeker children would fall into that category, but reserved the right to look at the issue in greater detail. Almost certainly, that element will be made exempt.

I was saying, Mr. Deputy Speaker, that I am sorry if I have neglected to cover any points. We have had wide-ranging deliberations on the group of amending provisions, which are themselves very wide. New clause 1 is, as I said, a response to concerns raised by the Opposition in Committee. I invite my hon. Friends to resist all other amendments in their entirety, while commending hon. Members for their good spirit, good humour and mainly—if not completely—well-informed contributions.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

Mr. Deputy Speaker (Sir Alan Haselhurst): We now move on to new clause 2, with which it will be convenient to consider—*[Interruption.]*

Dr. Evan Harris: On a point of order, Mr. Deputy Speaker. I am sure that you are correct, but I was advised that the vote on amendment No. 47 would come before we debated new clause 2. I accept that I may have misheard the advice.

Mr. Deputy Speaker: If the hon. Gentleman follows his list of selected amendments, it will be very straightforward to understand where any votes that I or other occupants of the Chair may allow will come. I hope that I have assured the hon. Gentleman that we are proceeding in a satisfactory and orderly manner.

New Clause 2

DETAINED PERSONS: NATIONAL MINIMUM WAGE

(1) After section 153 of the Immigration and Asylum Act 1999 (c.33) (removal centre: rules) insert—

(2) "153A Detained persons: national minimum wage

A detained person does not qualify for the national minimum wage in respect of work which he does in pursuance of removal centre rules."

(2) After section 45A of the National Minimum Wage Act 1998 (c. 39) (exemptions from national minimum wage: persons discharging fines) insert—

(2) "45B Immigration: detained persons

Section 153A of the Immigration and Asylum Act 1999 (c. 33) (persons detained in removal centres) disqualifies certain persons for the national minimum wage.".'—*[Mr. McNulty.]*

Brought up, and read the First time.

Mr. McNulty: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss Government amendments Nos. 30 to 32.

Mr. McNulty: I, of course, never ever doubt your guidance in respect of our proceedings, Mr. Deputy Speaker. *[Interruption.]* Someone just called me a creep, but I am sure that you will admonish them.

This is an interesting new clause. I hope that we will not get sidelined by issues that are not relevant, so that we can focus on those that are. There is a strong body of opinion that holds that paid activity should be available, on a voluntary basis, for people in immigration removal centres. This new clause works to that effect.

At the moment, detainees in immigration removal centres do not have the opportunity to undertake paid work of any description. Despite the presence of educational and other activities in removal centres, many non-governmental organisations have established that the absence of paid activity can lead to boredom and frustration among detainees. That is harmful to their well-being, and that of the entire institution, and contributes directly to control and order problems.

Paid activity is generally accepted as a necessary component of the activities provided to individuals in custody. It benefits the individuals concerned by giving them additional constructive and purposeful activity with which to occupy their time. As a direct result, it plays a key role in helping to maintain order.

The absence of paid activity for immigration detainees, with the potentially adverse consequences for their well-being and for removal centre security, has been highlighted by Her Majesty's chief inspector of prisons and by the prisons and probation ombudsman. Both have recommended that the current position should be remedied.

In order to provide opportunities for detainees in removal centres to participate in paid activity, we need to exempt them from the national minimum wage. Detainees may be regarded as "workers" for the purposes of the National Minimum Wage Act 1998 if they perform paid activity of any sort, and would therefore be entitled to receive the national minimum wage. That would not be viable financially, nor reflect the true economic value of the work likely to be carried out, which is likely to be remedial and assistive. "Assistive" is the correct word in this context, but nevertheless I apologise for using it. The current position has prevented detainees from being given opportunities to undertake paid activity. We need to change that.

Mr. Gerrard: I understand the reasons that my hon. Friend the Minister has given for allowing detainees to undertake paid work, and that requests have been made to that effect. However, detention centres are often run by private contractors who have not always earned the most sparkling reports from the prisons inspectorate. I am worried that detainees will end up being used as cheap labour. Will my hon. Friend say how that will be prevented?

Mr. McNulty: That is an entirely fair point, and I hope that my hon. Friend will allow me to get to it later, as I develop my remarks.

Prisoners who undertake paid work would do so on the basis of an exemption from the national minimum wage in section 45 of the National Minimum Wage Act 1998. There is no similar exemption for immigration

[Mr. McNulty]

detainees in removal centres, and that is what we want to remedy. Paradoxically, individual detainees held in prisons are, by default, covered by the exemption for prisoners. That means that an immigration detainee incarcerated temporarily or otherwise in the prison estate is covered by the exemption for prisoners and could do paid work. In contrast, that person could not do paid work on transfer to the removals estate. The exemption created by this new clause would therefore remove that anomaly and bring detainees in removal centres in line with people held in prisons.

It is important to note that all paid activity would be entirely voluntary and provided in addition to the various educational, sporting and recreational activities offered to detainees at present. Detainees would be encouraged to participate, just as they are in relation to other activities, but in no way would they be compelled to carry out the work. Detainees who chose not to participate in paid activity would continue to receive any allowances due to them under the removal centre incentive schemes.

Work opportunities provided to detainees are likely to be of two main types. The first type would be the "traditional" custodial activities such as light cleaning, kitchen assistance, laundry work and gardening. However, I accept the point made by my hon. Friend the Member for Walthamstow, and assure the House that contractors would not be allowed to bid for such work on the basis that detention centre internees would be used. That will not be allowed to happen.

The second type of paid work would include activities organised by charitable or voluntary groups, for which detainees would receive direct financial reward for participation. Detainees would not engage in commercial work of any description, and I hope that that answers the point raised by my hon. Friend the Member for Walthamstow directly.

This measure is principally intended to enhance detainee welfare, with the consequential benefits for removal centre security. It will ensure that the existing range of activities available in removal centres can be complemented by paid activity, which has well-established benefits for those in custody.

As I said in connection with the previous group of amendments, I shall end my introductory remarks there, and respond later to points raised in the debate.

Mrs. Gillan: I do not think that we need detain the House for too long on Government new clause 2, but I am surprised that it should be introduced at this late stage. No explanation, other than the one that the Minister has just delivered at the Dispatch Box, has previously been given for the change, although it is true that an anomaly does exist in respect of people detained in the prison estate and those detained in other establishments. That is the anomaly that the new clause addresses.

The report into the Yarl's Wood detention centre made it clear that we need to look at what happens to people who are detained. That is all the more important, given that the Government's five-year strategy for asylum and immigration states that increasing use of detention is planned, especially in the context of the removal of failed asylum seekers. However, the Minister must answer a few questions relating to the new clause.

The hon. Member for Walthamstow (Mr. Gerrard) asked a valid question in his intervention. At present, the UK has nine immigration removal centres. Most are run by private companies, but three are run by the prison service. It is important to understand how the private companies will be instructed to manage a work regime in the centres, as the Minister has made it clear that that regime will be intrinsically different from the practice in prisons and on the prison estate as a whole. What instructions will the private companies be given about running the work regime in their centres?

Detainees are not prisoners. The Minister knows that people may be detained for a variety of reasons. Most are detained because they are about to be removed from the UK, or because their asylum claims are being dealt with through the fast-track process, so I am not entirely sure how useful the provision will be, especially given that the average stay in a detention centre is between seven and 10 days. That said, earlier this year, persons were recorded as being in detention in the UK for a year or more, solely under Immigration Act powers: 70 had been detained for a year or more, 45 of whom were asylum seekers. That statistic is staggering enough, but 125 people had been detained for more than six months but less than a year, of whom 95 were asylum seekers, and 150 people were detained from four to six months and 150 from three to four months. Purposeful activity or a work regime may be envisaged for those individuals, but the idea needs to be fleshed out and cannot simply be presented to the House in the form of the new clause.

The proposals smack to me of the Minister envisaging that those individuals could be held in detention centres for a long time. When we were considering other aspects of the proposals, I noticed that a detention centre manager considered—especially in relation to reports about the Yarl's Wood centre—that the sort of work that could be done should be connected to the resettlement of the individual, particularly if resettlement could reasonably be supposed to be in the UK. But the Minister conveniently missed out that point by referring to light cleaning and a little cooking and domestic work at the prison.

3.30 pm

My last point relates to the structuring of the regime as regards payment. The average rate of pay for employed prisoners is £8 a week, but the Prison Service sets its own minimum rate, which is currently £4 a week. Each prison is allowed to set its own pay rate. Does the Minister envisage that each detention centre will be allowed to set its own rates and, if so, at what level does he expect them to be?

That is all I want to ask at this stage, but I reiterate to the Minister that, given the spirit of our conduct of the proceedings, I would have expected a new clause of this nature to be accompanied by an explanatory document, at least for members of the Committee, rather than relying on the Minister's slightly cursory introduction—*[Interruption.]* The Minister is holding up a letter, but I am afraid that it has not reached me. I do not know what the date of the letter is, but we had similar arguments in

Committee when letters were sent out the day before a sitting. I explained then that, like many Members, I have an arrangement whereby my post is sent to my constituency to be dealt with initially, so although the Minister may hide behind the letter that he has the privilege of holding up, it has not reached my desk and it has obviously not reached the desk of my hon. Friend the Member for Woking (Mr. Malins).

Mr. McNulty: I am not hiding behind the letter, and I apologise profusely to members of the Committee if they have not received it. I ensured that on 10 November anything remotely new in terms of amendments tabled was circulated as a courtesy to the Committee, with explanations—albeit brief ones. I apologise if the letter was not received in Amersham or in central London, but that was certainly my intention.

Notwithstanding, with respect, the rather picky points made by the hon. Member for Chesham and Amersham (Mrs. Gillan) about the detail for each detention centre, I hope that the substance of the new clause is supported. There is substantive evidence— in the broad academic sense and from the ombudsman and the prisons inspector, who has investigated detention and removal centres—that people occupied on a voluntary basis are far better served individually. That deals in part with the hon. Lady's point about resettlement either in the UK, if that is how things pan out, or in the person's country of origin. That option must be good.

I am happy to share with the House and members of the Committee how that will unfold in substance, removal centre by removal centre—

Mrs. Gillan: Will the Minister write to me?

Mr. McNulty: Yes, and I shall deliver the letter by hand.

Earlier, I deliberately concentrated on new clause 2, but I shall now turn to the Government amendments in the group. Amendments Nos. 30 and 31 deal with local authority provision of section 4 accommodation, and I think they are straightforward.

A point was raised about whether changes in non-compliance consequences were administrative or legislative. The hon. Member for Oxford, West and Abingdon (Dr. Harris) spent some time on that point in Committee, and I think that amendment No. 32 makes it clear that the Government are willing to concede that the consequences of non-compliance should be set out clearly in immigration rules and not be provided for administratively. I think that is what the hon. Gentleman was after and we have duly responded.

Dr. Evan Harris: The Minister is correct to say that amendment No. 32 covers what we were seeking. I am grateful to him for that amendment. I also recognise he has dealt with a problem by introducing amendment No. 30, which relates to section 4 of the Immigration and Asylum Act 1999. The question that has not been answered is whether section 4 support—non-accommodation support—must be given in vouchers or whether it can be given in cash. He did not answer that in Committee or in a parliamentary question to him. If he would undertake to write to give a definitive answer about whether there is a statutory bar on paying cash or whether it is just his wish, the Liberal Democrats would certainly be very grateful.

Mr. McNulty: I shall happily write to the hon. Gentleman, and I am grateful to him for his comments on the amendments in this group. I hesitate to say that I will hand deliver any response to him because I have enough to do without doing a poor impersonation of Postman Pat or a member of the Communication Workers Union. With all those frivolous comments put to one side, I commend Government new clause 2 and the Government amendments to the House.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

DEFERRED DIVISION

Mr. Deputy Speaker (Sir Michael Lord): I now have to announce the result of a Division deferred from a previous day.

On the motion on Marketing of Foods Derived from Genetically Modified Maize, the Ayes were 216, the Noes were 73, so the motion was agreed to.

[The Division Lists are published at the end of today's debates.]

Immigration, Asylum and Nationality Bill

Amendment proposed: No. 47, in page 1, line 3, leave out clause 1.—*[Dr. Evan Harris.]*

Question put, That the amendment be made:—

The House divided: Ayes 228, Noes 270.

Division No. 97] **[3.36 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Gale, Mr. Roger
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, David
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Kirkbride, Miss Julie
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vaz, Keith
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Wishart, Pete
Wright, Jeremy
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Andrew Stunell and
Mr. Crispin Blunt

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben

Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Gapes, Mike
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Heyes, David
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hutton, rh Mr. John
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Ruane, Chris
Russell, Christine
Ryan, Joan
Salter, Martin
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Winnick, Mr. David
Winterton, Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Vernon Coaker and
Mr. Frank Roy

Question accordingly negatived.

Amendment proposed: No. 6, in page 2, line 36, leave out Clause 4.—*[Mrs. Gillan.]*

Question put, That the amendment be made:—

The House divided: Ayes 225, Noes 272.

Division No. 98] **[3.51 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip

Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan
Duncan Smith, rh Mr. Iain
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Gale, Mr. Roger
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, David
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Kirkbride, Miss Julie
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simpson, David
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Wishart, Pete
Wright, Jeremy
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Peter Atkinson and
Mr. Crispin Blunt

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Gapes, Mike
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Heyes, David

Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Hutton, rh Mr. John
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Ruane, Chris
Russell, Christine
Ryan, Joan
Salter, Martin
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Ussher, Kitty
Vis, Dr. Rudi
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Winnick, Mr. David
Winterton, Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Vernon Coaker and
Mr. Frank Roy

Question accordingly negatived.

Clause 4

ENTRY CLEARANCE

Amendment made: No. 27, in page 3, line 32, at end insert—

'(2) For section 23(1) of the Immigration and Asylum Act 1999 (c. 33) (monitoring refusals of entry clearance) substitute—

"(1) The Secretary of State must appoint a person to monitor, in such manner as the Secretary of State may determine, refusals of entry clearance in cases where, as a result of section 88A of the Nationality, Immigration and Asylum Act 2002 (c. 41) (entry clearance: non-family visitors and students), an appeal under section 82(1) of that Act may be brought only on the grounds referred to in section 84(1)(b) and (c) of that Act (racial discrimination and human rights).".'.

Clause 9

ABANDONMENT OF APPEAL

Amendment made: No. 28, in page 5, line 18, leave out from 'Kingdom' to end of line 21 and add—

'(4A) An appeal under section 82(1) brought by a person while he is in the United Kingdom shall be treated as abandoned if the appellant is granted leave to enter or remain in the United Kingdom (subject to subsections (4B) and (4C)).

(4B) Subsection (4A) shall not apply to an appeal in so far as it is brought on the ground relating to the Refugee Convention specified in section 84(1)(g) where the appellant—

(a) is granted leave to enter or remain in the United Kingdom for a period exceeding 12 months, and

(b) gives notice, in accordance with any relevant procedural rules (which may include provision about timing), that he wishes to pursue the appeal in so far as it is brought on that ground.

(4C) Subsection (4A) shall not apply to an appeal in so far as it is brought on the ground specified in section 84(1)(b) where the appellant gives notice, in accordance with any relevant procedural rules (which may include provision about timing), that he wishes to pursue the appeal in so far as it is brought on that ground.'.—*[Andy Burnham.]*

Clause 14

PENALTY

Mr. Humfrey Malins (Woking) (Con): I beg to move amendment No. 8, in page 6, line 28, after 'employ', insert

'for more than 15 hours in any one week'.

Mr. Deputy Speaker (Sir Michael Lord): With this it will be convenient to discuss the following amendments:

No. 9, in page 6, line 31 [Clause 14], leave out from 'Kingdom' to end of line 36.

No. 10, in page 6, line 40 [Clause 14], leave out from 'he' to end of line 41 and insert

'took reasonable steps to comply with any prescribed requirements in relation to the employment.'.

No. 11, in page 7, line 10 [Clause 14], leave out '14' and insert '28'.

[Mr. Deputy Speaker]

No. 12, in page 7, line 14 [Clause 14], at end insert—

'(g) state the steps which an employer must take to avoid a further breach in relation to any employee.'.

No. 13, in page 7, line 25 [Clause 14], leave out paragraph (e).

No. 14, in page 7, line 37 [Clause 15], leave out paragraph (c).

No. 15, in page 8, line 17 [Clause 16], at end insert—

'(d) make such orders as to costs as it deems appropriate.'.

No. 16, in page 10, line 18, leave out Clause 21.

Mr. Malins: We move on to the part of the Bill that deals with rights and duties of employers, and in particular to clause 14, which imposes the somewhat novel concept of a civil penalty on a person who employs a person subject to some immigration control. It is in connection with the general theme of the civil penalty that I introduce amendments Nos. 8 to 16. I hope that we will be permitted to divide the House on amendment No. 10 at the appropriate moment. My remaining amendments are essentially probing measures.

The problem of illegal working is acute. The strict liability criminal offence introduced by section 8 of the Asylum and Immigration Act 1996 dealt with it to some extent, but the problem with that legislation is that very few prosecutions have occurred. It is well known that hundreds of thousands of people are probably working illegally, but only 29 people have been prosecuted under the 1996 Act since 1997, and only eight or nine of them were found guilty.

Mr. Hollobone: Illegal immigrants working in the Kettering constituency are a serious problem. I have tabled written questions to the Home Office, the answers to which revealed that no employers have been prosecuted in Kettering for employing illegal workers.

Mr. Malins: I am interested in my hon. Friend's point. I visited his constituency some months ago, so I know that the matter, which he takes particularly seriously on behalf of his law-abiding constituents, is a problem in his area. I am not surprised to learn that no one has been prosecuted. As a general principle, it is all very well to introduce new criminal penalties, but the problem is often the lack of enforcement of the existing law.

The civil penalty introduced by clause 14 is a new concept, but I am troubled by the fact that we know very little about the Secretary of State's plans. For example, the minimum and maximum penalties are not stated in the Bill. I have heard a rumour that the maximum per worker will be £2,500, although perhaps the Minister will confirm that figure in due course. Maximum fines and penalties are always set out in criminal statute, so it is disappointing not to have that information. Likewise, the contents of the penalty notice referred to in clause 14 are left for us to guess at. The documents that employers must see and the steps that they must take are, again, not specified, and they will be decided later.

The Government promised to consult employers' groups and small businesses during the passage of the Bill, and I hope that the Minister will give us the result of those consultations in his response.

Nobody knows how many illegal immigrants are in this country and how many of them are working, but it is a fair conjecture that if there are, as is generally agreed, well in excess of 500,000 illegal immigrants, it is very likely that a great number of them are working illegally. Does the Minister have any idea how many such persons are working illegally in this country?

Will the Minister specifically deal with enforcement of the civil penalty? How will it be enforced in practice and by whom? Will it be a matter for the police, local authorities or Home Office officials? Who will be tasked, which is not a word that I like, with enforcement? It is all very well to introduce a civil penalty, but enforcement is a critical point.

The Labour-dominated Home Affairs Committee has had something to say over the past few years about illegal working, which it has pointed out can have a particularly pernicious effect on community relations and an unfair impact on the legally employed work force. The Committee has been critical of the Government for their failure to prosecute under the criminal sanctions for employing illegal workers. If the criminal law has not worked, what is so magical about the new civil penalty?

Amendment No. 8 would insert the words

"for more than 15 hours in any one week".

It is intended to draw to the Minister's attention the problem that may arise for employers in relation to part-time or seasonal employees or one-off workers who do a particular job that may last only a day but are nevertheless employed. Short-term working in catering and the tourism industry should also be addressed positively by the Minister when he responds.

I have a very good friend called Philip Walters, who lives in Dorset and is much involved in local life there. He reports to me that in his county—I think that it is the same throughout the country—a significant number of people are employed by farmers on very short-term contracts. For example, strawberry pickers may be employed for only one day and paid food for their troubles. Farmers are completely reliant upon that kind of labour. It would be unfair of the Government to expect every farmer to ask every strawberry picker for the appropriate identity documents, employment documents, and so on, and to keep photocopies.

My concern is mainly on behalf of individual employers, not so much companies. I am worried that innocent individuals will be caught—people who employ gardeners and cleaners who work for perhaps no more than 10 hours a week at the most. I put 15 hours in my amendment because I thought that that was reasonable and would enable the Minister to respond fully on the issue of part-time workers. Such individuals face a penalty under the clause—there is no doubt about that. Is it right to impose on an individual who employs one or more persons for fewer than 15 hours a week the bureaucracy, red tape and burdens that we find in clause 14, leaving them, quite unnecessarily, with penalties and notices to pay?

Hotels, restaurants and other entertainment enterprises are often completely reliant on taking full advantage of seasonal peaks in demand. This measure may dramatically reduce their flexibility, which is one of the most significant advantages that small firms have over their larger competitors, and in effect punish those who experience an economic need for labour. The Government say that they support enterprise, small businesses, diversity and flexibility, but their failure to exempt part-time workers, in particular, could heap even more red tape on to businesses.

The Minister will tell us that he has consulted various bodies—and so have I. The end result is that I have received comments from several leading bodies that are very worried about the general problems that they will face. The CBI welcomes the clause on the criminal effects but says that

> "civil penalties pose more problems than they create solutions"

and that if

> "the primary aim of the measures in the bill is the prevention of abuse, it is correct to focus on those who offend wilfully and/or repeatedly."

I believe that there is force in what the CBI goes on to say:

> "The introduction of civil penalties for negligent employers . . . is a distraction. We are concerned that the difficulty of taking *enforcement actions against true rogue employers* will lead to a perverse incentive to target legal firms who employ legitimate migrants and may make the occasional mistake. The introduction of civil penalties for negligent employers may present enforcement officers with an "easy win".

Mr. Alistair Carmichael (Orkney and Shetland) (LD): Does the hon. Gentleman agree that an employer who is minded to employ people illegally will also be well disposed to the notion of hiding behind the veil of incorporation in its various guises, and that that would be exceptionally problematic in regard to recovering civil penalties?

4.15 pm

Mr. Malins: The hon. Gentleman makes an interesting point—there is of course a corporate criminal offence set out in the Bill—and he might wish to develop it himself in the course of the debate.

The Joint Council for the Welfare of Immigrants, a much-respected body, also has concerns about the provisions. It has consulted businesses, and has registered on behalf of many of them concerns about the provision for a civil penalty. A problem that it has identified—perhaps the Minister will address it directly—is that the Government are almost asking employers to become

> "'enforcers' of immigration control and that the threat of civil penalties as well as the requirement to repeatedly check documents will act as a disincentive to employers hiring foreign nationals, including those who are 'documented' and ethnic minorities."

So a lot of genuine people who have a full right to work could find themselves—for completely understandable reasons—accidentally discriminated against. They would therefore suffer as a result. When the Minister tells us about his consultations with the CBI and other business organisations, I am sure that he will be able to address those concerns.

The provisions would result in an even greater burden being placed on smaller businesses, which should not be expected to act as a continuing watchdog on behalf of the Government. Amendment No. 8 sets out an exemption for the employers of part-time workers. Its purpose is to ask the Minister please to be very cautious before placing unnecessary burdens on small employers who employ people part-time or just for one-off jobs, because they would be covered by the civil penalty.

Amendment No. 9 is a probing amendment that proposes to leave out clause 14(1)(b). This proposal would not place quite such a burden on the employer as the existing one. The employer would be subject to a penalty if he employed someone who had not been granted leave to enter or remain in the UK, but would not face a civil penalty if, for example, the person whom he had employed had leave but it had expired and there was a possibility of its being renewed. The Minister may remember that this issue was raised in Committee by the hon. Member for Walthamstow (Mr. Gerrard), who always takes a great interest in these matters. The Government's response at that time, though helpful in part, was incomplete. That links up with my point on that amendment involving the nature of the documentation, which the employer will have to read and understand. Some of those documents are complex.

I am going to say to the Minister something that may trouble him a little. I have read that those employers who are concerned that the penalty provision might impact on them can phone an employers' helpline—a hotline of sorts for employers—to get the fullest possible advice as to what they should and should not do, and how they should approach individual employment cases. The parallel with the immigration hotline, which is used by many of my hon. Friends and Members across the House to get answers on immigration matters, is interesting. I want the Minister to tell us in his winding-up speech whether the employers' helpline—or it is a hotline?—exists. Will he give us its telephone number? I have a number in front of me, but something tells me that it might be more appropriate for him to talk to us about this, just in case I have the wrong one. I think there is such a helpline and that it will be useful for employers.

Amendment No. 10 is the one about which it is fair to say I feel the strongest. Clause 14(3) says:

> "An employer is excused from paying a penalty if he shows that he complied with any prescribed requirements".

Amendment No. 10 would introduce a few words giving the employer an excuse if he

> "took reasonable steps to comply with any prescribed requirements".

As we are hammering employers under this provision, if they have taken reasonable steps, they should have some form of excuse. That is the principal amendment to which I shall speak. It is, I think, linked with amendment No. 12.

My hon. Friend the Member for North-West Norfolk (Mr. Bellingham) tabled a not dissimilar amendment in Committee, hoping thereby to ease the position of the innocent employer who may have made an innocent mistake. It was a pro-business amendment, so we were sorry, but not surprised, that the Government did not take it on board at that stage; nor have they tabled their own amendment today to ameliorate the position of employers. In tabling that amendment, my hon. Friend expressed his concern—and that of others, including the CBI—about that burden.

In Committee, the Minister indicated that the clause would be watered down. He did not use those words, but suggested that it would be shown to be more employer

[Mr. Malins]

friendly by a code of practice, which would apparently offer a more lenient approach to first-time transgressors. I do not know exactly what that means. If first-time transgressors are not to be penalised under this civil measure, let us hear it. If the Minister will have discretion not to penalise first-time transgressors, employers have no reason to be comfortable, because they simply will not know their fate. I hope the Minister can respond on that point.

Prescribed requirements, which are not defined although the employer has to comply with them, mean inspection of documents. Anybody with the slightest knowledge of the immigration world realises that we are now entering a minefield. Picture yourself, Mr. Deputy Speaker, or any of us here, running a small business taking on labour. Then, one asks to see certain documents. Bearing in mind that many documents that are not real seem to pass the test with our immigration officials and those at airports, I do not see how the innocent employer will spot them. Did you know, Mr. Deputy Speaker, that it is a piece of cake in Lithuania to wander along and buy yourself a Lithuanian passport, which gives you everything that you need to come into this country? Did you know that it is a piece of cake in Italy and Greece—I hasten to say that I have not done it, but I know it to be true—to get hold of a Greek or Italian identity card and wander into this country on that basis? Finally, I am not sure that employers are expected to know that there is a terrific trade of Brazilians entering Portugal and getting hold quite easily of Portuguese identity and other documents, and then wandering around the EU, not to mention this country. The notion that expertise must be put into the mind of the employer is illusory.

My amendment No. 11 deals with a separate issue, and I hope that I have expressed fairly and opened up a debate on the burdens on employers, the concerns of business and the lack of detail that we have had so far. The clause states that a penalty notice must "specify a date". The date specified in the notice—goodness knows who sends it or has found out that an employer has an illegal migrant as an employee—is meant to be

"at least 14 days after the date specified in the notice as the date on which it is given, before which the penalty must be paid".

The amendment changes that from 14 days to 28 days. It is quite important—I know that the Minister is taking the point on board—that a reasonable period is given to the employer to pay the penalty. We do not know what the penalty will be, and have no idea who will judge how much it will be. If it is a Home Office official who decides on the penalty, such an official will have no idea about an employer's wealth, means or ability to pay and will, I presume, just pick a figure out of the air, which seems idiotic. It seems right, particularly as people are sometimes away for two or three weeks, that a reasonable period of grace should be given for the employer to pay the penalty.

On the question of the financial means of the person in receipt of a penalty, I see nothing in the Bill to tell me that the level of the penalty will be adjusted according to the means of the person who must pay it. In our courts, however, defendants' means are carefully examined—they carefully fill in a form about whether they are on benefits or X pounds a week. As a result, the courts set the fine at a level compatible with the defendant's means. Where is that provision in the Bill, and where is the prospect of the Minister allowing a little more time? If one is fined in a magistrates court, one is invariably given, if one asks for it, 28 days to pay. That is why I have suggested that 28 days be allowed in relation to the penalty notice.

Amendment No. 12 follows on from my amendment No. 10 and again seeks to lessen the burden on the employer.

Amendment No. 13 asks us to leave out paragraph (e), which requires

"action to be taken at specified intervals or on specified occasions during the course of employment."

Not only will a burden be placed on an employer at the beginning of the employment, when he must inspect and deal with certain documents, but he will be required to do the same

"at specified intervals or on specified occasions during the course of employment."

Neither the specified intervals nor the specified occasions are quantified. We have had informal guidance from Ministers, but now that we have reached the Report stage, it would be helpful if this Minister went into more detail.

4.30 pm

Does the Minister think that the penalty clause is absolutely necessary? Existing legislation covers the employment of persons and the need to examine their documents. Will he comment on the workings of the Conduct of Employment Agencies and Employment Businesses Regulations 2003, which require agencies that supply workers to carry out checks to confirm workers' identities? Is that invariably done, what pitfalls exist, and have any measures been taken against agencies that have not dealt with the matter properly?

Will the Minister also comment on the workings of the Gangmasters (Licensing) Act 2004, which was intended to protect workers in the agriculture and shellfish sectors by requiring labour providers to register and apply for licences to act as gangmasters? Given that plenty of checks and regulations are already in force, and given that although there are probably 200,000, 300,000 or 400,000 illegal workers in the country—no one can gainsay that—only about 20 have been prosecuted in the last eight years, one wonders whether the real problem is that of enforcing existing law properly.

Amendment No. 14 seeks to omit clause 15(3)(c). It is merely a probing amendment. Paragraph (c) says that a notice of objection must be given "in the prescribed manner". If someone wished to object to a civil penalty, what would the "prescribed manner" be? The question troubles me a bit, because it raises the possibility that a notice would be deemed faulty because it had not been given in the prescribed manner. If a defendant wishes to appeal against a conviction or sentence in court, he or she is not required to provide a notice of appeal in a prescribed manner; it is necessary merely to file the notice. If it is on the back of an envelope and reads "I wish to appeal against the sentence because I thought it was very tough", that is good enough.

Amendment No. 15 relates to appeal against the penalty. I thought for a moment that the Minister was asking me to give way, but it seems that he is not—

[Interruption.] I am told that the hon. Member for Leicester, East (Keith Vaz) has just woken up. It is good to see him in his place.

Keith Vaz: On a point of order, Mr. Deputy Speaker. I have not woken up. I have been listening to the hon. Gentleman for the last 30 minutes, as has the whole House. I just wish he would get on with it, as the business is guillotined.

Mr. Deputy Speaker: I do not think that that is a point of order for the Chair, but I can confirm what the hon. Member for Leicester, East (Keith Vaz) has said.

Mr. Malins: I hesitate to address the hon. Member for Leicester, East as Mr. Deputy Speaker, but he seems to be instructing me to move at a pace that suits him. Many of us have genuinely fallen asleep in the Chamber during his deliberations since 1983.

Keith Vaz: The hon. Gentleman will not fall asleep when I start speaking.

Mr. Malins: No.

I would like to insert under amendment No. 15 a provision whereby, following an appeal, a court can make an order as to costs. That is important. Can a court hearing an appeal make an order for costs at present under this Bill? If the appeal is vexatious and rubbish, it is undoubtedly sensible for the court to order costs against the appellant. However, if the appeal is full of merit and the Secretary of State has behaved disgracefully, it seems proper that the court can order costs against the Secretary of State. I hope that the Minister will respond on that matter.

I had the feeling that the hon. Member for Leicester, East was in the Chamber to hear my speech, but I have suddenly realised that he is here only to make his own.

Amendment No. 16 is a probing amendment, by which I seek to omit clause 21. I ask the Minister kindly to tell us a little more about the position of a body corporate and the criminal offence that applies in relation to a body corporate. We are anxious to know who would be prosecuted. Take the case, for example—I mentioned it in Committee—of a club. A club run by its members is capable of being criminally prosecuted under this measure. That is entirely different from a big organisation. It is voluntary for a start. Take a sports club or a small business where there are four partners, one of whom is a junior partner who has some responsibility for an aspect of the employment but no authority to overrule the other partners, who take a particular view about the employment of the individual concerned. I am anxious that the net in criminal terms does not extend to cover too many people.

Those are my amendments. The Minister has much to justify. I am hopeful that he will accept amendment No. 10, which is the one that we most want to test the opinion of the House on. Among my other amendments, I hope that he will be kind enough at least to agree that those who have a penalty imposed on them should get 28 days, rather than 14.

Keith Vaz: I came into the Chamber determined to vote with the Opposition on amendment No. 8 but, having heard the speech of the hon. Member for Woking (Mr. Malins), I have decided to vote with the Government because they do have a case and there are concerns about that amendment. I am certain that, with the length of time that he has taken to put his views forward, my hon. Friend the Minister will be able to deal with those concerns. Let me raise my concerns in a much shorter time to give other right hon. and hon. Members the opportunity to put their points to the Minister.

I am concerned about these proposals because they will disproportionately affect members of the ethnic minority community. The hon. Member for Woking was right to say that the measure will create a burden on small businesses when they have to keep checking immigration documents. It will also create a burden on the immigration service and the police. We have had legislation on immigration, asylum and nationality where the Government have told us, in good faith, that they felt that it would deal with the problem of illegal immigration, but sadly that has not happened. We are again legislating because we think that we will solve the problem, but we could end up not solving it and just creating greater burdens.

Mr. Hollobone: The hon. Gentleman is correct to identify that the immigration service does not want to have more rules and regulations to enforce. Is not it the case that the service is already overstretched and cannot enforce its existing powers?

Keith Vaz: I agree. There are more than 220,000 cases that the service has not dealt with. I went to visit the Arnhem centre in Leicester last Friday, where I looked at the appeals that come from the Home Office to the Department for Constitutional Affairs. There is such a huge burden on the IND, despite the appointment of the new director general, Lin Homer, whom I wish well. An extra burden of this kind will not help the system. After all, that is exactly what the Government said when they introduced—I think by regulation, but the Minister will correct me if I am wrong—the new certificates of marriage that people had to obtain from the Home Office in order to go to the registry office to get married. At the time, we were told that the purpose was to make the system clearer. In fact, there is still a huge delay for people trying to get those certificates from the Home Office because there is a backlog. The purpose—the good purpose—for which they were introduced has not been realised because of the administrative problems created.

First, I seek an assurance from the Minister that the provision will not create additional burdens, requiring additional resources, for the already overstretched immigration and nationality directorate. Secondly, to reiterate a good point that was made in an over-lengthy way by the hon. Member for Woking, what about consultation? The hon. Gentleman mentioned the CBI and employers organisations for small businesses, but what consultation has there been with communities, particularly with those who will be affected by what is happening?

[Keith Vaz]

Has the Minister sought the views of the Commission for Racial Equality, which has been very clear in the statements it has made to Members of the House this week? I quote:

> "The CRE view is that civil penalties and repeat checks on certain employees subject to immigration control is not in the spirit of the Race Relations legislation, could be divisive within workforces, stigmatise workers, and potentially damage good race relations. We fear that the latest proposals may cause confusion, misunderstanding, and further cases of discrimination."

The very body set up to deal with issues of discrimination is saying to the Government that before the measure is passed they should pause and consider what is being proposed, so it is important for the Minister to tell the House which organisations and community groups have been consulted and what research his Department has done.

We know that proposals do not instantly emerge from the mind of the Home Secretary or the Minister for Immigration, Citizenship and Nationality and lead to immediate legislation. Ministers have had time to think about the proposals as the issue has been central to what the Government have been attempting to do for the past eight years. What is the evidence to support the measure? What information can the Minister give the House about that?

My final point is about the need to ensure that people who are here illegally and readily own up to it are given some sort of decision about their status. Occasionally, although I am not saying that it happens often, people who have lived in this country illegally for a long time come to my constituency surgery, as I am sure they do to the surgeries of other Members, and admit that they have been in the country illegally. Some have had an extended holiday. A gentleman who came to see me only last week came for a holiday 10 years ago on a visitor's visa. He is still here, he has had three children and he is working illegally, but he wants to come clean. He wants to make the Home Office aware of the position, although I am not sure whether he wants an amnesty. My job as MP is to stand in his shoes and write to the appropriate Minister or officials. I have done that—as I have done for a number of people who have come to my surgery and want to admit to being here illegally. They want their status clarified, but the delay in dealing with their cases adds to the backlog and the wider delay in the system.

We are all trying to find people who are working here illegally so that we can bring them to justice, and so that they can regularise their stay and either make an application to remain on some basis or leave the country and make an application to come back. We need assurances from the Minister that his staff that resources in the Home Office are sufficient to cope with the applications when they are made.

If the Minister can reassure me on those three points, I will happily vote with the Government on this measure. I remain worried, however, that in the 18 years during which I have been a Member of the House we have had 10 Bills on immigration, asylum and nationality. Every Government, of every hue, have said that the next piece of legislation will solve the problem, but that has not happened. I hope that the Minister is confident that these proposals will make a difference to the Government's immigration policy.

4.45 pm

Mr. Carmichael: I shall not detain the House because, ever the optimist, I remain hopeful that we might still get to the final group of amendments, which I consider to be very important. However, I want to share a few thoughts about illegal working, and I commend the hon. Member for Woking (Mr. Malins) for tabling these amendments. They allow us to discuss and place on the record some of our concerns about what is a real problem in many sectors of modern commerce and industry. Illegal working is a problem for all of us. It has a pernicious effect on community relations and leaves many people in different industries without proper protection or remuneration. If it is allowed to flourish, it places those who play by the rules at a real disadvantage.

The hon. Member for Woking said that most of his amendments are probing, and I think that that approach is correct, but he added that he wanted to press amendment No. 10 to a vote. The hon. Member for Leicester, East (Keith Vaz) said that his resolution to support him had been tested, but mine has not. I remain resolute and I will support the amendment in a Division. Yet again, part of the reassurance offered by the Government is that a code of conduct will be put in place, but so far I am not aware that one has been produced. The Government say something similar increasingly often, but such statements provide no reassurance. Effectively, we are being asked to buy a pig in a poke.

The concept of civil penalties is superficially attractive, although I remain worried about some of the enforcement problems. What is the position of bodies corporate in relation to partnerships? In Scots law, partners are deemed to be jointly and severally liable, but it seems to me that the Bill could cause real injustice in that regard.

Moreover, the people most likely to be caught and to end up paying are those small business men or sole traders who have made some error that has brought them within the jurisdiction of the civil penalty scheme. However, they will not necessarily be the real villains of the piece. The real villains will find a means of escape—no doubt without much difficulty—through devices such as the veil of incorporation. I am therefore worried that the proposed scheme will not tackle the mischief.

Amendment No. 10 would reduce the test for establishing a defence and require traders to show that they had taken "reasonable steps" to comply with employment requirements. That seems sensible, and Liberal Democrat Members support it.

Mr. John Greenway (Ryedale) (Con): I listened to the hon. Member for Leicester, East (Keith Vaz) with great interest. He and I entered the House at the same time and in our early days here worked together in the Home Affairs Committee. We looked at some of these matters then, and few of us can match his experience, given the ethnic make-up of his constituency and the many cases with which he has to deal. I am sure that what he said will have been of great value to the House.

I want to deal with some of the issues that are under consideration in the Council of Europe's Committee on Migration, Refugees and Population, to which I was appointed earlier this year. They go right to the heart of the difficult question of the employment of irregular migrants. I concluded that what the Government propose in clauses 14 to 21—which the amendments tabled by my hon. Friend the Member for Woking (Mr. Malins) address—namely, stronger criminal sanctions against employers who give work to irregular or illegal migrants, seems significantly out of step with the work of the Migration Committee and the advice it has received on future migration and employment trends.

As colleagues who follow economic trends will be aware, Alan Greenspan estimated recently that there may be between 10 million and 11 million irregular migrants in work in the USA, without whom, he said, the performance of the US economy would be adversely affected, particularly in relation to the rate of inflation. I understand that it is two years since any prosecutions were pressed against employers in the USA.

We know that irregular migrants are in work in the UK—the hon. Member for Leicester, East gave us one example. The clandestine nature of their employment can and does on occasion call into question the morality and ethical behaviour of their employers. On the other hand, some employers may unwittingly employ irregular migrants, especially through subcontractors in the agricultural sector or, as my hon. Friend the Member for Woking said, migrants who used false papers.

Keith Vaz: I agree with much of what the hon. Gentleman is saying. If an employer is going through a busy period and needs to fill a vacancy, when people apply for the job the first question he asks is not, "Can I have a look at your passport?", but, "Are you able to do this job?" That is why people slip through.

Mr. Greenway: Indeed. In the hon. Gentleman's community, he may know that the person in question has a wife and children to support, and I want to touch on the issue of the rights of a person in that situation.

For the reasons that I have given, I think that my hon. Friend the Member for Woking is entirely right to try to amend the Bill as he proposes. It would be wholly wrong for us to treat the unscrupulous employer and the unwitting employer in exactly the same way, as the Bill would do. Yes, there is discretion about whether prosecutions are brought and there is discretion in the court, but if we are serious about regularising the position of illegal migrants, which is really what the hon. Member for Leicester, East was saying in his third point, it is counter-productive to penalise the very people who are most likely to know or learn about the irregularities and do something to address them.If our economy benefits from the employment of irregular migrants, we need to ask whether the prosecution of employers is justified, beyond their failure to meet employment laws and obligations. In the longer term, however, it is much more important for the House to address the interests of the migrants themselves.

I listened with interest to the Minister for Immigration, Citizenship and Nationality when he introduced new clause 2 and discussed the question of there being no minimum wage for people in detention centres who work. He made his point extremely well; the questions relating to the right level of pay were interesting. He pointed out that people in detention centres have a choice about whether to work, but that if they choose to work they are not paid the minimum wage. I see his point of view, but those people are nevertheless irregular migrants—that is why they are in detention—yet they are being given the choice and the right to work.

It may surprise some colleagues, as it certainly surprised me when the document arrived in my bundle of papers, that the Migration Committee is considering a report on the human rights of irregular migrants, which might include the right to work, or at least to accept employment. That is an extremely challenging concept. I have an open mind on the issue.

The hon. Member for Newcastle upon Tyne, North (Mr. Henderson) serves on the Migration Committee with me, and we have had quite a good exchange of views on what many colleagues on both sides of the House would find a challenging concept. However, we must all address the issue raised by the hon. Member for Leicester, East. If someone with a wife and children has lived in this country for 10 years but is here illegally because he overstayed his holiday and is in a job, does he have a right to work or not? That is the question. People say no, but the very fact that that question is on the agenda indicates the direction of thinking on this policy.

The Migration Committee has been given three different academic studies on the European convention on human rights, all of which conclude that irregular migrants must have some kind of rights. The better option is to regularise migrant workers because, without them, the long-term economic future of Europe, let alone this country, is in question. However, that is a debate for another day.

All I would say is that if the rights of irregular migrants are as uncertain as many hon. Members and I think, we ought seriously to consider the extent to which the law—which is what the amendment is about—seeks to penalise, including by imprisonment, employers who offer work to irregular migrants, especially in circumstances where the employer has unwittingly employed such persons. Amendment No. 10, tabled by my hon. Friend the Member for Woking, is entirely reasonable in those circumstances, and it would greatly strengthen and improve the Bill if the Government were to accept it.

Mr. Hollobone: My constituents would not want the opportunity of debating these amendments to pass without my mentioning the very serious and growing problem of working by illegal immigrants in and around Kettering—a issue that I have raised with the Home Office in a number of written questions. I share the scepticism expressed by Labour Members about the need to introduce new rules and regulations without the enforcement of the current rules and regulations being nearly effective enough.

The immigrant community in Kettering is not large. Perhaps 500 or so mainly Sikh people represent a long-established and well-respected minority ethnic community in Kettering. However, there is growing

[Mr. Hollobone]

disquiet about the increasing number of illegal immigrants, many from the Indian subcontinent, who are finding their way to Kettering to work illegally in many of the local establishments. There is a well-established, if tortuous, route to gaining illegal entry into this country, and my hon. Friend the Member for Woking (Mr. Malins) very graciously came to Kettering to hear the local residents' concerns about it.

I should like to take this opportunity to invite the Minister to come to my constituency to explain to members of the Sikh community, employers, police officers, immigration officers and others how the proposed changes in the Bill will address the growing problem of illegal working in Kettering. Having heard the debate so far, I am afraid that, on behalf of my constituents, I remain extremely sceptical about whether the Bill will tackle the problem in the way that it ought to.

The Parliamentary Under-Secretary of State for the Home Department (Andy Burnham): I am grateful to hon. Members for the tone in which the debate has been conducted. We have had a proportionate and balanced debate on some very important issues. However, as the hon. Member for Orkney and Shetland (Mr. Carmichael) said, we have yet to consider some perhaps even more serious issues on Report, and it is right to devote as much time as possible to those issues. With the permission of the House, I will seek to deal not with every point that has been made, but with the substance of hon. Members' arguments and the assurances that they want.

With that in mind, I hope that I can persuade the hon. Member for Woking (Mr. Malins)—I know that he is a reasonable soul—that a vote on amendment No. 10 will not be needed. I genuinely believe that I can give him the assurance that he wants. The secondary legislation detailed in the Bill will achieve the effect of his amendment. I know that the hon. Member for Orkney and Shetland indicated that he would support the hon. Member for Woking in such a vote, but if the hon. Member for Woking is in the mood for doing deals, I can say that I may well be minded to accept amendment No. 11, the other amendment that he described as important because it would put more flexibility in the Bill. The Minister for Immigration, Citizenship and Nationality and I are minded to say that the amendment is reasonable.

5 pm

Before I deal with the substance of the points that the hon. Gentleman made, let me turn to the matters raised by my hon. Friend the Member for Leicester, East (Keith Vaz). He talked about additional burdens on the immigration and nationality directorate and asked whether the enforcement activity would impact on other work. He also talked about consultation with the ethnic minority community about the impact of the measures and discussed the IND's ability to deal with overstayers.

We are bringing forward the measures because the regime introduced by the Conservative party has failed to fulfil its intended function. In the nine years since that regime was introduced, some 17 prosecutions have been brought, but that is not to say that the IND has not carried out many more operations than that to detect illegal working and that it has not detected many more illegal workers than that during the course of its activity. The situation demonstrates the inadequacy of the current offence.

The measures that we are introducing, especially the civil penalty scheme, will put a wider range of tools at the disposal of the IND, so it will not have to use such heavy-handed means to address the problem. The civil penalty scheme is a more measured and calibrated system through which the problem can be addressed without having to resort to criminal prosecutions in every instance. On my hon. Friend's point about consultation, a draft code of practice has been published to set out the steps that employers can take to ensure that they keep within race discrimination legislation.

Keith Vaz: I want the Minister to picture my constituency and areas such as East Park road and the Belgrave road. Every single person who is employed in every single factory on those roads is from the ethnic minority communities. Some are British born, some have acquired citizenship and others have indefinite leave. Does he accept that the measure will disproportionately affect members of the ethnic minority community, and have an impact on those who are in this country legally because employers simply will not want to employ them?

Andy Burnham: My hon. Friend is right to raise such serious issues. I do not know his constituency anything like as well as he does, but I would guess that the vast majority of those people are British born and British passport holders, so there will be no requirement for employers to check their documentation. The draft code was published in October and I would encourage him to read it.

Keith Vaz: That is not the point. The Bill will allow those who have the power to go on fishing expeditions to find out which of those people are British citizens and individuals with indefinite leave—with the right to vote and work here—and which are not. The Bill will mean that people can start visiting factories and making checks, which will create more burdens.

Andy Burnham: The measures must be applied sensitively, which is why the draft code of practice sets out clearly the steps that should be followed to achieve that. The code makes what is acceptable clear to employers. We obviously want to ensure that there is consultation on the code of practice so that when it emerges in its final form, it will be a useful and practical document that will ensure that the scenario that my hon. Friend fears can be avoided. I understand my hon. Friend's point, but the purpose of the measures is to deal with illegal working. The IND carries out illegal working operations now and will continue to do so; the clauses simply gives the IND proportionate tools to use against employers who fail to comply.

The main point made by the hon. Member for Woking relates to amendment No. 10, in which he requests that reference be made in the Bill to employers who take reasonable steps to comply with the legislation. As he knows, secondary legislation will be required to bring into effect the clauses on employment.

I refer the hon. Gentleman to the table in the draft code of practice that we have issued for the benefit of employers. He will see that it lays out clearly the practical steps that employers can take to ameliorate the size of any penalty. They can carry out a full check, which is defined, a partial check or no check at all. We have taken a balanced approach: the penalty varies in proportion to the extent to which an employer has taken steps to comply.

The hon. Gentleman will also see that it will be possible for a first-time offender who showed good will and carried out some partial checks to avoid a penalty on the first occasion of being found in breach. I genuinely believe that the secondary legislation to support the clauses will fulfil the purpose of amendment No. 10 by laying out clearly the practical steps that people can take, and I hope that it reassures the hon. Gentleman that first-time offenders will not be clobbered. The penalty will vary according to how many times the employer has breached the provisions and the extent to which the employer has taken steps to tackle the problem.

As I said, we are minded to accept amendment No. 11, which is sensible. It relates to the matters to be included in a civil penalty notice, specifically the Secretary of State's obligation under clause 14 to set a maximum period within which payment must be made. The effect of the amendment would be to increase the payment period specified in the notice from at least 14 days to at least 28 days. Clause 16 specifies that the period for bringing an appeal against a penalty will be 28 days and we intend that the maximum period for making objections under clause 15 will be the same. To accept amendment No. 11 is therefore logical.

Amendment No. 8 would exclude part-time workers from the scheme. That would not be sensible as it would undermine the principles of the scheme, weaken it, and create a potential loophole in the legislation. Employers could employ an illegal worker on a part-time basis for up to 15 hours a week having carried out no checks at all. I do not believe that that is really what the hon. Gentleman wants. It would not be sensible to accept the amendment, nor amendment No. 9, which would effectively exempt overstayers from the illegal working provisions. To exempt overstayers would be a counter-productive step that would undermine the scheme. The hon. Gentleman may know that a high proportion of the people who are picked up during operations tend to be overstayers. The hon. Gentleman asked about enforcement. *[Interruption.]* He is chuntering away on the Opposition Front Bench about who will enforce the provision, and he has asked about robust documents. How about a national identity card? Has the hon. Gentleman considered that? That might be an easy way to ensure that employers could quickly verify whether or not the person had the right to work in the country. The hon. Gentleman might want to think about that before we conclude our deliberations.

Other, less crucial points have been raised and Members have been able to have their say. I note the support from the hon. Member for Ryedale (Mr. Greenway) for an amnesty for all illegal workers. I am not sure that that is the policy of the two contenders for the leadership of the Conservative party, but it is something that they might want to consider.

I took the point made by the hon. Member for Orkney and Shetland, principally in relation to amendment No. 16, which is about liability within a company, especially for the knowingly employing offence. If we accepted the amendment, that would weaken our position because we would have to revert to common law to try to ascertain who was ultimately liable. That would not be satisfactory. People in positions of responsibility within a company have to take responsibility to ensure that their house is in order. It would not be right to make the provisions vague so that people could have further room for manoeuvre to try to avoid their obligations.

I think that we should move on to the substantial matters that remain to be considered. I hope that the hon. Member for Woking will be encouraged by what I have said and persuaded to accept my position on amendment No. 10, which will enable us to move straight on to the other matters that are to come before the House.

Mr. Malins: The Minister, typically, has been extremely soothing and courteous. I was nearly lulled into accepting much of what he said. I thank him warmly for accepting amendment No. 11. My concerns remain, however, and I think that concerns remain on behalf of businesses, and small businesses in particular. It is my judgment that the defence of reasonableness should appear in the Bill, notwithstanding the Minister's kind words. It is because we feel so strongly about this matter and the need to put the provision in the Bill that we will put the issue to the vote.

I beg to ask leave to withdraw amendment.

Amendment, by leave, withdrawn.

Amendment proposed: No. 10, in page 6, line 40, leave out from "he" to end of line 41 and insert

'took reasonable steps to comply with any prescribed requirements in relation to the employment.'.—*[Mr. Malins.]*

Question put, That the amendment be made:—

The House divided: Ayes 223, Noes 274.

Division No. 99] **[5.11 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Bacon, Mr. Richard
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Mr. Alan

Duncan Smith, rh Mr. Iain
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Gale, Mr. Roger
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Vaizey, Mr. Edward
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Wishart, Pete
Wright, Jeremy
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Crispin Blunt and
Mr. Peter Atkinson

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Gapes, Mike
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Hughes, rh Beverley
Hutton, rh Mr. John
Iddon, Dr. Brian

Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, James
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Roy, Mr. Frank
Ruane, Chris
Russell, Christine
Ryan, Joan
Salter, Martin
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Winnick, Mr. David
Winterton, Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Ian Cawsey and
Mr. Tony Cunningham

Question accordingly negatived.

Amendment made: No. 11, in page 7, line 10, leave out '14' and insert '28'.—*[Mr. Malins.]*

Clause 31

PASSENGER AND CREW INFORMATION: POLICE POWERS

Mr. Malins: I beg to move amendment No. 17, in page 14, line 38, after 'owner', insert ', captain'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments: No. 18, in page 14, line 41, after 'owner', insert ', captain'.

No. 19, in page 15, line 17, leave out paragraph (a) and insert—

> '(a) may be made orally or in writing, but if made orally shall be confirmed in writing within 48 hours'.

No. 20, in page 15, line 19, leave out 'six months' and insert 'one month'.

No. 21, in clause 32, page 15, line 45, after 'owner', insert ', captain'.

No. 22, in clause 33, page 16, line 42, after 'section', insert '30'.

No. 23, in page 17, line 2, at end insert—

> '(2A) A person who is guilty of an offence under subsection (1) shall be liable on conviction on indictment in the Crown Court to a term of 2 years imprisonment or a fine or both.'.

No. 24, in clause 37, page 19, line 9, leave out 'may' and insert 'shall'.

No. 25, in page 19, line 11, leave out 'is likely to' and insert 'may'.

Mr. Malins: I propose to make an extremely brief contribution on the amendments. I do not ask the Minister to deal with them at length, or at all, unless he feels it appropriate to do so, but I will be grateful if he is able to write to me.

5.30 pm

Clauses 31, 32, 33 and 37 touch on important issues with regard to the sharing of information, which must be seen against the backdrop of the need for doing so in the more dangerous world that we currently face. The Minister is aware of our 100 per cent. support for Government attempts to ensure that our country is safe, and he must never be in any doubt about that.

The amendments are entirely probing. I tabled amendments Nos. 17, 18 and 21 because I had hoped on several occasions in Committee to insert the word "captain" in relation to a ship.

Amendment No. 19 would enable information required by a constable to be provided orally rather than in writing as long as it is confirmed in writing within 48 hours. There would be no harm in that. I am sure that the Minister will feel free to accept that sensible amendment.

[Mr. Malins]

Amendment No. 22 suggests that a breach of clause 30, as well as of clauses 31 or 32, should be an offence. As the Bill stands, I cannot see that breaching clause 30 by not providing information to an immigration officer is an offence. Would such breaches be imprisonable offences?

Amendment No. 24 would strengthen the provision on the disclosure of information for security purposes so that a person "shall", instead of "may" disclose information. Amendment No. 25 would reduce the test to thinking that that information "may", instead of "is likely to" be of use for a specified purpose.

These are tidying amendments, none of which concerns matters of principle.

Mr. Leech: I shall try to be even briefer than the hon. Member for Woking (Mr. Malins).

I fully endorse what the hon. Gentleman said about amendments Nos. 17, 18 and 21. It seems sensible that the captain of a ship, who is likely to be in charge, should be the person responsible.

On amendment No. 19, the hon. Gentleman is fully justified in saying that information could be given orally instead of in writing but put in writing within 48 hours.

We support amendment No. 20, which would reduce the specified period for the requirement from six months to one month.

I am not sure why the hon. Gentleman feels that amendment No. 22 is necessary. The provisions in clause 31(2) and (3) and clause 32(2) are restricted to police officers of superintendent or a higher level whereas under the amendment any immigration officer could be used.

We do not support amendment No. 23 but we do support amendments Nos. 24 and 25.

Andy Burnham: I hope that I shall be even more brief than the hon. Members for Woking (Mr. Malins) and for Manchester, Withington (Mr. Leech). I understand that there is no objection in principle to the e-borders regime that we are introducing, or to the security benefits that we believe will flow from it. The issues raised in the amendments tabled by the hon. Member for Woking are essentially operational questions that we can deal with, and I shall write to him and to the hon. Member for Manchester, Withington to give them clarification on the points that they have raised. We shall not accept the amendments, but I will clarify the reasons why in my letter. I ask the hon. Member for Woking to withdraw his amendment.

Mr. Malins: I am grateful to the Minister for his response. I believe that several of my amendments have merit, but if I were to test the opinion of the House at this point, I would be in trouble with a number of people. However, I hope that the Minister will take on board the points that I have raised and that he will write to me, because one or two of them have some merit. I repeat our general support for the Government in this matter. The Minister will also be pleased to know that I shall not have to deliver on the bet that I struck with him in private a few moments ago. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 42

ACCOMMODATION

Amendments made: No. 30, in page 23, line 40, at end insert—

'(1A) In section 99(4) (expenditure) after "section" insert "4,".'.

No. 31, in page 23, line 41, leave out

'after "section" insert "4 or"'

and insert

'for "95" substitute "4, 95 or 98".'.—*[Mr. Dhanda.]*

Clause 47

PROCEDURE

Amendment made: No. 32, in page 26, line 7, leave out from 'paid' to 'provide' in line 8 and insert ';

and the rules referred to in subsection (1) may'.—*[Mr. Dhanda.]*

Clause 51

REFUGEE CONVENTION: CONSTRUCTION

Mr. Carmichael: I beg to move amendment No. 34, in page 28, line 1, leave out Clause 51.

Madam Deputy Speaker (Sylvia Heal): With this it will be convenient to discuss the following amendments:

No. 35, in page 28, line 2 [Clause 51], leave out subsection (1).

No. 54, in page 28, line 5 [Clause 51], leave out from 'terrorism' to 'and' in line 6 and insert

'where such acts amount to offences in UK law'.

No. 55, in page 28, line 8 [Clause 51], leave out from 'terrorism' to end of line 9 and insert

'where such acts amount to offences in UK law'.

No. 36, in page 28 [Clause 51], leave out lines 26 and 27.

No. 56, in page 28, line 26 [Clause 51], leave out from 'section' to end of line 27 and insert

'20 of the Terrorism Act 2006 (c.)'.

No. 26, in page 28, line 31, leave out Clause 52.

No. 37, in page 28, line 32 [Clause 52], leave out subsection (1).

No. 1, in page 28, line 35 [Clause 52], leave out 'satisfied' and insert 'sure'.

No. 38, in page 28, line 37 [Clause 52], leave out 'that Act' and insert

'the British Nationality Act 1981 (c. 61).'

No. 39, in page 29, line 4 [Clause 53], leave out subsection (1).

No. 2, in page 29, line 8 [Clause 53], leave out 'thinks' and insert 'is sure'.

No. 40, in page 29, line 8 [Clause 53], leave out from 'State' to end of line 10 and insert

'is satisfied that the person had done anything seriously prejudicial to the vital interests of—

(a) the United Kingdom, or

(b) a British Overseas Territory.'.

No. 41, in page 29, line 23 [Clause 53], leave out 'not'.

No. 42, in page 29, line 25 [Clause 53], leave out from 'person' to end of line and insert

> 'had done anything seriously prejudicial to the vital interests of—
>
> (a) the United Kingdom, or
>
> (b) a British Overseas Territory.'.

Mr. Carmichael: I should tell the House that, barring anything earth-shatteringly revealing being said by the Minister on these amendments, it is my intention to divide the House on amendment No. 34 and, with your leave, Madam Deputy Speaker, on amendment No. 37.

Unfortunately, time is short, and I know that other hon. Members wish to speak. I am keen to hear the words of honeyed sweet reason that I know will drip from the Minister if he is given the opportunity. So, if I may seek the indulgence of the House, I shall assume a greater degree of prior knowledge of the provisions of article 1(F)(c) of the 1951 Refugee Convention than had originally been my intention.

I have chosen to focus on amendment No. 34 because it seeks the removal of clause 51. The other amendments relating to that clause seek to achieve much the same end, but by taking rather more circuitous routes. I suggest that amendment No. 34 is by some significant measure the most straightforward and, if I may venture to say so, elegant way of dealing with this issue.

I cannot think of another example in which the discretion of the courts in construing articles in a convention has been fettered in the way set out in clause 51. The clause purports to define article 1(F)(c) of the convention, which concerns exceptions based on

> "acts contrary to the purposes and principles of the United Nations".

I do not understand why the clause is necessary, and that view is shared by the Immigration Law Practitioners Association.

In a briefing to me, the ILPA pointed out that the 1951 convention is an international convention in respect of which the international jurisprudence and UNHCR statements are relevant. The ILPA put it to me:

> "To purport to interpret it in statute is to fail to respect this jurisprudence and to usurp the role of judges in interpreting it."

As ever, the Government seek to go much further than is necessary. The definition they want to import is much wider than is either necessary or desirable. I draw the attention of the House to clause 51(1)(b), which speaks of

> "acts of encouraging or inducing others to commit, prepare or instigate terrorism".

A person may thereby be excluded from recognition as a refugee for acts that are not recognised in this country as crimes.

The UNHCR handbook, which is part of the jurisprudence to be applied in construing this measure, says that article 1F(c)

> "is intended to cover in a general way such acts against the purposes and principles of the United Nations that might not be fully covered by the two preceding . . . clauses."

That refers to article 1F(a) and (b). The handbook continues:

> "Taken . . . with the latter, it has to be assumed, although this is not specifically stated, that the acts covered . . . must . . . be of a criminal nature."

It is apparent from that, surely, that the definition employed by the UNHCR handbook is already very wide. The only limitation that seems to be in place is that the act complained of should constitute a crime. However, even beyond that exceptionally wide definition the Government seek to go.

That, again, is the view of the ILPA. The Minister might say, "They would say that, wouldn't they?" He might also say that if the Liberal Democrats are agreeing with the ILPA, that is equally unsurprising, but I must bring it to the attention of the House that that is the view not only of the ILPA and the Liberal Democrats, but of the UNHCR. If the House will indulge me for a few minutes, I would like to refer to a few of the objections that the UNHCR has brought to our attention.

First, the UNHCR makes the point that clause 51 interprets article 1F(c)

> "out of its context, contrary to accepted rules of interpretation of a treaty under international law."

Secondly, the UNHCR says that the clause

> "introduces an interpretation . . . which is incompatible with the accepted and long-standing interpretation of Article 1 F(c)."

The UNHCR essentially makes the same points as the ILPA, as well as further statements, and the UNHCR briefing says that

> "bearing in mind the interrelationship between the three subsections of the provision, it is important that Article 1 F be interpreted and applied holistically. As presently drafted, Clause 51 is a piecemeal attempt to interpret one subsection of a provision which should be read as a whole and in context. UNHCR is concerned that the adoption of Clause 51 will result in a skewed and imbalanced application of the exclusion clauses in the UK. In its stead, UNHCR would recommend that the UK government consider the incorporation of Article 1 F in its entirety into domestic legislation. Such a measure would ensure that the exclusion clauses are considered in context and on a strong legal footing."

The briefing then says that

> "terrorist-type acts (as defined in relevant international conventions) may qualify as excludable acts under Article 1 F if they reach an appropriate level of gravity to warrant denial of protection. This does not mean, however, that any act labelled as 'terrorist' per se should automatically trigger exclusion under article 1 F. The fact that there are serious reasons for considering that an individual has committed acts described as 'terrorist' in nature should trigger consideration of the exclusion clauses but may not in itself generally constitute sufficient evidence to justify exclusion. Each case will require individual consideration, taking into account the unique circumstances of each individual, their acts, motivation and risk on return. In this regard, UNHCR wishes to express serious concern over the current proposal in clause 51 to automatically link acts defined in the Terrorism Act 2000 with an excludable offence under Article 1 F(c) of the Refugee Convention."

5.45 pm

I am grateful to the House for its indulgence in allowing me to read that out, which is not my normal practice. It is important, however, to get the point across. If the Minister is not minded to listen to us, to which I have become accustomed over recent months, or

[Mr. Carmichael]

even to the ILPA, surely such clear and unambiguous condemnation from the UNHCR should give the Government pause for thought.

Clauses 52 and 53, which concern the deprivation of citizenship and right of abode, would, as drafted, introduce a ground that continued enjoyment of citizenship or right of abode was not conducive to the public good. That, of course, is the test applied in relation to deportation or exclusion—

Dr. Evan Harris: Of foreign nationals.

Mr. Carmichael: Of foreign nationals, as my hon. Friend reminds me from a sedentary position.

In our view, that test is far too low for such a serious step. It is a quantum leap to deprive someone of their citizenship or right of abode when that person, although they have a second nationality, might never have had recourse to using it, might have no links to the country concerned and might never have lived in it. To put someone in a position of relying on a citizenship other than their British citizenship on such a low test is unacceptable. The effect of our amendment No. 37 is to retain as the test for depriving an individual of citizenship that they should be shown to have done something seriously prejudicial to the vital interests of the United Kingdom or a British overseas territory.

The Conservative amendments Nos. 1 and 2 are interesting, particularly No. 2, which seeks to delete the provision relating to Ministers' thinking. I venture to say that if the Government are going to be required to satisfy courts that Ministers had thought about something before they did it, they might be in for a lean time as far as successful cases in court are concerned. I can think of no other instance in which "thinks" is used in such a situation. I would be interested if the Minister could point me towards a precedent. In the event of his failure to do so, it would be sensible for the Government to accept amendment No. 2.

Mr. Gerrard: I will be brief, given the time that is left. It is a pity that we have such a short time to debate what, I think, is one of the most important sections of the Bill, including a group of clauses that were added in Committee, have never been debated on the Floor of the House and are some of the most important changes that have been made. It is probably true that clauses 51 to 53 will affect relatively small numbers of people. For those small numbers of people, however, they will be extremely important.

I have two or three points. The hon. Member for Orkney and Shetland (Mr. Carmichael) asked whether clause 51 is necessary, in that the existing law provides for the exclusion of someone who is a violent terrorist from claiming asylum. I will not repeat what he said about the United Nations High Commissioner for Refugees. In the years in which I have been in the House, however, the UNHCR has commented on a number of provisions in asylum and immigration Bills, and the comments about clause 51 are probably the strongest that I have seen from it about any such clause and its incompatibility with the 1951 convention. It made it very clear that interpretation of the convention is not what we should be doing. The provisions in the convention cannot be unilaterally modified by a state that is a contracting party to the convention. It wants states that have not already done so to incorporate not just article 1(F)(c) of the convention but (a) and (b).

Last week we debated the Terrorism Bill, which has not yet completed its passage. The definitions in clause 51 are relevant to that Bill. The definition of "encouraging terrorism" is an example. It is quite possible that before we finish considering the Terrorism Act, there will be changes. I am also not sure how Government amendments relating to extra-territorial acts of terrorism that were agreed last week should be read in the context of this Bill, or how any changes will be dealt with. One of the commitments made by the Government during last week's debate was that the Home Secretary would ask Lord Carlile to review the definition of terrorism, not just in the Terrorism Bill but in the Terrorism Act 2000. The definition in the 2000 Act is mentioned in clause 51 of this Bill. I want to be certain that the outcome of any review, including Lord Carlile's review, will be translated into this Bill, because it strikes me as inconsistent to include a definition of terrorism in one Bill that does not relate clearly to the definition in another.

I wish we had had more time to debate such a critical part of the Bill, but I shall end my speech now, because the Minister will want to speak during the few minutes that are left.

Mr. Malins: I shall be brief, because I know that the Minister wants to speak.

Let me repeat what I said in Committee. When the Minister introduced the new clause relating to deprivation of citizenship, he spoke with great courtesy and authority. I repeat that my party stands united behind the Government's attempts to combat the surge of terrorism. Indeed, the whole House is united on that. I should have like to question the Minister on a number of matters, but time is against us and I believe that they will be raised in another place. Deprivation of citizenship will, I think, be used rarely—it has been used rarely so far—and I know that the Government will retain a right of appeal. I also know that the Government will do their best to strike a balance between civil liberties and the defence of the realm. We are with them 100 per cent. on that, and I believe that any further matters that I might raise with the Minister will be raised in another place.

Mr. McNulty: I am glad that we have at least some time left.

Let me rebut the point made by my hon. Friend the Member for Walthamstow (Mr. Gerrard). He knows the context in which these clauses were introduced as well as I do. Although not all Members, including members of the Committee, were not party to the gestation period when the clauses were discussed, they were discussed on an all-party basis throughout and beyond the summer. The other place will be aware of that. I do not accept the terms in which my hon. Friend described the genesis of the clauses or, indeed, the final discussions.

I hope that the House will forgive me if I dwell on amendment No. 34, for reasons of time rather than for any other reason. The UNHCR considerations are serious, although in part they challenge and condemn many past UN discussions and resolutions.

I received a very nice letter from Bemma Donkoh, the UNHCR's representative in London, which laid all these things out and said, "Best wishes, see you again soon, lots of love Bemma". We have a strong and not always unduly non-critical relationship. It is a good one.

It is right and proper that, with all the cross-party deliberations about terrorism, these clauses sit in the Immigration, Asylum and Nationality Bill, rather than in some omnibus terrorism Bill. I thank everyone on the Committee for setting a full day aside to deliberate these clauses and for the discussion that was held, which was interesting, informed and moved things on in some regard. The hon. Member for Woking (Mr. Malins), as he has reminded me twice now, made a very good speech, although he seemed surprised that he had done so—there was shock in his voice when he said "I made a very good speech that day".

The UNHCR points are serious and need to be considered with the seriousness that they deserve. The charge is that clause 51 is not compatible with the refugee convention, but part of the justification for clause 51 in all its glory is that it reflects the relevant Security Council resolutions that refer to the guiding principles of the UN. UN Security Council resolution 1373 states that

"knowingly financing, planning and inciting terrorist acts"

as well as the commission of such acts constitute acts

"contrary to the purposes and principles of the United Nations."

UN Security Council resolution 1377 is broadly in the same terms. I said in Committee that, as and when—fortunately, the progress of Bills through Parliament favours this—there needs to be read-across between the Terrorism Bill and any changes made to the constituent parts of that, and this Bill, we will seek to reflect those changes in this Bill. That makes perfect sense. I cannot pre-empt what the other place will do with the Terrorism Bill, but we stand ready to cross-reference the two Bills in the appropriate place.

I think that, given the state of this Bill and the state of the Terrorism Bill, little needs to happen, not least because Lord Carlile will conduct a substantive review of the definition of terrorism over the year. Much of the debate about read-across refers to the definitions that are included in the Terrorism Bill.

We believe that the UNHCR's points about the definition of terrorism in the 2000 Act are unfair. The definition is compatible with article 1(F)(c) of the refugee convention, as is the 2005 Terrorism Bill. We do not consider it to be at odds with UN Security Council resolutions that were drawn up reflecting the principles of the UN.

We are exhorted by UNHCR to take a holistic approach to exclusion clauses. We argue that we have done so, and they are reflected in this Bill. Clause 51 is not piecemeal. Our approach to the application of article 1(F) is holistic and we contest the points made by UNHCR in that regard.

We take the same attitude to the points made about positions of power. The UNHCR London paper suggests that in principle only persons who have been in power or a state-like entity would be capable of committing such acts, given that articles 1 and 2 of the UN charter set out the fundamental principles that states must uphold in mutual relations. A slew of Asylum and Immigration Tribunal case law and Security Council resolutions themselves contend that very position. Although I take UNHCR's points very seriously and take into account the points made by my hon. Friends and other colleagues that these are serious clauses in the Bill, I do not accept UNHCR's point that, of themselves and in their own terms, they are incompatible with the overall thrust of what is in the UN charter. They are very serious clauses that are a consequence of what we are trying to achieve in the broader sense in counter-terrorism and I

It being Six o'clock, MADAM DEPUTY SPEAKER *put forthwith the Question already proposed from the Chair, pursuant to Order [5 July].*

The House divided: Ayes 64, Noes 275.

Division No. 100] **[6 pm**

AYES

Alexander, Danny
Beith, rh Mr. Alan
Brake, Tom
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Clegg, Mr. Nick
Corbyn, Jeremy
Davey, Mr. Edward
Farron, Tim
Featherstone, Lynne
Foster, Mr. Don
Galloway, Mr. George
George, Andrew
Gidley, Sandra
Goldsworthy, Julia
Hancock, Mr. Mike
Harris, Dr. Evan
Harvey, Nick
Heath, Mr. David
Hemming, John
Holmes, Paul
Horwood, Martin
Howarth, David
Hunter, Mark
Jones, Lynne
Kennedy, rh Mr. Charles
Kramer, Susan
Lamb, Norman
Law, Peter
Laws, Mr. David
Leech, Mr. John
Llwyd, Mr. Elfyn
MacNeil, Mr. Angus
McDonnell, John
Moore, Mr. Michael
Oaten, Mr. Mark
Opik, Lembit
Price, Adam
Pugh, Dr. John
Reid, Mr. Alan
Robertson, Angus
Rogerson, Mr. Dan
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Simpson, Alan
Smith, Sir Robert
Stunell, Andrew
Swinson, Jo
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Webb, Steve
Weir, Mr. Mike
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wishart, Pete

Tellers for the Ayes:
Richard Younger-Ross and Lorely Burt

NOES

Ainger, Nick
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan

Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Gapes, Mike
George, rh Mr. Bruce
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Hughes, rh Beverley
Hutton, rh Mr. John
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Love, Mr. Andrew
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCrea, Dr. William
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mrs. Iris
Robinson, Mr. Peter
Roy, Mr. Frank
Ruane, Chris
Russell, Christine
Ryan, Joan
Salter, Martin
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, David
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wilson, Sammy
Winnick, Mr. David
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Ian Cawsey and
Tony Cunningham

Question accordingly negatived.

MADAM DEPUTY SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Clause 52

DEPRIVATION OF CITIZENSHIP

Amendment proposed: No. 37, in page 28, line 32, leave out subsection (1).—*[Mr. Carmichael.]*

Question put, That the amendment be made:—

The House divided: Ayes 60, Noes 278.

Division No. 101] **[6.15 pm**

AYES

Alexander, Danny
Beith, rh Mr. Alan
Brake, Tom
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Burt, Lorely
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Clegg, Mr. Nick
Corbyn, Jeremy
Davey, Mr. Edward
Farron, Tim
Featherstone, Lynne
Foster, Mr. Don
Galloway, Mr. George
George, Andrew
Gidley, Sandra
Goldsworthy, Julia
Hancock, Mr. Mike
Harris, Dr. Evan

Harvey, Nick
Hemming, John
Holmes, Paul
Horwood, Martin
Howarth, David
Hughes, Simon
Hunter, Mark
Kennedy, rh Mr. Charles
Kramer, Susan
Lamb, Norman
Law, Peter
Laws, Mr. David
Leech, Mr. John
MacNeil, Mr. Angus
McDonnell, John
Moore, Mr. Michael
Oaten, Mr. Mark
Opik, Lembit
Price, Adam
Pugh, Dr. John
Reid, Mr. Alan
Robertson, Angus
Rogerson, Mr. Dan
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Smith, Sir Robert
Swinson, Jo
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Webb, Steve
Weir, Mr. Mike
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wishart, Pete

Tellers for the Ayes:
Richard Younger-Ross and Andrew Stunell

NOES

Ainger, Nick
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Etherington, Bill
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Gapes, Mike
George, rh Mr. Bruce
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Hughes, rh Beverley
Hutton, rh Mr. John
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCrea, Dr. William
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mrs. Iris
Robinson, Mr. Peter
Roy, Mr. Frank
Ruane, Chris
Russell, Christine
Ryan, Joan
Salter, Martin
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, David
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond

Turner, Mr Neil
Twigg, Derek
Usher, Kitty
Vis, Dr Rudi
Waltho, Lynda
Ward, Claire
Wareing, Mr Robert N
Watson, Mr Tom
Watts, Mr Dave
Whitehead, Dr Alan
Wicks, Malcolm
Williams, rh Mr Alan
Williams, Mrs Betty
Wilson, Sammy
Winnick, Mr David
Woolas, Mr Phil
Wright, Mr Anthony
Wright, David
Wright, Mr Iain
Wright, Dr Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Ian Cawsey and
Tony Cunningham

Question accordingly negatived.

Schedule 1

IMMIGRATION AND ASYLUM APPEALS: CONSEQUENTIAL AMENDMENTS

Amendment made: No. 29, in page 32, line 34, at end insert—

'13A In section 104(5) (pending appeal) for "(d), (e) or (f)" substitute "(f), (fa) or (fb)".'.—*[Mr. McNulty.]*

Order for Third Reading read.

6.27 pm

Mr. McNulty: I beg to move, That the Bill be now read the Third time.

As is customary on Third Reading, I thank all the members of the Standing Committee for what seemed to me, in my limited experience of the House, to be an informed, discursive and useful debate. We had plenty of time and all the necessary matters were considered in a spirit of reasonable discourse and, on the odd day, with some intellectual rigour. Our sittings were extremely useful and productive, as is right and proper given that the Bill deals with a range of extremely serious matters in the context of an important political debate. That description applied even before the Government introduced—with agreement—the counter-terrorism clauses after the Bill had been published. That was a most unusual way of proceeding, but the House in the main will understand why things happened that way. There was a significant degree of cross-party agreement on the process, if not on the substance of those clauses.

Jeremy Corbyn (Islington, North) (Lab): Will the Minister give way?

Mr. McNulty: No, I will not.

The Bill should be seen in the context of a substantive political debate. Last February, we proposed a series of plans and policies on asylum and immigration. We published a five-year plan, on which the Prime Minister elaborated in the course of the general election. The Bill addresses much of that, but as I said in Committee it constitutes a series of building blocks. I mean no discourtesy in respect of previous pieces of legislation introduced by the Labour Government when I say that the Bill is not, and was not offered up as, an all-singing, all-dancing omnibus Bill that answers every conceivable question on the range of immigration, asylum and nationality issues. I made it clear in Committee and on Second Reading that much of what is in the Bill should be seen as building blocks. Although that does not fit in terribly well with our processes and how we do what we do, I said that the Bill needed to be read in the context of the five-year plan and all that we seek to do in that plan in terms not simply of immigration, but of asylum and how we are trying to secure our borders through the e-borders programme and the border management programme. We are putting out for public discussion every aspect of where we are with asylum and immigration.

It would be remiss of me, as my right hon. Friend the Home Secretary said on Second Reading, if the Bill, as it is now to be dispatched to the other place, were not put in the context of the political debate. I make no apologies for mentioning again that collectively the British polity, British public policy and the British media did not serve themselves or others well by the way in which these matters were covered during the general election. Throughout the election, these matters were discussed in terms and in a form that was proxy for a debate that we may or may not need on community cohesion, on race and on other such issues. They were wrapped up in rather bogus fashion as constituting a serious debate. I fully concur, not least as the Minister responsible for immigration, that such a debate is needed.

We need a debate on asylum and immigration matters, but the way that such matters were discussed during the general election is a matter of shame, not least for the Conservative party. I am extremely pleased that none of the dripping poison that polluted our democratic process was evident in Committee. I heartily congratulate every Conservative Member in Committee for not going down the route that their central party took during the general election. I freely attest that that route was not taken by the hon. Member for Woking (Mr. Malins); nor was it taken by the hon. Member for Chesham and Amersham (Mrs. Gillan). However, in the context of the general election they should collectively hang their heads in shame and send the running dog from Australia back to where he came from.

Madam Deputy Speaker: Order. Perhaps the Minister will now address his remarks to the Bill on Third Reading.

Mr. McNulty: Of course I will, Madam Deputy Speaker. I am glad that you allowed me a little licence to consider the political context in which the Bill has been discussed.

There is no doubt, in the broadest of terms of British public policy over 30 years, that we have collectively run away from a substantive debate on asylum and immigration. I have no difficulty in engaging in such a debate. I am pleased that the Bill is before the House at a time soon enough after the election to put these matters in context. That is of great service to British public policy generally and to the House.

The Bill is about only those matters that need legislation in the context of the five-year plan, based on what was published in February. The provisions in the Bill now put it in a better place than it was when we started consideration in Committee. There is no doubt about that. Many of the amendments that we discussed today on Report go back to our discussions in Committee and take on board many of the points that were made by Committee members. Sometimes they have not met the full satisfaction of hon. Members, but

I think that people will concur, when they read the *Hansard* report of our considerations, that many Government amendments were an attempt to meet some of the concerns that were expressed in Committee. There were some genuine concerns, many of which, as my hon. Friend the Under-Secretary of State and I attested in Committee, will be readily dealt with in secondary legislation and in other forms that will be wrapped round the Bill rather than being part of it.

We think that the Bill improves our ability to improve border security by allowing border agencies to share passenger data more efficiently. It allows the use of 21st century technology to facilitate legitimate travel and to improve the identification of illegal immigration. That is not simply in terms of the Bill but in the context of everything else that we are doing in respect of important elements of policy.

I freely admit that the most contentious part of the Bill was the introduction of a rationalised appeal system for managed migration routes in line with improved decision making on visa applications. That is very important in the context of the points system. I may not owe the House an apology, but I accept that it is difficult for Members who did not serve on the Committee to understand the narrow focus of the legislation without the wider picture of the consultation paper on the points system and other aspects of the five-year plan. I repeat the promise that I gave in Committee: as there is no substantive change to the points system during the transitional phase, we shall preserve the appeals regime during that period. If discrete parts of the points system can be introduced early, the quid pro quo is that appeals will fall away. That will give us sufficient time to bed in the new resources, the decision-making process and other improvements in entry clearance officer structures. Hopefully, if the full-time independent monitor is appointed by January, they will be in post when our new decision-making process is introduced, which is all to the good.

Genuine concerns have been expressed, some of which I did not accept, about unifying the appeal process to a single level of appeal. However, I tried to address anxieties about the transition to a points system without appeals. The Bill provides for civil penalties for employers of illegal workers, and creates a new offence of knowingly employing an illegal worker. The five-year plan and all the provisions in the Bill contain the vital elements of a progressive asylum and immigration process. If we are to do everything that we can to maintain our position on the 1951 refugee convention and ensure that this country remains a safe haven for people fleeing persecution, we must simultaneously adopt a robust approach to the removal of people who do not have refugee status under the convention.

Some people do not like that approach, but I am convinced that if we are to preserve the integrity of the convention—hopefully, no party will fight the next election saying that they will get rid of the 1951 convention, as that would be shameful—we need equally robust decision-making and removals processes.

Mr. Carmichael: I accept what the Minister says about a robust removals programme. Does he accept, however, that the practice of dawn raids on families with children goes beyond robustness and strays into the realms of barbarity?

Mr. McNulty: No, I do not. I can tell the hon. Gentleman quite cheerfully that much of the debate, not least in the Scottish context, has been racked with inaccuracies, misinformation and outright mischief.

Mr. Carmichael: What about raids at 5 am?

Mr. McNulty: I could cite at length coverage in the Scottish media that talks about tear gas and riot police, as well as armies of police dragging children from their beds and kicking down doors at 4 am. None of those things are a substantial part of what the immigration service does in Scotland or elsewhere. The debate is ever so slightly skewed in the Scottish context. I freely accept that it is my job to make sure that we never reach a stage where people who make applications, whether or not they are successful in obtaining refugee status, languish in the system for four or five years, as that has an impact on integration, the putting down of roots and so on.

Mr. Carmichael: On the Scottish context, will the Minister say why the Government tabled new clause 3 on access to the housing list in Scotland, which is clearly a devolved matter, and why they then withdrew that provision?

Mr. McNulty: I shall cheerfully do so. The new clause was tabled on Report. I think—people far more expert than I will tell me if I am wrong—that was at the behest of the Scottish Executive, not least because there was an assumption that there is a grey area between what is a UK matter and what is devolved in regard to what we are doing in the Bill. Between the tabling of the new clause and our considerations today, there was a court case that rendered the form and the language of the new clause inappropriate.

Mr. Carmichael: I am grateful to the Minister, who is being exceptionally generous at this late stage in the debate. Is he saying that the Scottish Executive asked for new clause 3 to be tabled or to be withdrawn? I did not understand.

Mr. McNulty: I apologise for my lack of clarity. Working with the Scottish Executive, it was determined that the clause needed to be tabled. The Court of Appeal in the case of Morris—we got the final judgment this week—made a declaration of incompatibility in respect of section 185(4) of the Housing Act 1996, holding that that provision was within the ambit of article 8 of the European convention on human rights and breached article 14, as it discriminated on grounds of nationality, immigration control, settled residence and social welfare.

New clause 3(1)(d) is in the same terms as section 185(4) and, although it does not apply to persons subject to immigration control, but only to other persons from abroad—essentially European Economic Area nationals—which was the point of the new clause, it has the same potential for discriminatory effect. A petition has been filed in the House of Lords seeking leave to appeal. That is the present position. As the new clause was incompatible with section 185(4), it was withdrawn. I shall let the hon. Gentleman know in more detail about its gestation, but it originated from discussion between the Home Office and the Scottish Executive. If the hon.

[Mr. McNulty]

Gentleman understands that, he is a better man than me, but that is why the new clause was withdrawn in the end.

Mr. Hollobone: I welcome the Minister's comments on the need to get tough on deporting those whose applications have failed and who are in the country illegally. The other day, I asked his Department a written question: how many people in this country are awaiting deportation owing to failed asylum and immigration applications? The Department's answer was that that information was not available. Is that not the problem? The Government have not got a grip on illegal immigration.

Madam Deputy Speaker: Order. I hope that in replying to the hon. Gentleman, the Minister will not stray too far from Third Reading of the Bill.

Mr. McNulty: I shall follow your exhortation, Madam Deputy Speaker. Suffice to say that a confrere of the hon. Gentleman made a stupid and ignorant statement in the general election—"Which part of 'Send them back' don't you understand, Mr. Blair?" In the context of the Bill and more generally, that shows a profound lack of understanding of the individual. Let me make it clear: it was not the hon. Member for Broxbourne (Mr. Walker); it was the hon. Member for Castle Point (Bob Spink).

We need to understand each individual's case, assess their level of documentation and establish that there is agreement with the country that they are going to about whether they can go or not, and that they are who they say they are.

If the hon. Member for Kettering (Mr. Hollobone) makes that comment in the context of the five-year plan, regardless of what is in the Bill, with a modicum of satisfaction about the level of removals between 1979 and 1997, I wager him that the figures were not very good then, compared with now. In the context of the Bill and generally, one must understand that these are difficult matters. We have gone from a position where, at best, those who had unfounded claims in the end were being removed at a rate of 200 a month at a time when applications for asylum were pushing 10,000 a month, to a position now where, roughly speaking—we are always about three months behind in these matters—1,400 or 1,500 are being removed at a time when new applications are about 2,000 a month. That is huge progress. Prior to that, the position was even worse.

Elements of the Bill will assist us in reaching a stage where there is a robust asylum system that defends the rights of those who secure refugee status, and put us right back where we have always been collectively and across parties. The UK has a proud history, in the main, as regards refugee status.

The second key element—

Jeremy Corbyn: Will the Minister give way?

Mr. McNulty: I have said no.

If the public are to have confidence in immigration policy, we must have a controlled, managed migration system, which we announced in February with the introduction of the points system. The quid pro quo for public confidence in a transparent, simplified, managed migration system is—this goes to the heart of the Bill—a proper regime, which includes employers taking responsibility for dealing with illegal working. The two elements that I have mentioned are reflected in the Bill, outlined in the five-year plan and the strategy document, and go to the heart of a progressive system.

As I have said, provisions were added to the Bill after the cross-party deliberations in July. They concern denying asylum to terrorists, extending the power to strip citizenship from those who act in ways contrary to the UK's interest and speeding up the appeals process in national security deportation cases. I agree with those who suggest that it would nice if the other place were to have a detailed discussion on that point, reflecting our discussion in Committee rather than today's truncated debate. Those elements, too, form a measured and proportionate response to the real threat that we face. Some hon. Members—happily a minority—think that the threat is not significant. The measures are aimed at people who threaten the UK's national security and engage in unacceptable behaviour that creates a climate in which extremism can take root.

As I said in Committee, I do not believe that the measures will impact on large numbers of people in practice. As ever, some hon. Members—they were not members of the Committee—seek to take a universal position, assume that every attempt to counter terrorism affects everybody rather than just a small minority, and pollute and distort the argument.

We shall utilise technology where we can in the context of this Bill and beyond, and we are introducing biometrics now rather than later for foreign visa nationals. This country has a chance to introduce a progressive asylum and immigration system rooted in a context in which refugees are welcome. If we need a debate about community cohesion—our communities are now third, fourth or fifth generation—we can have it, because the Bill and the strategy that surrounds it will hopefully lance the Powellite poison and Mickey Mouse Alf Garnett impressions that have characterised discussions about asylum and immigration thus far. That way lies madness, so I am pleased that this Bill gets us to a place where we have a progressive asylum and immigration policy.

I thank the official Opposition Front Benchers for their constructive contributions. I will not thank the hon. Member for Orkney and Shetland (Mr. Carmichael), who chickened out and worked on another Bill rather than joining us. Liberal Democrat Front Benchers made some productive contributions, but not a whole lot—I might add that those contributions were always at length, too. I thank the Whip, who did an expert job, and the Under-Secretary of State for the Home Department, my hon. Friend the Member for Leigh (Andy Burnham). I also thank the army, nay legion, of lawyers, policy officials and Home Office people who have helped us make what on the face of it looks like a small contribution to asylum and immigration policy in this country. In the wider context of the five-year plan and the strategy, however, the Bill has a significance way beyond its actual provisions.

6.49 pm

Mrs. Gillan: I thank the Minister for his kind remarks about official Opposition Front Benchers and agree that we have had a measured and constructive discussion.

Because I am at the Dispatch Box this evening on Third Reading, I pay tribute to my hon. Friend the Member for Woking (Mr. Malins), who has done sterling work on this Bill. The Government's timetabling placed him in some difficulty because he was working on the Serious Organised Crime and Police Act 2005 at the same time.

We have had a reasonable examination of the Bill. As the Minister knows, there is much that Conservative Members agree with. I was happy with the way in which the Government introduced the late clauses because of the need to tidy up some of the provisions relating to terrorism. I thank the Minister for making his officials available to brief me and my Front-Bench colleagues, because that enabled us to approach the amendments in a slightly different fashion from what would have been the case had we been unsighted.

The Bill moves this whole area forward. It includes some good measures on fingerprinting, passenger and crew information, information sharing, searches, and the deprivation of citizenship and right of abode, which the Government have understandably felt it necessary to propose in response to the current situation.

However, the Minister always has to spoil things a little by having a political dig at the Conservatives. He should be more magnanimous in victory; after all, his party won the election. I will not take any lessons from him or hang my head in shame, because whatever an individual may have said in the heat of an election, it does not represent my party's views. He does a disservice to the whole business of politics by raising that here.

More refinements may be made to the Bill in another place, perhaps in the light of current events or the way in which we have conducted ourselves here. I see that the Minister is nodding. I hope that the pattern of Conservative Members' voting indicates to another place those areas where we have concerns. If truth be told, the Minister would also have some concerns were he not tied by his office.

The current drafting of the provisions on appeals is a muddle, and that will cost us in terms of our reputation at home and abroad. There is probably good reason to retain in-country rights of appeal in some cases, where people will be in the country having entered legally with leave. The disruption if they are forced to leave the UK will be sufficiently enormous not only to create administrative chaos, but potentially to give rise to successful human rights applications in the courts and compensation claims. The effects on our universities and higher education institutions have been laid out pretty well in Committee and on Report.

The Minister needs to deal with the situation whereby refugees may be left in limbo. The Refugee Council has said:

> "It is a shame that the plan to leave refugees living in limbo for five years before giving them the right to settle in Britain has been included. This measure contradicts other helpful steps—such as the extension of integration loans—which assist refugees in building new lives in this country."

That reflects its view of some of the Bill's other provisions. The Government say that they wish to have a one-stop appeals system, but I should have thought that there were alternative ways of achieving that. I hope that the other place will examine that carefully, because improvements could be made.

The quality of the decision making on entry clearance appeals has been identified as being poor, even in the report by the Constitutional Affairs Committee from which I quoted earlier. We are pleased that there is scope for review and monitoring. However, as additional efforts to improve quality control do not substitute for what is already in place, particularly for appeals, we hope that that will be examined in another place.

As regards employment, there are real risks that employers, not least because of the heavy burden of checking placed upon them, will be reluctant to employ people who are, or whom they think might be, subject to immigration control. That could result in an increase of discrimination in employment. The proposed code of practice certainly holds no magic answer to this problem.

The ongoing obligation on employers to check the immigration status of employees will cause difficulties in practice. For example, at the time when a person's leave is due to run out, their documents are usually with the Home Office. There has been criticism from the Immigration Advisory Service and even from the Joint Council for the Welfare of Immigrants, whose chief executive has said that part of the Bill is asking employers to do the Home Office's dirty work, and that people migrate here because there is work for them to do. There are warnings there, as well as in the views of the CBI and the National Farmers Union about the employment of agricultural workers.

I was pleased that the Minister accepted some of our suggestions, particularly the amendment relating to the period of 28 days. We thank him for looking with favour on that. On the powers of search and arrest, it is extremely risky to give private contractors the right to detain. The Government say that the contractors will only be searching lorries, but what would happen if they found someone? I am still worried about the scrutiny, accountability and oversight of private contractors, on whom I am actually very keen. Concerns have also been expressed in that regard about the potential for ill-treatment during detention and escort, and those concerns must be dealt with at some stage. There is certainly no case for giving powers to detain, arrest or search to anyone other than professionals. The Minister must ensure that the people who are employed in this area are trained, skilled and accountable. Perhaps that issue will be considered in another place.

I would like to acknowledge the people who have briefed us on these issues. There have not been as many lawyers, officials and rafts of people coming to our door to brief us as the Government have had, but we have been very impressed by the calibre of the organisations that have sought to have their views aired. I hope that they will consider that we have done justice to their views, even though in some cases we do not entirely agree with them.

I also want to acknowledge the work of all members of the Committee. As I said at the end of the Committee stage, the Bill will make our borders safer and make our country a better place for people to come and live in and to visit. We hope that the legislation, in whatever form it finally appears, will help the people who defend our country to do a better job and to make it a place that provides us with a safe and sure environment.

The Bill will go to the other place, where I hope it will be refined in some of the ways that I have outlined today. However, in the light of the way in which we have

[Mrs. Gillan]

conducted the proceedings on the scrutiny of the Bill, I would like to tell the Minister that, should a vote be called on Third Reading tonight, I shall ask my hon. Friends who are present in the House to join the Government in the Lobby, to ensure that both parties stand four-square against terrorism. The message must go out clearly from the House that, regardless of rhetoric and political differences, when it comes to the safety and security of our citizens the Conservative party will stand behind the Government in this instance.

6.59 pm

Mr. Gerrard: I see that we have about a minute left, so it will be difficult to make much of a contribution. I want to make the point that, for some of us, there are still areas of serious concern in the Bill, especially on appeal rights. I know that a lot of what has to be done on appeal rights will depend on secondary legislation, and I say to the Minister that I hope that he talks to Members of the House before that legislation is introduced so that we are clear about where we can and cannot maintain some appeal rights.

I am grateful for what the Minister said about unaccompanied minors, and I hope that we can make more progress on that. Will he make absolutely sure that there is a clear relationship between what the House finally agrees on the Terrorism Bill—

Question put, That the Bill be now read the Third time:—

The House divided: Ayes 330, Noes 58.

Division No. 102] **[7 pm**

AYES

Afriyie, Adam
Ainger, Nick
Allen, Mr. Graham
Amess, Mr. David
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Atkinson, Mr. Peter
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baldry, Tony
Balls, Ed
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Begg, Miss Anne
Bell, Sir Stuart
Benton, Mr. Joe
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Bone, Mr. Peter
Bradshaw, Mr. Ben
Brennan, Kevin
Brokenshire, James
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clappison, Mr. James
Clark, Greg
Clark, Ms Katy
Clarke, rh Mr. Charles
Clarke, rh Mr. Kenneth
Clarke, rh Mr. Tom
Clelland, Mr. David
Clifton-Brown, Mr. Geoffrey
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Davies, David T.C. *(Monmouth)*
Davies, Philip
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Duddridge, James
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ellwood, Mr. Tobias
Ennis, Jeff
Etherington, Bill
Evans, Mr. Nigel
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Forth, rh Mr. Eric
Foster, Mr. Michael *(Worcester)*
Francois, Mr. Mark
Gapes, Mike
George, rh Mr. Bruce
Gibson, Dr. Ian
Gillan, Mrs. Cheryl
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Goodwill, Mr. Robert
Gove, Michael
Grieve, Mr. Dominic
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hammond, Mr. Philip
Hanson, Mr. David
Harman, rh Ms Harriet
Harper, Mr. Mark
Harris, Mr. Tom
Hayes, Mr. John
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hendry, Charles
Hepburn, Mr. Stephen
Herbert, Nick
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hollobone, Mr. Philip
Holloway, Mr. Adam
Hope, Phil
Hopkins, Kelvin
Hughes, rh Beverley
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Joyce, Mr. Eric
Kawczynski, Daniel
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Lancaster, Mr. Mark
Law, Peter
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Lewis, Mr. Ivan
Lewis, Dr. Julian
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Luff, Peter
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malins, Mr. Humfrey
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCrea, Dr. William
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIntosh, Miss Anne
McIsaac, Shona
McKenna, Rosemary
McLoughlin, rh Mr. Patrick
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali

Mudie, Mr. George
Mullin, Mr. Chris
Mundell, David
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Murrison, Dr. Andrew
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Brien, Mr. Stephen
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Ottaway, Richard
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Randall, Mr. John
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, Hugh
Robertson, John
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Roy, Mr. Frank
Ruane, Chris
Ruffley, Mr. David
Russell, Christine
Ryan, Joan
Salter, Martin
Scott, Mr. Lee
Seabeck, Alison
Shapps, Grant
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, David
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Jacqui
Snelgrove, Anne

Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Steen, Mr. Anthony
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Stuart, Mr. Graham
Syms, Mr. Robert
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Andrew
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Viggers, Peter
Villiers, Mrs. Theresa
Vis, Dr. Rudi
Walker, Mr. Charles
Wallace, Mr. Ben
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watkinson, Angela
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Whittingdale, Mr. John
Wicks, Malcolm
Wiggin, Bill
Williams, Mrs. Betty
Wilson, Mr. Rob
Wilson, Sammy
Winnick, Mr. David
Winterton, Ann
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Mr. Ian Cawsey and
Tony Cunningham

NOES

Alexander, Danny
Beith, rh Mr. Alan
Brake, Tom
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Burt, Lorely
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Clegg, Mr. Nick
Davey, Mr. Edward
Farron, Tim
Featherstone, Lynne
Foster, Mr. Don
Galloway, Mr. George
George, Andrew

Gidley, Sandra
Goldsworthy, Julia
Hancock, Mr. Mike
Harris, Dr. Evan
Harvey, Nick
Hemming, John
Holmes, Paul
Horwood, Martin
Howarth, David
Hughes, Simon
Huhne, Chris
Hunter, Mark
Kennedy, rh Mr. Charles
Kramer, Susan
Lamb, Norman
Laws, Mr. David

Leech, Mr. John
Llwyd, Mr. Elfyn
MacNeil, Mr. Angus
Moore, Mr. Michael
Oaten, Mr. Mark
Öpik, Lembit
Price, Adam
Pugh, Dr. John
Reid, Mr. Alan
Robertson, Angus
Rogerson, Mr. Dan
Rowen, Paul
Sanders, Mr. Adrian
Smith, Sir Robert
Stunell, Andrew

Swinson, Jo
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Webb, Steve
Weir, Mr. Mike
Williams, Hywel
Williams, Mark
Williams, Stiiphen
Willis, Mr. Phil
Wishart, Pete

Tellers for the Noes:
Bob Russell and
Richard Younger-Ross

Question accordingly agreed to.

Bill read the Third time, and passed.

ADJOURNMENT (CHRISTMAS)

Ordered,

That this House, at its rising on Tuesday 20th December 2005, do adjourn till Monday 9th January 2006.—*[Mr. Alan Campbell.]*

BUSINESS OF THE HOUSE

Ordered,

That, on Tuesday 20th December—

(1) references to specific times in the Standing Orders of this House shall apply as if that day were a Wednesday; and

(2) there shall be no sitting in Westminster Hall.

Ordered,

That—

(1) the Order of 24th May 2005 relating to Business of the House be amended by leaving out the reference to 24th February and inserting a reference to 3rd March; and

(2) the Orders of the day which have been set down for 24th February shall be read and discharged; and the said Orders shall be set down for 3rd March.—*[Mr. Alan Campbell.]*

PETITION

IsItFair Campaign

7.14 pm

Lembit Öpik (Montgomeryshire) (LD): I would like to submit a petition from constituents who live in the beautiful town of Machynlleth and it relates to council tax. The petition reads as follows:

The Petition of the Isitfair Council Tax Protest campaign

Declares that the year-on-year, inflation-busting increases in Council Tax are causing hardship to many and take no account of ability to pay; further that the current property revaluation and re-banding exercise will make an already flawed system even worse.

The Petitioners therefore request that the House of Commons vote to replace Council Tax with a fair and equitable tax that, without recourse to any supplementary benefit, takes into account ability to pay from disposable income. Such tax to be based on a system that is free from any geographically or politically motivated discrimination, and that clearly identifies the fiscal and managerial responsibilities of all involved parties.

And the Petitioners remain, etc.

To lie upon the Table.

Public Order (Bars and Clubs)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Alan Campbell]*

7.16 pm

Mr. Mark Lancaster (North-East Milton Keynes) (Con): I am extremely grateful for the opportunity to address the House on what I consider to be a major problem within Britain's drinking culture, a view that I think is shared by many hon. Members on both sides of the House.

In Milton Keynes, we are only too aware of the dangers of glass bottles and glasses. In the early hours of last Christmas morning, one of my constituents, Blake Golding, was the victim of a brutal bottle attack while working as a doorman. At just 22 years of age, he was scarred for life while going to the aid of a colleague. That terrible incident could have been prevented if the attacker had not had access to a glass bottle. The terrifying fact is that bars and clubs have extremely dangerous weapons at arm's reach. A glass or bottle can be used by anyone to cause a great deal of harm to another individual.

On 14 June 2005, a campaign was set up by Blake's family and as a result 12,000 people, including hundreds of police officers, have signed a petition calling for a Government ban on glass drinking vessels in all late-night clubs and bars. The success of the campaign is testament to the determination of the Golding family and the support shown by our local newspaper, the *Milton Keynes Citizen* and Three Counties Radio. I hope to be able to increase awareness of the issue today, and to gain further support for such a change.

Unfortunately, this problem has remained largely unaddressed by successive Governments, yet we are talking about a readily available weapon that can cause much harm, as Blake's case has shown. In fact, glasses and bottles are the most common weapons used in violent assaults in the United Kingdom, which is no wonder when we consider how many drinks are served in glass containers. In the UK, over 5.6 billion pints of beer are served in bars, pubs and clubs a year, nearly 6.8 million bottles of beer, 4.2 million bottles of alcopops and 313,000 bottles of wine.

The risk associated with drinking glasses and bottles is being highlighted, but it takes cases such as Blake's to increase support for the proposed ban. Bar Mee in Milton Keynes became the first pub in the area to serve drinks solely in sturdy plastic glasses and bottles in a bid to reduce the horrifying number of bottle attacks. Milton Keynes council is proposing a motion to amend its licensing policy regarding this issue. It is also worth acknowledging the policy of Yates's bars nationwide, which already use shatter-proof plastic glass. We need to make that the case in all bars and clubs across the country.

The night-time entertainment districts of many towns and cities are expanding. Although that has economic benefits, it can be accompanied by an increase in crime and disorder because of the high concentration of pubs and clubs. Research shows that there is a link between alcohol consumption and violent behavior. A study by the Prime Minister's strategy unit suggests that 1.2 million incidents of alcohol-induced violence are reported every year.

According to the 2001–02 British crime survey, in 47 per cent. of all violent incidents, the victim described the assailant as being under the influence of alcohol at the time of the assault. Furthermore, 38 per cent. of stranger violence and 23 per cent. of acquaintance violence occurred in or around a pub or a club.

Mr. Peter Bone (Wellingborough) (Con): I thank my hon. Friend for giving way and congratulate him on securing a debate on such an important issue. He will know that in the adjacent constituency of Wellingborough, this is a huge issue, too. Does he agree that parents have two main concerns when their nearly adult children go off perhaps to Northampton on a Friday night to attend a club? They are worried first, about their children being in a car accident, and secondly, that they might be assaulted by some drunken yob in a club and come back home with dreadful injuries.

Mr. Lancaster: My hon. Friend makes a valid point. Our constituencies neighbour each other and his constituents go not only to Northampton, but to Milton Keynes. I thank my hon. Friend for his valuable point.

More than half of all incidents of alcohol-related violence result in some form of injury. In a fifth of incidents, the perpetrator had a weapon that he threatened to use—usually a glass or a bottle. Figures obtained for Manchester show that one person is seriously wounded by a bottle every fortnight. Toughened glass is now being introduced in bars and clubs and serious assaults have fallen by up to 30 per cent.

Julie Morgan (Cardiff, North) (Lab): I congratulate the hon. Gentleman on securing this debate and I have great sympathy with what he is saying. May I draw his attention to the good work done by AMEC—the Alcohol Misuse Enforcement Campaign—in Cardiff, and particularly to the work of my constituent, Professor John Shepherd, who works in the dental school at the Heath hospital and has campaigned for many years for the prevention of glass injury in pubs and clubs? He has succeeded in reducing the number of serious accident and emergency cases. Does the hon. Gentleman agree that recent proposals in Cardiff to compel some pubs and clubs to use plastic glasses after 11 pm and to introduce bottle banks in the city—getting the glass off the streets—represent a step forward that will further reduce the number of injuries in Cardiff?

Mr. Lancaster: I agree with the hon. Lady, who makes a very good point. The work of Professor Shepherd is well known to me, as I believe that he has proposed a British standard for toughened glass. I would certainly welcome that measure.

In Glasgow city centre in 2003, there were 313 serious assaults, 81 of which involved glass bottles. Of those, 69 involved people being struck on the head with a bottle. Those are hugely worrying statistics and if we take account of the number of drinks served every year, we have to accept that if someone wants to act in a violent manner, one of the many bottles or glasses that are close to hand will be an easy choice of weapon. If those bottles and glasses were replaced with plastic, they would not be able to cause the damage that they do.

Plastic bottles and glasses would allow for a safer drinking and social environment and a change to plastic could also lessen insurance premiums for pubs and clubs, as well as provide a safer working environment for bar staff to operate in—though those are just small benefits in comparison with the opportunity to save lives and prevent serious injuries.

Mr. Philip Hollobone (Kettering) (Con): I, too, congratulate my hon. Friend on securing this evening's Adjournment debate. I represent the Kettering constituency and Kettering is the nightclub capital of Northamptonshire. I believe that many of my constituents will welcome both the debate that he has started this evening and his proposals for change. Kettering general hospital has a major accident and emergency department and I believe that many health service staff will also welcome the proposals that he is advancing this evening.

Mr. Lancaster: I thank my hon. Friend for his comments, though I would, of course, dispute the fact that Kettering is the nightclub capital of the midlands, as I like to think that Milton Keynes is—perhaps we should debate that at another time.

It is important to note that plastic bottles and glasses are recyclable. Britain's plastic bottles create 500,000 tonnes of waste every year, but many local councils now have recycling schemes that allow plastic to be reprocessed into various new products, including clothing and textiles.

The company Coors Brewers has also produced new containers made of reusable toughened plastic. They cost roughly the same as the traditional glass and are also unbreakable, which means that they cannot be smashed and used as dangerous weapons.

Glasgow city council is working towards becoming the UK's first glass-free city. In October, it introduced a compulsory ban on the sale of alcohol in glass bottles or containers in clubs. The conditions of that ban must be met by January 2006, and all other venues in Glasgow will be expected to follow suit within a year. Producers of top brands, including Stella, Budweiser, Foster's, Carling, Miller, Guinness and Tennants, support the principle behind that move, and I see no reason why the rest of the UK should not follow suit.

Unfortunately, despite positive steps by individual councils, bar chains and brewers, the Licensing Act 2003 merely calls for drinking establishments to look into adopting the use of toughened glass, but that substance cannot be used to produce bottles in the way that multilayered plastic can. In fact, the Government may be about to add to the problems with the implementation of the 2003 Act, which I and many others fear will lead to an explosion of binge drinking and antisocial behaviour.

The Association of Chief Police Officers claims that there is

> "a strong link between the increase in disorder and the explosion of late-night premises".

A Home Office Research paper found that 39 per cent. of 18 to 24-year-olds are classified as binge drinkers. In 2003, moreover, 60 per cent. of binge drinkers admitted involvement in disorderly behaviour, compared to 25 per cent. of regular drinkers. Alcohol-related admissions cost the NHS £1.7 billion a year. The NHS and the police already face stretched budgets, and the police believe the cost to them of alcohol-related crime will exceed £1 billion.

Mr. Jeremy Browne (Taunton) (LD): This subject is of particular constituency interest to me, as a young woman called Louise McClintock lost an eye in a glass incident in Taunton. She was also severely scarred by the attack. May I commend the Somerset police force's initiative called "Drink Safe, Be Safe"? The police have worked with bars and other organisations, particularly in Taunton, to improve the safety of drinking environments, and have encouraged the use of plastic bottles and glasses. I hope that both the hon. Gentleman and the Minister will find an opportunity to come to Taunton and see the excellent progress that is being made.

Mr. Lancaster: I thank the hon. Gentleman for those comments. I used to enjoy my cider when I was at Exeter university, so I should be delighted to take up that offer.

Hospital staff have also raised concerns that the new licensing laws will lead to an increase in binge drinking and a rise in the number of assaults. Currently, 40 per cent. of accident and emergency admissions are alcohol related, and the proportion rises to 70 per cent. between midnight and 5 am.

An investigation into 24-hour drinking was carried out at Ninewells accident and emergency department in Dundee, where more flexible drinking hours already operate. Staff at Ninewells claimed that drink-related violence had got worse, with many more high-violence assaults resulting from people being involved in large fights. Many of the injuries sustained were caused by bottles and glass being used as weapons. That makes it even more crucial that we make it compulsory for clubs and bars to use only plastic glasses and bottles. We must do all we can to lessen the dangers to members of the public.

Mr. Charles Walker (Broxbourne) (Con): I congratulate my hon. Friend on securing this excellent debate. Does he agree that much attention is rightly focused on the danger posed by knives, but that glass can be just as lethal and damaging to those against whom it is used?

Mr. Lancaster: I agree, but there have been suggestions that, even if my proposals were adopted, violent people would still find weapons such as knives, and that attacks would still occur. It has been said that my proposals may not be the answer to the problem, and I agree that promoting the use of plastic bottles and glasses does not tackle the wider issue of why people act violently, or of why binge drinking is such a problem in the UK. However, I do not accept that we should therefore forget about a compulsory change to plastic glasses and bottles. The fact remains that using only plastic will remove potential weapons that can inflict a great deal of harm. We would be taking glass out of the equation. How can that be a bad thing?

There may be a short-term cost implication for manufacturers in a switch to plastic and I appreciate their concerns about that. It may require price increases,

[Mr. Lancaster]

but surely those will be outweighed if serious injuries are prevented. It is a small price to pay for preventing the physical and mental damage that a glass attack can cause.

There have been proposals for new measures in venue management; for example, ensuring a quicker collection of empties or altering the atmosphere in clubs and pubs. Introducing such measures is not enough, as it would not completely remove the risk. There would still be an opportunity for glass attacks to occur, and I do not want to see another person suffer injuries like those of Blake Golding.

My proposed change could save people's lives and will reduce the injuries that are sustained annually through bottle attacks. It is important to remember that any innocent person could be the victim of a glass attack, so I believe that removing that threat will be widely welcomed by Members on both sides of the House. Much more needs to be done to decrease antisocial behaviour in the UK.

Mr. Russell Brown (Dumfries and Galloway) (Lab): I concur with what the hon. Gentleman is saying and with his suggestions. The violence in those attacks is undoubtedly fuelled beforehand by alcohol, so does not the hon. Gentleman believe that licensees have a role to play and that responsible licensees will ensure that their customers do not get to the stage where they commit attacks?

Mr. Lancaster: The hon. Gentleman makes a valid point. I do not suggest for a second that plastic is the only solution to the problem. It would form part of a number of measures and as he points out, the role of licensees would contribute to helping to reduce the violence.

I welcome anything that helps make pubs and clubs safer places to drink. It is important that we take these proposals forward now, rather than waiting till another person is scarred or, worse, killed as a result of an attack with glass.

7.32 pm

The Parliamentary Under-Secretary of State for the Home Department (Fiona Mactaggart): I congratulate the hon. Member for North-East Milton Keynes (Mr. Lancaster) on securing this important debate, and I am glad to have an opportunity to discuss the issues he raised. I thank him for liaising with Home Office officials on the issue, which has been raised by several Members, as was reflected in their interventions describing their constituency experiences.

All Members present will want to join me in offering regrets and sympathies to Blake Golding and, in a way, our thanks for the fact that some good has come out of a terrible event, in the sense that we have been encouraged to campaign on this important matter and to address the consequence of glass being used as a weapon in cases such as those described by the hon. Gentleman and the hon. Member for Taunton (Mr. Browne). I particularly pay tribute to the way in which Blake Golding's parents, Robert and Marjorie, conducted their campaign following the incident. I saw Marjorie on television this morning and she said that her son's life had been turned upside down. There is a duty on Government to act effectively to ensure that nobody else's life is turned upside down. How do we do that?

Let us look at what is happening already. In Milton Keynes, partly as a result of the Goldings' campaign, the community safety partnership has a violence thematic subgroup, which is currently considering the introduction of plastic vessels in pubs and nightclubs. I am especially pleased to learn that the partnership will be participating in the alcohol misuse enforcement campaign that has just been announced, and to which my hon. Friend the Member for Cardiff, North (Julie Morgan) referred.

The local police in Milton Keynes must also be commended for their overall approach to tackling the problem of alcohol-related violent crime and disorder. I understand that their proactive and targeted approach led to a reduction in public place violence offences of 39 per cent. between April and September 2005, compared with the same period in 2003, which is an impressive statistic. I believe that the proactive use of CCTV and fixed penalty notices has helped to contribute to that reduction. If alcohol misuse is going to be tackled effectively, full use needs to be made by all partners of the wide range of powers available.

Of course the police have an important role to play in preventing alcohol-fuelled disorder, but the drinks industry has an equally important role. As the hon. Member for North-East Milton Keynes pointed out, Bar Mee in Milton Keynes has undertaken to serve customers using only plastic vessels in future.

Milton Keynes local authority is currently discussing the issue and has an item for consideration by its licensing committee on 24 November in which it is proposed that licences should include a requirement

> "to ensure that . . . all drinking vessels in which drinks are served throughout the entire trading period shall be made of either toughened glass, or a plastic material that does not break into sharp pieces . . . no drink shall be served in a glass bottle".

How can Milton Keynes do that? It is doing that on a notable day—the day on which the Licensing Act 2003, which the hon. Gentleman took the opportunity to try to defeat yesterday, comes into force. That can be done because of the powers in that Act. He is wrong to claim that the 2003 Act empowers local authorities to turn only to toughened glass. It empowers local authorities, such as Milton Keynes, which covers his constituency, not merely to require that toughened glass is used, but to put in place a requirement as part of its licensing regime that plastic vessels be used.

One of the reasons the Association of Chief Police Officers welcomed the introduction of the 2003 Act is that it provides the capacity to target and to develop locally appropriate licensing regimes.

Mr. Walker: Does the Minister believe that the Licensing Act 2003, which is due to come into force on 24 November, will reduce the overall incidence of alcohol-related violent crime in the year after its introduction? If it does not, will a Minister or two consider resigning?

Fiona Mactaggart: I am going to continue to show how we have built on to the framework of the Licensing Act, to intervene effectively if violence increases as a consequence of late-night drinking. If the hon. Gentleman will give me time to proceed to the further legislative measures that we are introducing, I hope that he will recognise that the Conservative party was mistaken in its attempt to get rid of the way in which what the hon. Member for North-East Milton Keynes rightly referred to as an historically unaddressed issue—glass bottles—can be dealt with effectively.

The 2003 Act gives more power than ever before to local licensing authorities to manage premises that are offered licences. It now includes provisions that enable the police to close instantly for up to 24 hours licensed premises where disorder is occurring or is imminent and presents a danger to people there. The police may extend the period of closure until the courts can take responsibility for the matter. The courts may further extend the period of closure until the licence has been reviewed by the licensing authority.

Following a review hearing, the licensing authority is given substantial powers to act where it is necessary to promote the prevention of crime and disorder and public safety. For example, it may add new conditions to the licence, such as requiring a ban on the sale of alcohol in bottles and on the removal from the premises of bottles and open vessels, such as beer glasses, and requiring alcohol to be served in plastic containers or toughened glass. Such conditions might apply at certain times of the day or on certain days of the week. They are all included as possible conditions in the guidance that the Secretary of State for Culture, Media and Sport issued to licensing authorities, with the approval of Parliament, in July 2004.

Local licensing authorities can decide to add conditions to new or varied licences. Virtually all premises that have sought variations to the licences during the transitional period between the old and the new licensing regimes have had new conditions attached to their licences that have often been promoted by the police. Again, the conditions have drawn on the guidance issued by the Secretary of State as appropriate and necessary.

If licence conditions are breached following a review, the licensing authorities have strong powers to suspend licences for between one day and three months, or to revoke a licence permanently. Premises licence holders may also be prosecuted for breaching their licence conditions and can face sentences of a fine not exceeding £20,000, or imprisonment for up to six months, or both. The Licensing Act 2003 gives local authorities the power to target premises that have problems with alcohol-related violent crime and disorder and to attach conditions to their licences.

I believe that those tools are important and that the introduction of a blanket ban through primary legislation would be disproportionate for areas that do not require such action. Nevertheless, we have toughened the regime that is available to deal with glass being used as a weapon as a result of alcohol-fuelled violence.

The Violent Crime Reduction Bill builds on the foundation that I have described. In January 2005, the Government published a consultation paper, "Drinking Responsibly: The Government's Proposals". It set out several proposals for helping to tackle the problems of alcohol misuse, including plans for introducing drinking banning orders and powers for local authorities and the police to designate alcohol disorder zones and to charge licensed premises for the cost of dealing with alcohol-related crime and disorder. Drinking banning orders will bar people who have too much to drink and then commit crime or behave in a disorderly manner from licensed premises within a certain locality for a period between two months and two years.

On 8 June, we introduced the Violent Crime Reduction Bill. The Bill completed its proceedings on Report and Third Reading this week—on 14 November 2005. The Bill includes a comprehensive package of measures that are aimed at combating violent crime, of which the proposals to deal with alcohol-fuelled violent crime are part.

I would like to highlight one of the new powers in particular because I believe that it is relevant to the issues that the hon. Member for North-East Milton Keynes raised. There will be a new police power to require an expedited review of an alcohol licence. An expedited review is a mechanism by which the police can apply to the local licensing authority for the review of a premises licence if premises are associated with serious crime or disorder. Let us make no mistake: an incident of someone being stabbed in the face with a glass or a bottle amounts to serious crime or disorder.

The process allows interim steps pending a review to be taken against premises within 48 hours of the receipt of an application. The licensing authority must undertake to review the licence within 28 days of receipt of the application. Interim steps can include attaching conditions to the licence, such as the need to use plastic vessels or toughened glass. Although it is possible for the police to apply for licence reviews under the Licensing Act, the Violent Crime Reduction Bill will allow the police to make a rapid response to tackle serious crime and disorder. The measure will be a vital tool for the police and licensing authorities throughout the country when dealing with alcohol-related violent crime and disorder.

The hon. Gentleman referred to the role of the industry. It has a vital role to play in minimising the risks of alcohol misuse. In individual establishments, there is a wide range of steps that can usefully be taken to minimise the risk of such injuries, including educating customers, licensees and staff about the possible dangers arising from the careless use of glass, ensuring that bar staff are diligent in collecting empty bottles and glasses, thus reducing the possibility of accidental harm, and ensuring that licensees and door staff keep a tight rein on their bottles and glasses and prevent them from being removed so that they cannot cause injury or other problems to people leaving the premises.

I am pleased with the efforts made by the drinks industry to promote the use of toughened glass in pubs and clubs. The industry estimates that between 80 and 90 per cent. of pubs and clubs use toughened glass as a standard. It is pleasing that brewers are now beginning to use bottles that are made of toughened plastic—the hon. Gentleman referred to the work of Coors in that regard. In addition, there is an important role for local authorities to play in helping to manage the night-time

[Fiona Mactaggart]

economy. That includes ensuring that sufficient secure bottle banks are provided in the right locations and emptied regularly to provide a safe place for bottles to be disposed of when, for example, they are confiscated by the police. That helps to reduce the risk of bottles being used as weapons.

I acknowledge that the problems of alcohol misuse are especially present on the streets. Responsibility for ending the binge-drinking culture lies with the individual as much as, if not more than, it lies with the industry and licensed premises. Extensive use has been made of the fixed penalty notice for disorder scheme for alcohol-related offences, and a range of other tools have been used to tackle problems of alcohol misuse in the public space.

As I said, through the Violent Crime Reduction Bill we are introducing a new civil order—a drinking banning order—which will be available to the courts to use to protect people and their property from criminal or disorderly conduct by an individual when under the influence of alcohol. The Bill also provides new powers for the police and local authorities to designate alcohol disorder zones as a last resort where other methods have been tried to tackle alcohol-related crime and disorder but have not worked. That will enable the police and local authorities to require licensed premises to undertake measures to prevent alcohol-related violence, including the use of toughened glass and plastic bottles, and to charge for individual enforcement services. The measures in the Bill will complement—

The motion having been made after Seven o'clock, and the debate having continued for half an hour, MADAM DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned accordingly at fourteen minutes to Eight o'clock.

Deferred Division

MARKETING OF FOODS DERIVED FROM GENETICALLY MODIFIED MAIZE

That this House takes note of European Union Document No. 12197/05, draft Council Decision authorising the placing on the market of foods and food ingredients from genetically modified maize line MON863 as novel foods or novel food ingredients under Regulation (EC) No. 258/97; and supports the Government's view that products derived from this maize meet the necessary requirements for authorisation under Regulation (EC) No. 258/97.

The House divided: Ayes 216, Noes 73.

Division No. 96]

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Balls, Ed
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Betts, Mr. Clive
Blackman, Liz
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clarke, rh Mr. Tom
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cook, Frank
Cooper, Yvette
Crausby, Mr. David
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ennis, Jeff
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Foster, Mr. Michael *(Worcester)*
Gapes, Mike
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, Mr. David
Harris, Mr. Tom
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hoyle, Mr. Lindsay
Iddon, Dr. Brian
Illsley, Mr. Eric
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark

Lepper, David
Love, Mr. Andrew
MacDougall, Mr. John
Mackinlay, Andrew
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Reed, Mr. Andy
Riordan, Mrs. Linda
Robertson, John
Roy, Mr. Frank
Ruane, Chris
Russell, Christine
Ryan, Joan
Sheerman, Mr. Barry
Sheridan, Jim
Slaughter, Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Geraldine
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, David
Thomas, Mr. Gareth
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Winnick, Mr. David
Winterton, Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

NOES

Ainsworth, Mr. Peter
Alexander, Danny
Baker, Norman
Beith, rh Mr. Alan
Brake, Tom
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Burstow, Mr. Paul
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Clegg, Mr. Nick
Conway, Derek
Corbyn, Jeremy
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Drew, Mr. David
Durkan, Mark
Farron, Tim
Featherstone, Lynne
George, Andrew
Gidley, Sandra
Goldsworthy, Julia
Gray, Mr. James
Harvey, Nick
Heath, Mr. David
Hemming, John
Hermon, Lady
Holmes, Paul
Horwood, Martin
Hosie, Stewart
Howarth, David
Hughes, Simon
Huhne, Chris
Hunter, Mark
Kramer, Susan
Lamb, Norman
Leech, Mr. John
Llwyd, Mr. Elfyn
McCrea, Dr. William
McDonnell, John
Meacher, rh Mr. Michael
Moore, Mr. Michael
Oaten, Mr. Mark
Öpik, Lembit
Pugh, Dr. John
Reid, Mr. Alan
Robertson, Angus
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Simpson, David
Skinner, Mr. Dennis
Smith, Sir Robert
Spink, Bob
Stunell, Andrew
Swinson, Jo
Teather, Sarah
Vis, Dr. Rudi
Webb, Steve
Weir, Mr. Mike
Williams, Hywel
Williams, Mark
Williams, Stephen
Wilson, Sammy
Winterton, Sir Nicholas
Younger-Ross, Richard

Question accordingly agreed to.

House of Commons

Thursday 17 November 2005

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

ENVIRONMENT, FOOD AND RURAL AFFAIRS

The Secretary of State was asked—

Exotic Birds

1. **Mr. Jim Devine** (Livingston) (Lab): If she will make the temporary ban on imports of exotic birds permanent. [29228]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): The European Union ban on the import of captive birds has been extended until 31 January 2006. The Government are considering the arguments for and against a permanent ban. That will be discussed with EU and trading partners in the months to come. Subject to certain conditions, restrictions placed on gatherings of pigeons will be lifted today.

Mr. Devine: I thank my hon. Friend for that answer. I am sure that he is aware of the concern, not only in my constituency but throughout the country, about the damage that bird flu could do, especially following the deaths in China and other parts of Asia. What reassurance can he give the House about the action plan that he is developing to ensure that similar tragedies do not occur here?

Mr. Bradshaw: The threat of avian flu is being taken seriously across Government. For DEFRA's part, and as we hold the European presidency, we are taking a lead in Europe. We are constantly updating our contingency plan and we are ever vigilant in surveying the potential spread of avian flu. Just last week, we held a table-top contingency exercise to test our avian flu contingency plan.

Michael Fabricant (Lichfield) (Con): I know that the Department is taking the matter seriously, but I must ask whether the Treasury is also doing so. I have pressed the Minister on this issue before, but I must do so again. Why will there be only six sniffer dogs at British ports to detect the illegal importation of birds and other animals? With only six sniffer dogs available, and each animal able to work for only five hours at a time, how can that stop the illegal importation of such birds?

Mr. Bradshaw: It is six more sniffer dogs than any other EU member state has, and it is six more than this country had when the hon. Gentleman's party was last in power. We are spending £20 million more than his party spent on border controls of illegal imports. As my hon. Friend the Member for Livingston (Mr. Devine) has just reminded the House, we have also imposed a ban on the import of birds.

Mr. James Paice (South-East Cambridgeshire) (Con): According to the Convention on International Trade in Endangered Species, last year nearly 700,000 birds were imported into the EU, 19,000 of which came to the UK. However, according to the EU, only 67,000 came into Europe, of which a staggering 66,000 apparently came to the UK. Can the Minister explain the 10-fold discrepancy in the figures? As we now know that avian flu has been brought into the UK through the bird trade, is he worried that if he does not know how many birds are brought in, he cannot know how effective our border controls are and cannot therefore enforce the biosecurity that we all need?

Mr. Bradshaw: No, I do not accept that. As the hon. Gentleman points out, the UK is not among the largest importers of wild birds. The southern European countries—Spain, Italy and France—have a much higher level of imports. The hon. Gentleman omitted to say that CITES does not support a permanent ban on the import of wild birds, for conservation reasons.

Mr. Colin Breed (South-East Cornwall) (LD): The Minister will know that one of the lessons learned from the foot and mouth tragedy was that action plans should be regularly tested and updated. I am interested to learn that a table-top test was held a few weeks ago. When was such a test held previously?

Mr. Bradshaw: As the hon. Gentleman should know, we published our latest avian flu contingency plan in July, as part of the Government's generic contingency plan for exotic diseases. Although it was made public at the time, few hon. Members noticed, because avian flu had not yet hit the headlines. The plan is constantly reviewed. Recently, we have increased the level of precaution that we intend to take in the event of an outbreak of avian flu in this country owing to the potential role played by wild birds. The plan is constantly being tested and updated, given the changing risk assessment provided by our veterinary advisers.

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): Does the Minister accept that many people, such as Mr. Gary Wall in my constituency, carry out legitimate bird import and breeding activities? When a ban is implemented, I hope that the interests of those people will be taken into account, because—as CITES accepts and the Minister has just suggested—they are carrying out important conservation activities.

Mr. Bradshaw: The hon. Gentleman should speak to his Front-Bench colleague, the hon. Member for South-East Cambridgeshire (Mr. Paice), to whom I have just made the point that there are those—including CITES, the organisation responsible for the conservation of rare species—who support the legitimate and regulated trade in wild birds, not just because they fear that otherwise it would be pushed underground but because there are strong conservation arguments for allowing the trade to continue, as the hon. Gentleman rightly says.

Milk Imports

2. **Daniel Kawczynski** (Shrewsbury and Atcham) (Con): If she will ask the Chancellor of the Exchequer to raise import duties on foreign milk coming into the UK. [29230]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight): The UK is part of the single market in which goods are traded across the European Union. The percentage of raw milk imported into the UK amounted to 0.45 per cent. of domestic production in 2004. Import tariffs for agricultural goods entering the UK from outside the EU are EU wide and subject to World Trade Organisation rules.

Daniel Kawczynski: I thank the Minister for that reply, but he knows that milk imports to this country can also come in powder form. I sincerely believe that the Government are not doing enough to help dairy farmers such as my constituent, Mr. Stuart Jones, who face a crisis in the industry. I plead with the Minister on bended knee—I am not normally this emotional—to do more for my Shrewsbury dairy farmers before they go out of business.

Jim Knight: We are working hard for the likes of Mr. Jones and the dairy industry. We accept that these are difficult times, which is why we set up the dairy supply chain forum. That is working hard to add value, which the hon. Member for North Shropshire (Mr. Paterson) was talking about in Westminster Hall last week. Dairy farmers will make money by adding value and improving profitability.

Paddy Tipping (Sherwood) (Lab): Does the Minister accept that it is no good preaching free trade while not practising it at home? There are problems in the dairy sector, and is not the thing to do to focus on the supply chain and make sure that there is trust between producers, processors and, most importantly, retailers?

Jim Knight: Of course I agree with my hon. Friend, who is knowledgeable in these matters. We need to increase transparency and trust, and Lord Bach is heading up that work through the forum.

Sir Peter Tapsell (Louth and Horncastle) (Con): Are the Government fully aware of the desperate financial situation facing many milk-producing farmers in this country? The amount of milk imported from the continent will increase enormously if they are forced out of business. What will the Government do to help? The problem is that the retailers, in the form of the big supermarket chains, have forced the price of milk down so far that it is not economically possible for even the most hard-working and efficient farmer to earn a living. Have the Government considered bringing back the milk marketing board—or something of that kind—the abolition of which I strongly opposed at the time?

Jim Knight: As I have said, we are well aware of the problems faced by dairy farmers. I met representatives of the National Farmers Union yesterday, and we discussed at length the problems that they face. Like us, though, they want their businesses to be able to operate effectively; it is for the Government to try to facilitate that, and that is what we are doing.

Mr. Roger Williams (Brecon and Radnorshire) (LD): My party is certainly not in favour of raising tariffs on imports to stimulate trade with third world countries, but will the Minister speak to the EU Commissioner responsible at the WTO negotiations and ensure that tariffs on food coming into this country are not reduced until other market-distorting subsidies in other countries have been put to bed, giving our farmers a fair chance to produce profitably?

Jim Knight: Yes, we need a balanced package. Our long-term goal is progressively to abolish all trade-distorting agricultural subsidies and all barriers to agricultural trade in the form of tariffs and quotas.

Sir Nicholas Winterton (Macclesfield) (Con): The Minister is a very reasonable man. Does he not think it strange that in a country with absolutely the right environment for milk production, where the grassland is the best in the world for milk production, dairy farmers, including those in my constituency, are going out of business because they cannot compete, not least because of the activities of the superstores to which my hon. Friend the Member for Louth and Horncastle (Sir Peter Tapsell) referred? Is it not possible for the Government to do more to assist the dairy farmer, because at the end of the day only productive farming can maintain the countryside?

Jim Knight: The hon. Gentleman is also a reasonable man, and I thank him for his question. A lot of the symptoms that he described in dairy farmers' operations are why there is a good long-term future for farming, because all the circumstances are right. Many people talk about the problems of supermarkets, which is why my noble Friend Lord Bach and I will next month meet Ministers at the Department of Trade and Industry to discuss the operation of the market, and particularly the role of supermarkets.

Bovine Tuberculosis

3. **Ann Winterton** (Congleton) (Con): What recent assessment she has made of the spread of bovine tuberculosis among cattle herds. [29232]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): Bovine TB restrictions affected approximately 5.2 per cent. of cattle herds in Great Britain between January and September 2005, compared with approximately 4.7 per cent. for the same period in 2004. Corresponding figures for Cheshire show that 2 per cent. of herds were restricted owing to a TB incident in the first nine months of 2005, compared with nearly 3 per cent. for the same period last year.

Ann Winterton: Notwithstanding the Minister's answer—I think that the figures are shocking in spite of the fact that Cheshire has done slightly better in the past year—will the Department not take the advice of the professionals, namely veterinary surgeons? Is he aware that the immediate past president of the British Veterinary Association said that

"the infected badger should be removed; what we are debating is how to do so in an effective manner"?

Is the Minister aware of the letter sent to the Secretary of State by more than 350 distinguished members of the Royal College of Veterinary Surgeons saying that unless immediate action—

Mr. Speaker: Order. I must tell the hon. Lady that there is more than one supplementary question there for the Minister to handle.

Mr. Bradshaw: It might help the hon. Lady if I reassure her that we are well aware of all the representations made by professional veterinary organisations, including the BVA, and we expect to make an announcement on the issue shortly.

Mr. David Drew (Stroud) (Lab/Co-op): Will my hon. Friend take some advice from this side of the House? Given that the Government have made it clear that the only answer to bovine TB is science, is not looking for short-term solutions, whether that is blaming the badger as the cause or blaming it as the transmission mechanism, as wrong as arguing that the badger does not have a part to play? If we look for short-term solutions, we will end up in a bigger mess.

Mr. Bradshaw: My hon. Friend is quite right. It is critical that Governments of all political colours do not make decisions that either are short term or could make the situation even worse. We must take that into careful consideration when we make our announcement later this autumn. A difficulty highlighted by the hon. Member for Congleton (Ann Winterton), who talked about targeting infected badgers, is that there is no way of telling whether a badger has TB until it is dead.

Dr. William McCrea (South Antrim) (DUP): I am sure that the Minister will agree that the farming community is doing its utmost to prevent the spread of TB in the farm animal population. What will the Department do to rid the wildlife population of the disease? We cannot expect members of the farming community continually to test farm animals for TB while their animals are being re-infected, probably from contact with wildlife.

Mr. Bradshaw: I accept that many farmers take sensible biosecurity precautions, but there is always room for improvement. Eighty per cent. of TB cases are spread from cattle to cattle, but there is always more that we can do. I expect that some of the announcements that we will make later this autumn will be about what more can be done to prevent the spread of TB between cattle as well as how we may address the wildlife problem.

Sir Patrick Cormack (South Staffordshire) (Con): About a year ago, the Minister promised me that he would look into the possibility of putting badgers on the pill. Has he made any progress?

Mr. Bradshaw: Slow progress, I am afraid. Humane sterilisation or contraception that can be administered easily—namely, orally—is still some way off.

Avian Influenza

4. **David Wright** (Telford) (Lab): What action she is taking to protect the UK from an outbreak of avian influenza. [29233]

The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett): We are closely following international developments in the spread of the disease and taking action proportionate to risk. As a temporary measure within Europe, we have banned all wild bird imports into the EU and are also restricting gatherings of birds.

David Wright: What work is being done jointly with the Department of Health to look at how an epidemic may spread if the disease comes to the UK and human-to-human transfer develops? What advice is my right hon. Friend putting out, with colleagues at the Department of Health, to GPs and primary care trusts?

Margaret Beckett: We are indeed in contact with colleagues at the Department of Health, and with regard to the international aspects of the issue, with colleagues at the Department for International Development and so on. We are engaged at all necessary levels. The issue of potential human-to-human spread—which, I stress, to the best of my knowledge has not so far been identified—and advice to GPs are rather more matters for colleagues in the Department of Health, but I assure my hon. Friend that just as we are doing everything that we can to ensure that people who keep birds or are in association with birds are aware of potential risks, so too are our health colleagues dealing with those wider issues.

Mr. James Gray (North Wiltshire) (Con): Although I very much welcome the precautions that the Government are properly taking to avoid the importation of avian flu, I am concerned that they seem to be in a muddle about the number of birds imported into the European Union. A moment ago the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Exeter (Mr. Bradshaw), told my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice) that more than half the birds coming into Europe go to the southern states and that there was a total of 60,000, yet on 8 November he gave a written parliamentary answer to my hon. Friend stating that TRACES, the EU computer system, recorded that 67,480 birds came in last year, of which 66,500 came to the UK, and that this year the figure is 120,000 for the EU as a whole, of which virtually all came into the UK. The answer that he gave to the parliamentary question—

Mr. Speaker: Order. I am going to stop the hon. Gentleman. Perhaps one day we will get a short supplementary. That would be very helpful to me indeed.

Margaret Beckett: Very briefly, it is the case that the EU maintains computerised records, which are based on the logging of consignments as they arrive. The hon. Gentleman is right to identify the fact that CITES figures are different. We are not responsible for those figures and I cannot account for that.

David Lepper (Brighton, Pavilion) (Lab/Co-op): In the interests of ongoing protection, will my right hon. Friend give careful consideration to the evidence of the Royal Society for the Prevention of Cruelty to Animals, the BioVeterinary Group and others about the health hazards of pet fairs, and be prepared to reconsider proposals in the Animal Welfare Bill for licensing pet fairs?

Margaret Beckett: My hon. Friend correctly identifies the fact that there are such concerns, and I understand that they are widespread. There will be an opportunity to discuss these matters when the Animal Welfare Bill comes before the House. It is evident that various organisations, which perfectly legitimately are and have been campaigning on these issues for quite a long time, are taking the opportunity of the particular circumstances to raise them now.

Mr. Nigel Dodds (Belfast, North) (DUP): Given that Northern Ireland, uniquely within the United Kingdom, shares a land frontier with another EU member state, what discussions and representations have been made to the Government of the Irish Republic about preventing the importation of bird flu into Northern Ireland and thereby into the rest of the UK? That is a matter of great concern to people in our part of the world.

Margaret Beckett: Any direct liaison would be a matter for the Northern Ireland Office, but I assure the hon. Gentleman that as members of the EU the Irish Government are bound by exactly the same overall international regime of supervision as we are, and are dealing with the same legislation in the same way.

Mr. Oliver Letwin (West Dorset) (Con): Does the Secretary of State accept that the Department's own epidemiology report on the events at Pegasus Birds reveals that DEFRA does not know why the four finches that were dead on arrival died, when the incinerated birds died or what they died of, or when the 31 finches that were refrigerated died?

Margaret Beckett: All that the Department can know is information that is available. As far as I am aware, there is no clear indication why the first finches died, but the right hon. Gentleman knows that one reason why people oppose that trade is the high mortality rate. We know that the birds that died first were not carrying avian flu, because they were tested and the results were negative.

Mr. Letwin: On 15 November, the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Exeter (Mr. Bradshaw), assured the House:

> "All birds dying in quarantine must be tested for the presence of the avian influenza".—[*Official Report*, 15 November 2005; Vol. 439, c. 1049W.]

However, the Department's epidemiology report shows that a total of 50 birds that died in quarantine were not examined. How does the Secretary of State explain the fact that her Department allowed a quarantine centre to fail to test birds that died in quarantine and to keep detailed records of the dates of death, when we have faced a clear threat to our biosecurity for two years?

Margaret Beckett: There may be a slight misunderstanding here. There has never been individual testing of all birds. Indeed, for many years the practice has been to pool samples, because it is convenient and because the interest in the past has always been in whether a whole consignment is infected—if disease is detected, the whole consignment is killed. I know that the House will understand that the Department must tread with particular care in respect of incineration. The appropriate authority, which is the local authority, is conducting an investigation, and we were not in a position to say anything about that investigation without its agreement. It has now agreed that there should be mention of the fact that some of the birds died and were incinerated, because it is important to account for all the birds in the facility. However, I cannot say more to the House about an ongoing investigation.

Food (Transportation)

5. **Tony Lloyd** (Manchester, Central) (Lab): What assessment she has made of the impact on the environment of the distance that food is transported. [29234]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight): Research commissioned by DEFRA entitled "The Validity of Food Miles as an Indicator of Sustainable Development" was published by the Department on 14 July this year, copies of which have been placed in the House Libraries.

Tony Lloyd: I thank my hon. Friend for that full reply. The report is very good, but it is also worrying, because, for example, it indicates that some 25 per cent. of movements by heavy goods vehicles involve the transportation of food. To mirror some of the earlier questions about local supply, in this day and age it is arguable that the distance that food is transported is not only bad for the environment but reduces quality and nutritional value. I note that my hon. Friend has said that he will meet Department of Trade and Industry Ministers to see what they can do about the supermarkets, which are responsible and must play a role if food miles are to be seriously decreased. I wonder what he intends to say—

Mr. Speaker: Order.

Jim Knight: I am grateful for my hon. Friend's comments about the report. He is right to highlight the importance of local food for a number of different reasons, but we should bear in mind the fact that the external costs associated with UK food transport are just over £9 billion a year, of which £5 billion is attributed to the cost of congestion and £2 billion to road accidents, and we must make sure that we debate the matter in that context. We are making efforts across Government to ensure that our transport is more sustainable, and I will certainly take up my hon. Friend's points when I meet DTI Ministers.

Norman Baker (Lewes) (LD): Is the Minister aware that supermarket lorries go the equivalent of the distance to the moon and back twice every day in this country, which makes an enormous contribution to climate change? *[Interruption.]* I did say the equivalent. What steps is he taking to encourage the supermarkets to re-examine their wholesaling and distribution arrangements to try to minimise food miles? What will the Government do to help, given that Department of Health figures on the school fruit scheme show that 89 per cent. of pears and 50 per cent. of apples are imported?

Jim Knight: Best practice is at the heart of achieving that goal, which we all share. The Government have encouraged the efficient distribution of food and drink, including by the supermarkets, in our sustainable distribution strategy. In addition, we have challenged the industry to reduce the external costs of domestic food transportation by 20 per cent. by 2012.

David T.C. Davies (Monmouth) (Con): Does the Minister agree that one sure way of cutting food miles would be to cut the myriad petty rules and regulations that have closed local abattoirs around the country? Will he commit to look into that?

Jim Knight: We continue to monitor the situation. Local abattoirs are very important for farming and for sustainable management of the land, so we need to keep them open. I am working closely with the regional development agencies, led by Richard Ellis, the chair of the East of England Development Agency, to see what we can do to support that important service.

Bill Wiggin (Leominster) (Con): I find it hard to accept the platitudes about cutting food miles when records show that the mileage of the Minister's own departmental vehicles has accounted for a 40 per cent. increases in their carbon emissions. In the year to March 2003, DEFRA added 1,153 tonnes of carbon to the atmosphere—

Mr. Dennis Skinner (Bolsover) (Lab): Reading.

Bill Wiggin: The hon. Member for Bolsover (Mr. Skinner) says that I am reading—at least I can read.

In the year ending March 2005, DEFRA carbon emissions had risen by 40 per cent. to 1,594 tonnes. How can Ministers preach on food miles when their Department has increased its own mileage to such an extent?

Jim Knight: I wonder whether Opposition Front Benchers offset their mileage in the way that DEFRA does. We offset all our emissions, and those offsets purchase credits from the clean development mechanism project. The offset from the G8 presidency has been not only good for the environment but fantastic for the communities of South Africa, where that money is being spent.

Sea Defences

6. **Mr. John Whittingdale** (Maldon and East Chelmsford) (Con): What representations she has received about the state of sea defences on the east coast. [29235]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight): We have received representations from the hon. Gentleman and others about the policy for future maintenance and improvement of those sea defences. Long-term sustainability and the issue of whether it is economically worth while are key considerations when investing taxpayers' money in such works. Over the past 20 years, £140 million has been spent on the maintenance and improvement of sea walls in Essex alone.

Mr. Whittingdale: Does the Minister accept that the Government's decision to stop maintaining parts of the sea wall must mean that sooner or later large areas of agricultural land will be lost to the sea? Will he guarantee that before any such decision is taken there will be full disclosure of the cost-benefit analysis that led to it?

Jim Knight: Only last month the hon. Gentleman had meetings with my hon. Friend the Minister of State, when much of this was discussed. The hon. Member for Rayleigh (Mr. Francois) was also present. We have looked into the matter and will ensure that the Environment Agency publishes information as it becomes available so that people can be properly consulted.

Mr. Bob Blizzard (Waveney) (Lab): May I tell my hon. Friend that residents of the coastal village of Corton in my constituency are very pleased with the £3 million that his Department made available for a scheme that gives them much greater peace of mind?

Around the harbour of Lowestoft, there is a great deal of derelict old industrial land that needs to be regenerated but it is within the flood zone designated by the Environment Agency. Does my hon. Friend agree that the agency needs to work with the regenerators and not place unreasonable obstacles in the path of regeneration and of new businesses that want to move in?

Jim Knight: I am grateful for my hon. Friend's comments and pleased that the Corton scheme has been so successful. Although I would be cautious about flood defence money being used for regeneration, it is important that the regulators work with those in my hon. Friend's community, and I encourage the Environment Agency to do likewise.

Mr. Tobias Ellwood (Bournemouth, East) (Con): Coastal erosion problems are not limited to the east coast. Last weekend, I had the pleasure of visiting Hengisbury Head with the Environment Agency in Bournemouth. Apart from establishing that it is not a very safe place to park one's car, I saw that the sea level and erosion problems are so serious that there could be a breach into Christchurch bay. I understand from the Environment Agency that the shoreline management plan—the form that is needed for Bournemouth to request assistance from the Government—is not available because it is being updated. Will the Minister expedite the production of that form? It would be a shame to see an area of outstanding natural beauty ruined because of red tape.

Jim Knight: I shall look into the speedy production of that shoreline management plan. It will be the responsibility of the lead body—I am not sighted about whether that is the local council or another body, but I shall pursue the matter for the hon. Gentleman.

Dr. Ashok Kumar (Middlesbrough, South and East Cleveland) (Lab): The borough of Redcar and Cleveland has received much support from the Department, and my hon. Friend the Minister for Climate Change and the Environment visited the constituency. May I press my hon. Friend the Under-Secretary further on the problem of sea defences? Has he received any representations from the borough of Redcar and Cleveland for the people of Skinningrove? If not, is he willing to meet members of the authority and ascertain what support he can give us?

Jim Knight: I am pleased that the schemes in Redcar and Cleveland are having some effect. My hon. Friend the Minister is responsible for the matter, so I do not know whether we have received representations from Redcar, but I would be happy to receive them and to work with my hon. Friend the Minister and my hon. Friend the Member for Middlesbrough, South and East Cleveland (Dr. Kumar) to ascertain what we can do about the problem.

Mr. Mark Francois (Rayleigh) (Con): May I press the Minister on follow-up action from the meeting to which he kindly referred? There is a specific problem for farmers who want to maintain their sea walls but are caught by the habitats directive, which means that they have to undertake an environmental impact assessment for maintenance that they have traditionally done for years. We were told at the meeting that Ministers would devise a set of guidelines giving a de minimis level at which farmers could ordinarily undertake maintenance without being caught by the directive. We are still waiting for those guidelines. Will the Under-Secretary request that they are produced as soon as possible?

Jim Knight: I shall chase that up for the hon. Gentleman. He should ensure that farmers are aware that, under the new environmental stewardship schemes, they could access funding for inter-tidal habitat creation. I hope that that will be of some help to them.

Mr. Iain Wright (Hartlepool) (Lab): On my part of the east coast, we have a nuclear power station, the highest concentration of manufacturing and chemical industry in western Europe and a world-class nature reserve. Rising sea levels and flooding will have catastrophic effects on those areas for a variety of reasons. What steps is my hon. Friend taking to ensure that the risks of flooding and rising sea levels are mitigated in my area?

Jim Knight: I look forward one day to enjoying the delights of the coast of Hartlepool and perhaps I can consider some of the issues that my hon. Friend raises. The decision on whether sea defences are undertaken is made on the basis of a fairly tight cost-benefit analysis. Without knowing the details of my hon. Friend's constituency, I cannot give him a prognosis.

Flooding

7. **Mr. Jeremy Browne** (Taunton) (LD): What measures are being taken to prevent flooding in Somerset. [29237]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight): The Environment Agency will invest more than £14 million in Somerset in the current financial year on flood risk management, for example, on the Rivers Parrett and Tone and at Oath and Greylake sluices.

Mr. Browne: Great progress has been made in tackling the risk of flooding in Somerset and the Government deserve a share of the credit for that. [Hon. Members: "What?"] They do. However, Curry Moor in my constituency bears a disproportionate amount of flood water when there has been high rainfall. Will the Under-Secretary investigate that and ascertain whether the flood water in the flood plains of the two rivers to which he referred—the Parrett and the Tone—could be better distributed in future to relieve the burden on Curry Moor?

Jim Knight: I am happy to discuss the matter further with the hon. Gentleman but I understand that the increased water storage at Curry Moor in recent years is due to rainfall patterns, not flood defence works. Clearly, if a reasonable plan fulfilled a cost-benefit analysis, we would consider it. However, it is important to understand the reason for a problem before undertaking such a plan.

Mr. Brian Binley (Northampton, South) (Con) *rose*—

Mr. Speaker: Order. Unless the flood plains of Somerset extend as far as Northampton, I cannot call the hon. Gentleman.

Waste Disposal (Essex)

8. **Bob Russell** (Colchester) (LD): When officials from her Department last discussed with Essex county council its waste disposal strategy and the establishment of incinerators. [29238]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): Officials last met officers from Essex county council on 31 October 2005 to discuss their long-term waste policy. I understand that the council has ruled out mass burn incineration, but will look to several technologies that lead to further recycling and composting as part of their future waste management.

Bob Russell: I am grateful to the Minister for that response. In view of the mixed messages from Essex about whether incinerators will be built, has he had that assurance from Essex county council in writing?

Mr. Bradshaw: I am not responsible for mixed messages from Essex county council or from any other local authority in Essex, including the hon. Gentleman's, or from Members of Parliament. Certainly, I have been given that assurance verbally by my officials, who spoke to representatives of Essex county council as recently as last night.

Transport (Environmental Impact)

9. **Tom Brake** (Carshalton and Wallington) (LD): What recent discussions she has had with the Department for Transport on the environmental impacts of transport. [29239]

The Secretary of State for Environment, Food and Rural Affairs (Margaret Beckett): My departmental colleagues and I have regular discussions with the ministerial team in the Department for Transport on many matters, including the environmental impacts of transport.

Tom Brake: The Secretary of State will undoubtedly have discussed with the DFT the Highways Agency's road building programme. Does she have a view on the DFT's projection that traffic on those roads will increase by a quarter, and on the fact that, for half of those schemes, no calculation has been made of the increases in emissions?

Margaret Beckett: We work closely with the Department for Transport on assessing the environmental impact of any proposals. I am slightly surprised to hear the hon. Gentleman's observation that a calculation of emissions is not always made, but that is less easy in some circumstances than in others, depending on the size and scale of the road scheme. Certainly, the Department for Transport takes its responsibilities seriously in this matter, as the House will be aware from the number of decisions that my right hon. Friend the Secretary of State for Transport has announced over recent months that clearly reflect environmental as well as other concerns.

Mr. David Chaytor (Bury, North) (Lab): Does my right hon. Friend agree that the simplest and cheapest form of road charging is fuel duty?

Margaret Beckett: Clearly, that is a statement of fact. Of course, fuel duty is a matter of concern, and my hon. Friend will know that many representations are made in terms of both an increase and a decrease in fuel duty, and that those are matters for the Chancellor of the Exchequer.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): Mindful as I am of the right hon. Lady's previous responses, what representations has she made to the Department for Transport about the reintroduction of the freight facilities grant to the railways?

Margaret Beckett: Of late, I have made none.

Fish Stocks

11. **Mr. John Randall** (Uxbridge) (Con): If she will make a statement on fish stocks in the North sea. [29241]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): Recent advice paints a rather bleak picture of the state of most key commercial stocks in the North sea, particularly cod, but some stocks, notably monkfish and prawns, are doing well.

Mr. Randall: I thank the Minister for his reply. Given the current state of the sand eel fishery, which has led the European Commission to close it for the rest of this year, will the Government support advice from the International Council for the Exploration of the Sea to maintain its closure next year?

Mr. Bradshaw: Yes, we certainly will.

Mr. Owen Paterson (North Shropshire) (Con): In the past couple of years, I have visited the successful, sustainable fisheries of Norway, the Faroes and New England. Indeed, America has seen 20 species come off the over-fished list, because its fish management system works with nature. In Exeter, I gave the Minister our green paper, published in January, that contains a list of suggested measures that have been taken from sustainable fisheries, including a ban on industrial fishing. Our clearly stated policy is to return to national control of our marine environment. The Minister disagrees, but he has jurisdiction up to six miles from the coast. Will he not bring those measures into force up to that six miles?

Mr. Bradshaw: No, and I am glad that the hon. Gentleman has been off on his travels again.

Single Farm Payments

12. **Sandra Gidley** (Romsey) (LD): What assessment she has made of the impact of the timing of single farm payments on farmers in receipt of those payments. [29242]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight): The EU regulatory window for payments under the 2005 single payment scheme is 1 December 2005 to 30 June 2006. The Rural Payments Agency remains committed and on target to commence payments well within that window in February 2006. The impact on farmers of payments being made at any particular date will obviously depend very much on their individual circumstances.

Sandra Gidley: Many farmers have expressed disappointment at having applied in May for that payment and having to wait until February for it. I am glad to hear that the agency is still on target, but if the date slips further, will the Minister commit to making an interim payment, such as up to 75 per cent. of the payment, as has happened in Scotland?

Jim Knight: We have been successful in persuading the European Commission that we should be able to make interim payments if we have to, but as we are on target for February, that is not something on which we have dwelt unduly—but it is in our back pocket if we need it.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I draw the House's attention to my entry in the Register of Members' Interests. Under the existing IACS—integrated administration and control scheme—arrangements, payments are normally made in December. The Minister has just told us that payments could be made as late as June for some farmers, but given that many small farmers are living on bank overdrafts, that will cause real hardship. Will the Minister commit to making payments on a certain date—say, March—and thereafter pay interest on any outstanding payments after that date?

Jim Knight: No, we are committed to making payments in February. That is what we said back in January this year, so that farmers could make plans accordingly. My noble Friend Lord Bach is meeting the banks to follow up conversations between the Secretary of State and leading figures in the banking world to ensure that farmers experiencing cash-flow difficulties are treated sympathetically by their lenders.

Recycling

13. **David Taylor** (North-West Leicestershire) (Lab/Co-op): If she will make a statement on recycling rates in North-West Leicestershire. [29243]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): In 2003–04, North-West Leicestershire district council achieved a household waste recycling and composting rate of 14 per cent. and so narrowly missed its statutory recycling target of 16 per cent. Nevertheless, the council assures me that it is on course to meet its statutory target of 24 per cent. for this financial year, which will be a huge improvement.

David Taylor: I thank the Minister for that reply. Despite limited resources, North-West Leicestershire district council and, indeed, Leicestershire county council have made great progress in recent years. Councillors Frank Straw and Gordon Tacey deserve our thanks for their local leadership, but does the Minister agree that the ubiquity of the recyclable logo on packaging materials is yet to be matched by the availability of markets for such materials? What is being done to bridge the landfill-size void that exists in respect of matching demand to supply?

Mr. Bradshaw: Considerable resources have been allocated to do exactly what my hon. Friend is calling for, including, I believe, £1 million last year from DEFRA for his own constituency and £13,000 from the waste and resources action programme to help North-West Leicestershire council get its recycling levels up, which it has done very successfully. My hon. Friend is right that we need to increase the markets, but as he knows, his own authority collects plastics for recycling, which is not done by all authorities. However, partly because of the high international oil price, the market for plastics and recycling is improving all the time.

Flooding

15. **Miss Anne McIntosh** (Vale of York) (Con): What representations she has received on measures to deal with flooding in North Yorkshire. [29246]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight): The hon. Member will recall that my hon. Friend the Minister for Climate Change and the Environment met her and the hon. Member for Ryedale (Mr. Greenway) on 11 July to discuss measures to deal with flooding in North Yorkshire following the floods on the North York moors in June 2005. We have received a number of letters from her and the hon. Member for Ryedale and she will also recall that I replied to an Adjournment debate on 19 June and subsequently visited the affected areas in September.

Miss McIntosh: I am most grateful for that reply. The Minister will be aware that the Minister for Climate Change and the Environment has a flood alleviation scheme in his constituency, the like of which we would very much like to see introduced in Vale of York. I certainly urge that that should happen. Has the Minister had time to discuss the matter with his hon. Friend; may we have such a scheme; and has he had time to consider the residual responsibilities on insurance cover that rest with his Department? Those are some of a number of questions to which I have still not received a reply.

Jim Knight: I can chase up any questions that the hon. Lady wants replies to. I know that she has been particularly keen to see a flood alleviation scheme for Thirsk. Hambleton district council previously promoted such a scheme, but has now decided not to continue with that, so the responsibility for the watercourse will transfer to the Environment Agency on 1 April next year. It will then incorporate the scheme into its investment planning programme. I know that the hon. Lady is robust in pursuing these matters and I am sure that she will continue to pursue them robustly with the Environment Agency, as well.

Recycling

17. **Mr. Philip Hollobone** (Kettering) (Con): What recent assessment she has made of the effectiveness of the household waste recycling scheme in (a) Kettering borough and (b) Daventry district. [29248]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): As a result of Kettering borough council's rather poor performance in the past, my Department recently met its representatives to seek assurances about future progress. Kettering's recent performance is much improved. Daventry has a good recycling record and has been shortlisted for beacon status for its waste and recycling performance.

Mr. Hollobone: I thank the Minister for his reply and declare my interest as a member of Kettering borough council. Would he like to use this opportunity to congratulate both Conservative-run administrations on making great improvements in their recycling records, following the very poor recycling rates under previous Labour control?

Mr. Bradshaw: It is always good news when local authorities improve their recycling rates, as most have done under this Labour Government. We have trebled recycling since 1997—a record that stands in very good contrast with that of the hon. Gentleman's party when in power.

Mr. Speaker: In view of the efficiency of the answers and replies, we will have to suspend the House.

Mr. Charles Walker (Broxbourne) (Con) *rose—*

Mr. Speaker: Does the hon. Gentleman have a question?

Mr. Walker: I have a question.

Mr. Speaker: Is it a supplementary to Question 17?

Mr. Walker: Is it a supplementary to Question 17?

Mr. Speaker: I am not answering the question—the hon. Gentleman is. We will have to suspend.

11.21 am

Sitting suspended.

11.30 am

On resuming—

Business of the House

Chris Grayling (Epsom and Ewell) (Con): While I suspect that this morning's events might give rise to a discussion in the Procedure Committee, will the Leader of the House give us the business for next week?

The Leader of the House of Commons (Mr. Geoffrey Hoon): The business for next week will be as follows:

MONDAY 21 NOVEMBER—Second Reading of the Equality Bill *[Lords]*.

TUESDAY 22 NOVEMBER—Opposition Day [10th Allotted Day]. There will be a debate, apparently entitled "Incoherence of Government Policy on Welfare Reform and Incapacity Benefit", followed by a debate on action on climate change. Both debates arise on an Opposition motion.

WEDNESDAY 23 NOVEMBER—Second Reading of the Northern Ireland (Offences) Bill.

THURSDAY 24 NOVEMBER—Consideration in Committee and Third Reading of the European Union (Accessions) Bill, followed by a motion to approve a money resolution on the Rights of Savers Bill.

FRIDAY 25 NOVEMBER—The House will not be sitting.

The provisional business for the following week will be:

MONDAY 28 NOVEMBER—Second Reading of the Childcare Bill.

TUESDAY 29 NOVEMBER—Second Reading of the Health Bill.

WEDNESDAY 30 NOVEMBER—Remaining stages of the Terrorism (Northern Ireland) Bill.

THURSDAY 1 DECEMBER—A debate on policing in England and Wales: redrawing the landscape, on a motion for the Adjournment of the House.

FRIDAY 2 DECEMBER—Private Members' Bills.

I would also like to inform the House that the business in Westminster Hall for December will be:

THURSDAY 1 DECEMBER—A debate on the report from the Scottish Affairs Committee on meeting Scotland's future energy needs.

THURSDAY 8 DECEMBER—A debate on the report from the Foreign Affairs Committee on foreign policy aspects of the war against terrorism.

THURSDAY 15 DECEMBER—A debate on the report from the Science and Technology Committee, "Scientific Publications: Free for all?".

Finally, it may assist hon. Members if I announce that my right hon. Friend the Chancellor of the Exchequer will present his pre-Budget report to the House on Monday 5 December.

Chris Grayling: I am grateful to the Leader of the House for announcing the business and—finally—giving us an update on the pre-Budget report.

As the Leader of the House prepares the rest of the parliamentary timetable up to Christmas, will he make time for the House to debate and question Ministers on how we can tackle some of the absurd regulations and political correctness in our public services, which are making so many people say that Britain has gone completely barmy?

May we have an update from the Office of the Deputy Prime Minister about the impact on council tax and local authority resourcing of the new regulations that require every piece of electrical work done in homes to be inspected by a local authority inspector? Will the Government tell us whether any authority has actually managed to conform to those rules?

May we have a statement from a Home Office Minister about the guidance given to police forces on witness statements? Is the Leader of the House aware that a woman in Manchester who was injured in a hit-and-run accident was told off for describing the driver as "fat"? Apparently, the Greater Manchester police force follows an appropriate language guide. Is it not better to record the words of witnesses, and not to try to make them conform to official guidelines?

Will the Leader of the House make time for a debate on the Data Protection Act 1998, following a case that came to the attention of my hon. Friend the Member for Welwyn Hatfield (Grant Shapps)? His constituent's car was vandalised by someone who was caught and cautioned by the police. However, because of the Act, the police would not reveal the name of the culprit, so my hon. Friend's constituent could not sue for damages and had to pay the bill himself.

May we have a statement from a Transport Minister on the absurdly rigid rules that apply to the Driver and Vehicle Licensing Agency? One of my constituents told me that the previous owners of her house had moved to Spain and were using their driving licences with the old address to obtain loans and other money fraudulently. However, the DVLA says that it cannot change the official records unless the fraudsters themselves notify it of a change of address.

As the Leader of the House prepares the business for up to Christmas, will he take the time to make an unequivocal statement to the House on the importance of Christmas? Will he make it absolutely clear that local authorities that rename Christmas lights as "winter lights" and public sector bodies that downplay, or even cancel, Christmas to avoid upsetting minorities are more likely to damage community relations than help them? Is not the fact that that situation seems to get worse every year another example of Britain going barmy under this Government?

Mr. Hoon: I can only congratulate the hon. Gentleman, or his researchers, on the assiduous trawling that he appears to have done across our tabloid newspapers and, no doubt, their diary columns. None of the illustrations that he gave denotes any particular underlying problem. There may be stories about those cases and they all cause a good deal of amusement at this time of the year. No doubt as we approach Christmas, which I am happy to say I strongly support, I shall be engaging in the delicate discussion of whether I put Geoff, Geoffrey or "From the Minister" on my Christmas cards. Such decisions always face Ministers at this time of the year and are of course the toughest ones.

Each of the hon. Gentleman's examples were illustrations of the problems that can obviously arise as human beings try to deal with the complexities of modern society, but I assure him, in the light of his observation about witness statements, that I shall always describe him as follically challenged.

Keith Vaz (Leicester, East) (Lab): May I say to Leader of the House that in view of what he said I shall check carefully how he has signed his name when I receive my Christmas card from him this year?

May we have an urgent debate on the operation of the Insolvency Service, particularly in relation to the liquidation of the Bank of Credit and Commerce International? As my right hon. Friend knows, the litigation has ended but the liquidation continues. The creditors have been waiting 14 years for the closure of the liquidation process. The only organisations and individuals to benefit have been the lawyers and the accountants and it is high time, after 14 years and 10 Trade and Industry Secretaries, that we brought an end to the liquidation. May we have a debate on that important matter?

Mr. Hoon: My hon. Friend has pursued the matter assiduously, in the interests not only of his constituents but of a large number of people throughout the country who are terribly affected by that banking operation. He is right that they should not have to wait so long. I assure him that within the limits of our responsibilities we shall pursue the matter properly.

Mr. David Heath (Somerton and Frome) (LD): May we have a debate entitled "The Government understanding of urgency", with the subtitle, "How many Secretaries of State for Work and Pensions does it take to change a CSA?" Following the rather meandering reply that the Prime Minister gave to my right hon. Friend the Member for Ross, Skye and Lochaber (Mr. Kennedy) yesterday, is not it clear that something that urgently needed reform in 1998 has in fact not been reformed and is still hugely underperforming, and that it is time that we had a replacement for the Child Support Agency to stop our constituents being affected adversely?

Notwithstanding the fact that the Identity Cards Bill is in another place, may we have a debate on the likely efficacy of identity cards in the light of the comments of Dame Stella Rimington, the former head of MI5, who said yesterday:

> "I don't think that anybody in the intelligence services, particularly in my former service, would be pressing for ID cards."

She went on to say that the cards would be "absolutely useless". Knowing how important it is to listen to experts, may we have a debate on that matter?

May we have a debate on employment policy in the light of the Pensions Commission's likely response—namely, to suggest an increase in the pension age? Is not it important that we do something to combat age discrimination in employment, to ensure that people have the opportunity to work in their late middle age to contribute to the economy?

Lastly, may we have a debate on what on earth is going on in the Cabinet Office? Not only do we not have a Chancellor of the Duchy of Lancaster after well over a week, we now have the letter from Sir Gus O'Donnell to Mr. Samson, at the publisher Weidenfeld and Nicholson, relating to Sir Christopher Meyer's book—which made for interesting reading, but was not entirely appropriate as a book. However, Sir Gus O'Donnell said that the Government had no comments to make about the proposed book. Is not that extraordinary?

Mr. Hoon: No one is suggesting that there is no room for improvement in the Child Support Agency, but I emphasise to the hon. Gentleman that the CSA is dealing with about 1.4 million separate cases. About 511,000 cases are on a new system; 652,000 cases are on an older computer system; and 286,000 cases have been moved from the old system to the new system. That demonstrates that there has been significant change. Indeed, the Government's reform arrangements mean that whereas under the old scheme only about 50 per cent. of non-resident parents had a nil assessment, under the new scheme just under 90 per cent. pay at least £5 a week. The new, more streamlined system has meant that more parents are contributing. However, I am not suggesting to the House for a moment—neither was my right hon. Friend the Prime Minister yesterday—that there are no further issues of reform, improvement and streamlining the system that do not need addressing. That is why there is a review, and it is why that review must improve still further the arrangements for child support.

As for ID cards—*[Interruption.]* I am perfectly willing to answer only one of the questions, but the hon. Gentleman asked a number, as ever, and referred to Dame Stella Rimington's observations, in a personal capacity, about identity cards. Perhaps I could encourage hon. Members to read all the comments. I realise that, first thing in the morning, there is always a temptation simply to look at the headline or perhaps the first paragraph of the story, but Dame Stella's comments are rather more balanced than he suggested. She said that she felt that ID cards would have a purpose, provided that the technology was effective and that they could not be forged. That is clearly part of the Government's ambition and something that we have set out to the House on a number of occasions. If the hon. Gentleman wants to debate that again, I am sure that he can do so when the Identity Cards Bill returns to the House.

The hon. Gentleman also raised the issue of pensions in the light of the forthcoming Turner report. I will not comment on leaked documents at this stage. I understand that the final report will be published on 30 November, and there is an issue that the country must address, not least because people are living longer. That is obviously something to be celebrated—something for which, I anticipate, the Government will claim credit—but we have a situation today where four people are in work for every person who has retired. That compares with 10 people for every one in work 50 years ago, and it compares with the prospect of only two people being in work in the future for every person who is retired. That inevitably means that we must have a review of pension arrangements to ensure that people can lead a decent, comfortable life in retirement. There are challenges—they are challenges for all hon. Members—and I hope that Members will approach them in that proper and sophisticated way.

Mr. Wayne David (Caerphilly) (Lab): In my parliamentary constituency some £47 million has been paid in compensation to former miners and their families. They have received money in compensation for respiratory diseases and vibration white finger. I suspect that the position is equally good in other former coal mining areas. May we have a debate at the earliest opportunity on what is essentially a success story?

Mr. Hoon: Certainly, that scheme has been a remarkable success in providing, at long last, for many people adversely affected by working in the mines, including many of my constituents. A total of £1.6 billion has been paid in compensation for respiratory diseases, and £1.2 billion for vibration white finger—something that my hon. Friend the Deputy Leader of the House was extremely good at doing when he had responsibility for such issues. I am sure that my right hon. Friend the Chancellor of the Exchequer always thoroughly approved of the extremely efficient and effective way in which the compensation was awarded, and it is something of which the Government can rightly be proud. It has dealt with a problem that had existed for a long time in the mining and former mining communities, and I am grateful to my hon. Friend for raising the issue.

Mr. Tim Boswell (Daventry) (Con): The Government ran into a number of difficulties in their legislative programme last week. Subsequently, Whitehall was briefing that each Bill was being scrutinised to see whether its effects could be carried either by statutory instrument, administrative action or other devices, so may we have an early debate on the Government's legislative avoidance programme?

Mr. Hoon: The House will have been able to study the detail of the Queen's Speech, and it is one of my responsibilities in Cabinet to ensure that that is carried through. Despite the difficulties last week to which the hon. Gentleman refers, I thought that he was celebrating the triumph of parliamentary democracy at the time, and I am sure that he would not wish to describe that as a difficulty, whatever language I might use to describe it. There will be a continued opportunity for all right hon. and hon. Members to debate the Government's proposals, both those contained in the most recent Gracious Speech and those that will be set out in future Sessions.

Dr. Ashok Kumar (Middlesbrough, South and East Cleveland) (Lab): Later today I will attend the launch of the north-east process industry cluster, together with many other right hon. and hon. Members. It represents about 25 per cent. of the north-east economy, employs 34,000 people directly and [illegible]0,000 people indirectly, and 200 companies representing [illegible] north-east will be there today. It is a great success [illegible] for the chemical and pharmaceutical sector. Will my right hon. Friend join me in congratulating the cluster on its success and its launch? May we have an early debate on the Government's successful record in this regard?

Mr. Hoon: I am delighted to join my hon. Friend in congratulating NEPIC. My hon. Friend has played a significant part in encouraging the development of the cluster arrangements. It is important that we continue to provide opportunities in manufacturing industry. As I know from my hon. Friend's background, the contribution of science and technology to the development of those world-beating industries is vital, and I congratulate him on his efforts.

Mr. Andrew Mackay (Bracknell) (Con): Why have Ministers been caught so offguard by the problems of the CSA, bearing in mind that they have had eight years to put it right? Why was the Prime Minister so waffly and confused yesterday, and why was the Leader of the House so complacent today? As constituency Members of Parliament, we have an ever greater caseload of people who have been let down by the CSA. When will something be done? When will the latest report into the CSA be published?

Mr. Hoon: I made it clear to the House a few moments ago that no one is suggesting that there cannot be an improvement in the operation of the CSA, but there has been an improvement since 1997 and the system does now work better. It does not work well enough, and that is why it is necessary to continue to improve the arrangements. That is the purpose of the review.

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): I am sure that my right hon. Friend will agree that far too many children and young people die on our roads, so will he consider an early debate on early-day motion 913, which has the support of 126 Members from both sides of the House and promotes the pioneering work of Hull city council in setting up 20 mph zones outside schools and play areas, and which has resulted in a 74 per cent. reduction in child casualties in Hull?

[That this House expresses concern about the number of child pedestrian casualties in the UK; notes that the UK has one of the poorest records for child pedestrian deaths when compared to other European countries; notes that children from the lowest social class are five times more likely to die in road accidents than those from the highest social class; further notes that more than a quarter of child pedestrian casualties occur in the most deprived ten per cent. of wards; recognises the impact lower speed limits can have to reducing child pedestrian casualties; notes that 85 per cent. of pedestrians hit at 40 miles per hour will die, 45 per cent. at 30 miles per hour and only 5 per cent. at 20 miles per hour; highlights the pioneering approach taken by Hull City Council to improving road safety with the introduction of 20 mile per hour zones covering 26 per cent. of Hull City, which has resulted in a 74 per cent. reduction in child pedestrian casualties in these 20 mile per hour zones; supports the call by children's charities NCH and Barnardo's for all other local authorities to follow the example of Hull City Council and increase the number of 20 mile per hour zones in places vulnerable to children, such as outside schools and residential areas, with priority given to the most deprived areas with high casualty rates; further recognises that improving child road safety education in schools is also an essential component of any

child road safety strategy; and calls on both central Government and local authorities to make child road safety a main priority.]

Mr. Hoon: I congratulate my hon. Friend on early-day motion 913. The Government, local authorities and road safety organisations are working hard to reduce child pedestrian casualties.

Mr. Graham Stuart (Beverley and Holderness) (Con): Has the right hon. Gentleman read it?

Mr. Hoon: I am reading it at the moment.

It is important that we continue our efforts to support, not least, the introduction of 20 mph zones where they are particularly likely to protect children and vulnerable groups.

Mr. Owen Paterson (North Shropshire) (Con): My constituent, Councillor Brian Gillow, of Hoarstone near Market Drayton, has for years taken in planings from nearby road repair schemes to mend his drive, which is about a mile long and very bumpy. He is incensed that he will now be charged £546 by the Environment Agency to register his drive as a landfill site. To add insult to injury, he has had a letter from the Environment Agency saying:

> "Your fee will not be returned if we refuse to register the activity."

There is a huge scheme to mend the A41 just at the end of his drive. Under framework waste directive 75/442, the current regulations will mean that if Councillor Gillow does not stump up the £546, the local traffic will be disrupted and there will be more pollution as cartload after cartload of planings will be taken to a distant landfill site. May we please have a debate on the idiotic way in which these regulations have been imposed?

Mr. Hoon: I congratulate the hon. Gentleman on the passion with which he raises individual constituency cases. I suspect that it reflects a contrast between the areas that Opposition Members represent, with mile-long drives, and the sort of constituency that is represented by Labour Members—*[Interruption.]* Under a Labour Government, of course, there will be more people with mile-long drives, and that is why I take very seriously—*[Interruption.]*

Mr. Deputy Speaker (Sir Michael Lord): Order. The hon. Member for North Shropshire (Mr. Paterson) has asked the Leader of the House a question and must allow him to answer it. Shouting repeatedly, "He's a farmer" does not help.

Mr. Hoon: I must check the relevant publications to find out what your occupation was, Mr. Deputy Speaker, before you assumed your present responsibilities. I was not trying to cause the hon. Member for North Shropshire (Mr. Paterson) to become even more excited than he already was about the case that he raises, but I will look into it.

David Taylor (North-West Leicestershire) (Lab/Co-op): As a representative of an east midlands mining constituency, my right hon. Friend will be well aware of the courage and skills of the Mines Rescue Service and its work over the generations. Will he consider making time for a statement on the future of the Mines Rescue Service, whose income is closely linked to the number of deep mines? It has had £2.5 million in grant aid in each of the past two years from the Coal Authority, via the Department of Trade and Industry. It is developing a wide range of services outside deep mining rescue, in escape and rescue, commercial training and research, and needs further support to enable it to continue as a vital part of the safety mechanisms and organisations in this country. This is an important and pressing issue.

Mr. Hoon: My hon. Friend is right to raise the important work of the Mines Rescue Service. I represent a former mining area in the east midlands and I know the valuable work that the service has done in the past and needs to continue to do in the future. I assure my hon. Friend that the matter will be looked at thoroughly.

Mrs. Iris Robinson (Strangford) (DUP): Will the Leader of the House assist hon. Members in next Wednesday's debate by making available the correspondence that the Government have received from the Attorney-General relating to the compatibility with the Human Rights Act 1998 of the Northern Ireland (Offences) Bill?

Mr. Hoon: It is important that all hon. Members have access to relevant documents, but I know that the hon. Lady will recognise that private correspondence on such matters is not always made available, and nor should it be.

Julie Morgan (Cardiff, North) (Lab): I am pleased to hear that we now have a date for the Second Reading of the Health Bill, which is an important measure. Will my right hon. Friend reconsider allowing Labour Members a free vote on smoking in public places? I am sure that he is aware of the strength of feeling on that issue. Is it not just the sort of issue on which we should have a free vote?

Mr. Hoon: I thank my hon. Friend for raising that issue yet again. I am certainly aware of the strength of feeling. I do not wish to rehearse regularly the detail and content of the Labour party's manifesto, although it was a hugely popular document for which the great majority of people voted—*[Interruption.]* If Opposition Members wish to change the voting system, that is a matter for them. There is a small minority party that has a vested interest in the matter, but I would have thought that most other Opposition Members were content with the present arrangements.

On the smoking ban, the arrangements that the Government will put before the House were agreed in the Labour manifesto, on which my hon. Friend and I were elected and pledged to support.

Mr. Nigel Evans (Ribble Valley) (Con): Is it possible for the Secretary of State for Health to make a statement on intensive care bed provision in this country? In east Lancashire, it is proposed to close the intensive care bed delivery in Burnley general hospital and move it to Blackburn. That may be convenient for those who

[Mr. Nigel Evans]

provide the service, but it will cause difficulties for those who receive it, especially people who live in rural areas such as the Ribble valley. Will the Leader of the House state today that the Government do not support the closure of intensive care beds in rural areas?

Mr. Hoon: It important that people in rural areas and elsewhere have access to intensive care facilities and the range of high quality services made available through the NHS, but the rationalisation of arrangements is often not some cost-cutting measure—no one could suggest that, given that by 2008 the Government will have trebled the amount spent on the NHS since 1997—but to ensure the continuation of those high quality services at the highest standards for the people of Clitheroe and the Ribble valley. I will ensure that the hon. Gentleman's remarks are drawn to the attention of my right hon. Friend the Secretary of State for Health and I am sure that she will write to him in due course.

Mrs. Maria Miller (Basingstoke) (Con): Will the Leader of the House arrange an urgent debate on council tax funding? The south-east county councils, including Hampshire, which is my home county, have just launched a save our services campaign to highlight the fact that throughout the south-east people will pay more in council tax this year but get less in services. In Hampshire, there could be cuts of up to £20 million this year alone, which would mean significant cuts in important services for my constituents. Is it not time for an urgent debate on this issue or, to echo my hon. Friend the Member for Epsom and Ewell (Chris Grayling), is it just another example of barmy Britain?

Mr. Hoon: I cannot agree with the hon. Lady's final observation, not least because a careful and even-handed assessment is made of the way in which local authority finance is distributed—*[Interruption.]* Opposition Members scoff, but I have sat through several painful meetings in which we have considered carefully the way in which council tax support is distributed. It is a requirement of that distribution that it is done on an even-handed basis. Part of the differential that inevitably arises results from the fact that council tax support reflects the different social and economic problems faced in different areas. What the hon. Lady is saying is that she lives in a relatively affluent area that is less in need of support than other areas. As a member of a party that is beginning to think about redistribution, I am sure that she would support that.

Richard Younger-Ross (Teignbridge) (LD): Could the Minister of Communities and Local Government come to the House to make a statement, following his answer to a question that I asked yesterday on the powers given to regional assemblies? He implied that no new powers were being given to the regional assemblies, but the regional development agencies are firmly of the opinion that the new devolved transport budget will be made by regional assemblies. Can the Minister come back to the House and clarify the position? If not, could the Secretary of State for Transport come and tell us who will decide how the transport funds are distributed?

Mr. Hoon: I am sure that the hon. Gentleman will have many opportunities to debate any changes in the arrangements for regional assemblies, should there be any such changes. I am confident that what my right hon. Friend the Minister of Communities and Local Government said yesterday was entirely accurate, but it is important that if significant alterations are made to the powers of regional assemblies, they are debated in this Chamber.

Mr. Eric Forth (Bromley and Chislehurst) (Con): May we please have a debate entitled "The Loneliness of the Prime Minister"? The Leader of the House will recall—it is faithfully recorded in *Hansard*—that in Prime Minister's questions yesterday the poor Prime Minister was forced to say, with a desperate look on his face:

> "I am looking around the Chamber, but I am afraid I am not getting a great deal of help."—[*Official Report*, 16 November 2005; Vol. 439, c. 969.]

Nor was he, because the Cabinet were all facing the other way and Labour Back Benchers were sitting stony-faced, as they do almost every Wednesday these days. Can the Leader of the House confirm that such a debate would allow Labour Members to show how little support they are now giving to the Prime Minister and why that is the case?

Mr. Hoon: I am happy to be able to report to the House and the right hon. Gentleman that I had a meeting with the Prime Minister this morning, together with other members of the Cabinet. That event takes place regularly every Thursday morning, and I am delighted to report that the Prime Minister was not lonely or isolated. He was among friends and we had a lively and informed discussion of the issues facing the country. I only wish that there was such a lively and informed discussion among Opposition Members.

Angela Watkinson (Upminster) (Con): Was the Leader of the House one of the lucky Members who received a copy of the *Daily Sport* in their post this morning? My copy is dated 10 November and I understand that it is typical. It contains a large number of advertisements for hard-core pornography and sexual paraphernalia. May we have an urgent debate on the obscenity laws and the press regulatory code that allows such material to be sold on the bottom shelf alongside serious newspapers, where children can easily access it?

Mr. Hoon: I agree that this is an important issue and that clarification of the rules is required because they affect certain kinds of publication but not newspapers. I agree that we need to look at that.

Bill Wiggin (Leominster) (Con): Has the Leader of the House read early-day motion 814?

[That this House congratulates Tenbury English Mistletoe Enterprise on the foundation of a national mistletoe day on 1st December each year; and wishes the enterprise well in continuing their integral role in maintaining the position of the area as the centre of the mistletoe trade.]

We are not allowed to debate the security measures of the House, so will the Leader of the House use his good offices to investigate the width of the road outside the Palace, particularly for motorcyclists, as I have nearly been done for on three occasions? I hope that the security measures that have caused the road to be so narrow are meant to save us rather than finish us off.

Mr. Hoon: I am not going to go into detail about the precise security measures, but I can assure the hon. Gentleman that such changes are made, above all else, in the interests of the security of Members, people who use the Palace of Westminster and individuals who work here. They are made only after considerable thought, but I will look at any practical problems that he raises with me.

Mr. James Gray (North Wiltshire) (Con): At 6.6 am, BBC Online reported that the Minister of State, Ministry of Defence would come to the House this afternoon and report that the new joint combat aircraft would be kept at RAF Lossiemouth, that the Nimrods would stay at Kinloss and that the new Typhoon would go to Leuchars. Presumably that is an accurate report, so will the Leader of the House pressure his Cabinet colleagues to ensure that such disgraceful leaks to the media do not occur before a statement? *[Interruption.]* If it is not a leak, as the Minister of State, Ministry of Defence says from a sedentary position, what is the point of our sitting here to listen to his statement when we can read about it on BBC Online at 6.6 am?

Mr. Hoon: I have no idea how BBC Online came by that information. I can tell the hon. Gentleman that my right hon. Friend the Minister of State, Ministry of Defence is in the Chamber. As soon as I have an opportunity to relinquish my place to him, the hon. Gentleman can ask him all the questions that he likes.

Mr. Desmond Swayne (New Forest, West) (Con): The Leader of the House congratulated my hon. Friend— *[Interruption.]*

Mr. Deputy Speaker: Order. The Minister of State, Ministry of Defence must not make sedentary interventions. In a moment, he will have the opportunity to explain things to the House, so he must bide his time.

Mr. Swayne: The Leader of the House congratulated my hon. Friend the Member for Epsom and Ewell (Chris Grayling) on his trawl. I assure him that no such trawl is necessary. He need only look at the Equality Bill that he announced for debate on Monday, because part 2 deals with religion and provides a field day for every mischief maker and pettifogging politically correct individual to interfere in what should be the most private and intimate aspects of our lives. I hope that he will join us for the debate on Monday.

Mr. Hoon: I will be able to resist that temptation, but I am sorry that the hon. Gentleman looks so critically at matters that are rightly private and should be respected as such. That is precisely why the Equality Bill has been introduced. It will ensure that people's views and religious affiliations are protected, which is something that he should applaud, not criticise.

Mr. Charles Walker (Broxbourne) (Con): May we have an urgent debate on accident and emergency provision in south-east Hertfordshire, where we face the serious prospect of accident and emergency services at both Queen Elizabeth II hospital and Chase Farm hospital closing, leaving swathes of my constituency without A and E and acute service coverage? That is causing serious concern, and it could cost lives.

Mr. Hoon: We have had a discussion in recent weeks about the importance of robust cost control and effective financial management in the national health service. I have looked at the figures for NHS deficits in recent years and, last year, there was surplus spending over and above the amount that was allocated. In those circumstances, I urge the hon. Gentleman not to be so alarmist about projections for the future. He should ensure that we debate these issues calmly and sensibly rather than trying to disturb his constituents about prospects that frankly will not occur.

Michael Gove (Surrey Heath) (Con): Will the Leader of the House kindly make time for a debate on the Floor of the House on the grotesque mismanagement of the European Union budget? He will be aware that, for the 11th year running, the auditors have failed to pass the EU budget. Whenever the opportunity arises to debate the matter, the powers that be have tended to throw it into the long grass—specifically, the peaceful pastures of European Standing Committee B. May we have a proper debate in the Chamber with a Treasury Minister and a Foreign Office Minister to ask why 113 recommendations from the European Parliament and the 139 recommendations from the European Court of Auditors have not been implemented by the European Commission? Notwithstanding all the efforts of the former commissioner, Neil Kinnock, whose time at the Commission culminated in the sacking of Marta Andreasen for whistleblowing, why under our EU presidency have we still not managed to ensure that the European Commission can spend British taxpayers' money honestly, fairly and competently?

Mr. Hoon: The House has regular debates on all aspects of European issues and I anticipate that, before the European summit, as is traditional in the House, there will be an opportunity for Members to debate all the issues that the hon. Gentleman raised. I understand that he is a strong supporter of the hon. Member for Witney (Mr. Cameron), who is doubtless thinking how he might modernise his Government's—his potential Government's—policy on European matters. It was interesting to listen to such a rant of anti-European invective, as it suggests that the hon. Member for Witney still has a good deal of ground to make up, not least because the Conservative group in the European Parliament has left its natural allies in the Christian Democratic group. I therefore suspect that, under him, the Conservative party would be utterly isolated on those matters.

Mr. Graham Stuart (Beverley and Holderness) (Con): The Leader of the House graciously suggested that he would look into the impact of regulations on this country, and I wonder whether I can nudge him into agreeing to a debate. The World Economic Forum suggests that in a comparison of the impact of Government regulations, we have gone from 13th to 51st; in competitiveness, from 4th to 13th; and in

[Mr. Graham Stuart]

bureaucracy, from 11th to 20th. That has a major economic impact across the country, but I would like such a debate to emphasise the impact on quality of life. In Beverley, the festival of Christmas committee has nearly given up because of the burden of regulation. It was even suggested that portable hand-washing facilities should follow the reindeer in case any child should touch one.

Mr. Hoon: I am grateful for the hon. Gentleman's efforts to entertain us in a not-yet seasonal way, but he raised an important issue that the Government are committed to dealing with. It is a priority for us to find ways of reducing the regulatory burden on business. Before he pokes gentle fun or otherwise at particular regulations, he should make it clear to the House which regulations he believes are unnecessary. Whenever we have this debate in the House, Opposition Members are good at saying how awful the regulatory burden is but poorer at saying which burdens should be lifted.

Mr. Peter Robinson (Belfast, East) (DUP): Does the Leader of the House not feel even a tad embarrassed at having to announce today the Second Reading of the terrorist amnesty Bill for next Wednesday? As that is not something the Government feel is right, but which they are doing because it is part of a grungy agreement that they have with the Provisional IRA, will he tell the House the extent to which Ministers will be able to allow any amendments to be made to the Bill without going back to the army council of the IRA?

Mr. Hoon: The hon. Gentleman raised this precise matter in precisely the same way this time last week. I will not give him precisely the same answer. I simply impress upon him the opportunity that he will have on Second Reading next week to raise those various issues. Given his knowledge and long experience of Northern Ireland, on which I will not challenge him, I hope that he will recognise that the Government are acting for the best possible motives—to continue the peace process and to ensure that there can be a permanent cessation of violence in Northern Ireland. That surely is an ambition that we can all support.

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): Is the Leader of the House familiar with the concept of the Sewel motion—the mechanism by which the Scottish Parliament remits its legislative competence on devolved issues to the House? Is he aware that the Parliament recently produced a report on that mechanism? Has he read it, and will he give us a statement as to why, in this area, he is happy to rely on an unwritten constitution on a very important issue, whereas in so many other matters, he wants to regulate?

Mr. Hoon: I am familiar with Sewel motions. I hope in due course to visit the Scottish Parliament to discuss how these arrangements work and, in particular, whether they need improving. I accept that that is an unwritten development of our constitutional settlement, but as I am sure the hon. Gentleman is aware, such arrangements have existed since time immemorial in the United Kingdom and are part of the way our constitution continues to develop and evolve. Unless there is a necessity for revising or reviewing the way it operates, I am perfectly content with the way it works at present.

Mr. Paul Burstow (Sutton and Cheam) (LD): May I draw the attention of the Leader of the House to early-day motion 1035, on council tax and the London Olympics?

[That this House notes the memorandum of understanding drawn up between the Mayor of London and the Secretary of State for Culture, Media and Sport in 2003 setting a clear maximum contribution by Londoners to the cost of hosting the 2012 London Olympics; notes with concern that, since the Games were awarded to London in July 2005, neither the Secretary of State nor the Mayor have been willing to confirm a cap on what London council tax payers will be expected to contribute; and calls on the Mayor of London and the Secretary of State to give Londoners a categorical assurance that no band D London council tax payer will be asked for any more than £20 a year for 12 years as their contribution to the Games.]

Back in 2003, a memorandum of understanding was signed between the Mayor of London and the Secretary of State for Culture, Media and Sport setting the maximum contribution that Londoners would make through council tax to the Olympics at £625 million. However, since the Olympics were successfully won for Britain and for London, the Secretary of State has been unwilling to confirm that that maximum contribution is still £625 million and that there will be a cap. May we have an early statement from the Secretary of State so that London MPs and others can secure, on behalf of council tax payers in London, that guarantee of a cap on the amount that Londoners will have to pay?

Mr. Hoon: Looking ahead at the parliamentary schedule, I notice that oral questions to my right hon. Friend the Secretary of State for Culture, Media and Sport on Monday. I am sure she will be delighted to answer the hon. Gentleman's question then.

Grant Shapps (Welwyn Hatfield) (Con): Will the Leader of the House consider a debate about TV licensing? A 54-year-old constituent of mine, Philomena Moran, was taken to court for not having a colour television licence, even though TV Licensing knew that she had only a black and white television. It transpires that the fact that she had an NTL signal coming into her property was deemed to mean that she was receiving a colour signal without a colour television. How is that possible?

Mr. Hoon: At least we seem to be discussing a different kind of licensing from that which we have been discussing in recent weeks. I will ensure that my right hon. Friend the Secretary of State for Culture, Media and Sport, who is responsible for these matters, writes to the hon. Gentleman in due course.

Mark Pritchard (The Wrekin) (Con): The Leader of the House has clearly had a difficult time this morning, so may I thank him in anticipation for finding time for a debate on the defence sector in Shropshire? He and his right hon. Friend the Minister of State, Ministry of

Defence, who is on the Front Bench, will know that many job cuts have been announced over recent months in my constituency—about 1,200 in the defence sector, which is critical to the life and well-being of Shropshire. Will he find time for a debate?

Mr. Hoon: My right hon. Friend the Minister of State, Ministry of Defence made a statement earlier on these matters and is in the House today to make a further statement about the importance that we attach to ensuring that defence expenditure is properly targeted on the front line and used most efficiently and effectively to support our armed forces. That means that, from time to time, there is a rationalisation—a change—in the distribution of our support activities across the country, but that is always done with a view to ensuring the maximum support that we can give to our armed forces. I am sure that, in due course, my right hon. Friend will deal with those issues when he addresses the House.

Mr. Peter Bone (Wellingborough) (Con): Last week at business questions, the sad case of Mrs. Anderson was raised. She gave birth at 4.30 am after a long labour, but was thrown out of the hospital at 9 am, less than five hours after the birth. I requested a statement from the Secretary of State for Health on the matter. The Leader of the House declined that request, but kindly said that a Health Minister would contact me. During the past week I have received no telephone calls, no e-mails, no letters nor any contact from a Health Minister at all. Will the right hon. Gentleman comment on that?

Mr. Hoon: The matter needs to be followed up and I will ensure that it is.

Mr. Philip Hollobone (Kettering) (Con): Given that of Britain's 78,000 convicted prisoners in jail 10,000 are overseas nationals, will the Leader of the House arrange for the Home Secretary to make a statement to the House about how he intends to address the £300 million annual cost of the exercise and whether he will present proposals to return to secured detention in their countries of origin the staggering number of convicted overseas criminals in our country?

Mr. Hoon: It is important that those who can be returned safely and securely to their countries of origin should be returned. My right hon. Friend the Home Secretary is assiduous in making sure that, where we can do so, the British taxpayer does not bear the burden of overseas nationals in our prison facilities. However, it is equally important that we give effect to the decisions of the courts. I am sure the hon. Gentleman would otherwise have been congratulating the Government on ensuring that we take firm action in relation to those who break our laws.

Mike Penning (Hemel Hempstead) (Con): On Saturday morning, there will be several thousand of my constituents in the high street of Hemel Hempstead celebrating—or commemorating, perhaps—30 years of trying to save the Hemel Hempstead hospital. I am sad to say that the hospital is facing the biggest crisis ever. It is about to have its intensive care unit, its cardiac unit and a brand-new stroke unit closed, and the accident and emergency acute services will close as well. May we have a debate in the House about where the money is going, because it is not arriving on the front line in Hemel Hempstead?

Mr. Hoon: I can give the hon. Gentleman a very clear answer. In the Bedfordshire and Hertfordshire strategic health authority, of which his constituency is part, there are 2,975 more nurses, 659 more doctors and 168 more national health service consultants. That is where the extra resources are going. They are going to the front line, and they are providing and paying for better national health services in his constituency than ever was the case under Conservative Governments.

Dr. William McCrea (South Antrim) (DUP): The farming industry is still a major industry in Northern Ireland and many are the challenges facing it, including the burdens of legislation and regulation emanating from Europe and unfair competition from foreign produce, so will the Leader of the House find time for a major debate on that very important industry?

Mr. Hoon: There is no doubt that the farming industry in Northern Ireland and other parts of the United Kingdom makes a vital contribution, but I hope that the hon. Gentleman agrees that it is one of the most protected, supported and assisted industries in not only the UK, but Europe, not least as a result of the European Union common agricultural policy. I pay tribute to farmers and their contribution, but he must recognise that we cannot allow farming in the European Union to stand still, because it requires significant change and reform.

Stephen Hammond (Wimbledon) (Con): Earlier, the Leader of the House chided my hon. Friend the shadow Leader of the House for his comments about barmy Britain and trawling tabloids. If he read Rabbi Julia Neuberger's book, "The Moral State We're In", he would find a thoughtful exposition of how several of those absurd regulations affect the voluntary sector. On Sunday mornings, for example, I help to coach at Wimbledon hockey club. I understand the need for Criminal Records Bureau checks, but why must I reapply triennially, which is absurd? The Leader of the House has agreed to hold a debate on how regulation is affecting industry. Will he also agree to a debate on how absurd, barmy British regulations are affecting the voluntary sector?

Mr. Hoon: The hon. Gentleman is right to highlight the problem he faces on Sunday mornings, which I recognise as an issue for many people who help and support young people in sport and voluntary service. I accept that it is necessary to re-examine how people who assist young people in sport are required to submit to multiple tests on their background and suitability, and the Government will do that. However, I hope that he accepts that it is not simply a question of saying that that area must be deregulated, because we have seen several disturbing cases in which regulation has failed, with disturbing—even tragic—consequences. It is necessary to strike the right balance, but I sympathise with him on that point.

Defence Airfields Review

12.22 pm

The Minister of State, Ministry of Defence (Mr. Adam Ingram): I should like to inform the House about developments in the defence airfields review. As my right hon. Friend the then Secretary of State for Defence told the House on 21 July 2004 in his statement on "Delivering Security in a Changing World: Future Capabilities", a review of defence airfields is under way to ensure the best use of the defence estate.

The review is taking the form of a series of business cases, two of which have addressed the basing requirements for new aircraft—the joint combat aircraft and the Nimrod MRA4. I am pleased to inform the House today of my basing decisions for those aircraft. The decisions will enable the detailed planning that precedes the introduction of new aircraft and facilitate wider estate rationalisation. We will consult the trade unions on this decision and the implications for civilian staff.

The JCA is due progressively to replace the Harrier fleet towards the middle of the next decade and the Nimrod MRA4 is expected to replace the Nimrod MR2 from around the end of this decade. The state-of-the-art, multi-role JCA will provide significantly increased performance and improved strike and reconnaissance capabilities, as well as incorporating stealth technology. The Nimrod MRA4 will offer enhanced surveillance support over a greater area in both the land and maritime environments. Final procurement decisions will be taken in due course.

The JCA basing study has been very thorough, including the widespread consultation of local authorities, and it considered a number of locations in two stages. On 10 March this year, I wrote to hon. Members affected by the outcome of the first stage, notifying them that RNAS Yeovilton, RAF Kinloss and RAF Wittering were discounted from further consideration. The study then concentrated on five locations—RAF Cottesmore in Rutland, RAF Leeming in North Yorkshire, RAF Lossiemouth in Moray, RAF Marham in Norfolk and RAF St. Mawgan in Cornwall. After careful consideration of the options, I have decided that the initial base for the JCA will be RAF Lossiemouth, currently home to the Tornado GR4, as it offers the most operationally satisfactory and cost-effective solution.

As I said in March, our work made an assumption that two JCA bases would be required. However, since it is too early to say whether a second base will be needed after the Tornado GR4 fleet goes out of service, I have decided that only one base should be selected at this stage. Further work will be undertaken in the event that a second base is required, but we are still a number of years away from making that decision. The study shows that either RAF Cottesmore or RAF Marham would be appropriate for the second base. In any event, both these RAF stations have defined uses into the next decade and beyond, with Harriers at RAF Cottesmore and Tornado GR4s at RAF Marham. RAF Leeming, currently a Tornado F3 base, was ruled out as a possible second base because of the disproportionately high noise impact.

RAF St. Mawgan was not selected because the business case demonstrated that it was an expensive option. I announced in March that that station would go into care and maintenance from April 2007 following the relocation of the Sea King helicopters currently based there. In the light of my decision on JCA basing, I can now confirm that there is no long-term RAF Strike Command requirement for the airfield. We shall therefore be considering alternative defence uses or possible disposal. The future basing of the remaining units at RAF St. Mawgan will also be considered.

I wrote to hon. Members in October 2004 to inform them that we were considering whether RAF Kinloss or RAF Waddington would be the most suitable base for the Nimrod MRA4. RAF Kinloss is currently the base for the Nimrod MR2, while RAF Waddington in Lincolnshire is our primary ISTAR—intelligence, surveillance, target acquisition and reconnaissance—base. I subsequently advised the House in March 2005 that, irrespective of the outcome of the business case, we had decided to base the MRA4 initially at Kinloss as it would not be possible to prepare the necessary infrastructure at Waddington in time for the aircraft's arrival around the end of the decade.

The business case has now shown that, while there would be some advantages in basing the MRA4 with the other ISTAR assets at Waddington, it would not justify the financial investment, and I have therefore decided that the MRA4 will remain at Kinloss. That decision does not change RAF Waddington's role as the primary ISTAR base. On current planning, I also expect RAF Kinloss to become a base for some Tornado GR4s from around 2013. The arrival of the JCA at RAF Lossiemouth will require at least some of the Tornado aircraft based there to be relocated to RAF Kinloss until the aircraft goes out of service in the mid-2020s.

Those decisions form part of my Department's continuing efforts to rationalise our estate. Work is continuing and I will keep the House informed of developments. Today's announcement on JCA and MRA4 basing enables us to take work forward to begin to plan for the long-term infrastructure requirements of these key new capabilities. The choice of RAF Lossiemouth for the JCA and of RAF Kinloss for the Nimrod MRA4 confirms the long-term future for some 4,500 Ministry of Defence personnel and also safeguards a significant number of jobs in the Moray area. It is good news for the Moray area and underscores once again the MOD's commitment to Scotland.

Dr. Julian Lewis (New Forest, East) (Con): I thank the Minister for giving me advance notice of the statement. I would have thanked the BBC for the even-more-advanced notice that it would have given me had I been up at 6 am to read its online version, but sadly I was still fast asleep and unaware that a statement would be made.

The central points of the statement are uncontentious. It is obviously sensible that the new Nimrods should primarily be focused on the base where the existing Nimrods have been deployed successfully for so long. It is also obviously sensible that the new JCA should be focused on one of the bases where the Tornados have similarly been based for so long. There are, however, some undercurrents to this statement about which we must be concerned—most importantly the resiling from the earlier, pretty firm commitment that the JCA would have two bases. What does that tell us about future orders for the JCA? Does it suggest that in fact, as with so many other defence projects, when those orders come to fruition they will be found to be quantitatively much smaller than was originally promised and intended?

What does it tell us also about the thinking that is going on whereby numerous RAF bases appear to be scheduled for contraction? We heard that expression a couple of times in the statement in the context of wider estate rationalisation. I have reason to believe that St. Mawgan will not be the last base to close, by any means. It is clear from the statement that the reason that the choice was made not to put the Nimrods with the ISTAR Nimrods but to keep a separate base was not a strategic but an economic choice.

My primary question for the Minister is this: what consideration has been given to the nature of the threats that will face us in the short, the medium and the long term? In the short and medium terms, there is the prospect of a terrorist threat. What happens if a terrorist attack is successful on an RAF base in which all the facilities for one particular type of function have been concentrated?

In the medium to long term, we have to face up to the prospect, incredible though it may seem at the moment, that we might face a major war of a more conventional nature with a more conventional power. What prospect is there of the RAF being able to survive if its bases are vulnerable to attack because each individual role carried out by each separate part of the RAF is focused on a single site that, if put out of action, could mean that the RAF lost that function completely?

I turn briefly to some specifics. What is the future of the air sea rescue function currently operating out of St. Mawgan? What assessment has been made of the effect on the local economy?

What are the implications for the future of RAF Leeming? Reading between the lines of the statement, I would be a little concerned if my job depended on its having a long-term future.

What discussions has the Minister had with the Home Office on the security implications of the move towards reducing the number of bases so that more and more eggs are carried in fewer and fewer baskets?

What assessment has been made, on a strategic basis, of the long-term military threat facing this country?

Today's announcement has some central sensible elements, but it must be seen in the context of a continued hollowing out of the Royal Air Force, with the closure of Lyneham announced less than two months after the Prime Minister had told my hon. Friend the Member for North Wiltshire (Mr. Gray) that it would have an assured future. As a result, heavy-lift equipment is now concentrated solely at a single base. Three Tornado squadrons have been scheduled for the future instead of the five called for by the strategic defence review. It has been announced that the Jaguar is to go out of service two years earlier than would be required if the Typhoon were able smoothly to take over its functions.

In themselves, the announcements contain sensible elements, but as part of a wider picture they give us great cause for concern.

Mr. Ingram: Let me try to deal with all the hon. Gentleman's major points.

From what appeared on the BBC this morning, I had an idea, in broad terms, that the media had got hold of the information. I was not best pleased, as I do everything to ensure that I come to the House first with such information. I am not accountable for speculation—*[Interruption.]* Someone says that it was on the media last Friday—I did not know that. The report suggested that Leuchars would feature in the statement, but it does not—that decision was announced some time ago. I can give the House the absolute assurance that I was not responsible.

I have also had to deal with pressure from Members who are affected by these decisions to meet them to notify them in advance of my statement to the House. I dealt with that by not meeting them, as I have to inform the House first.

The hon. Member for New Forest, East (Dr. Lewis) said that he was asleep at 6 o'clock this morning. The Opposition should never sleep, but having been in this place for some time I am aware that they have been asleep for the past eight and a half years. Perhaps they are now waking up to certain realities.

The hon. Gentleman mentioned the crucial issue of the two bases. I said that that is the preferred option, but we are some considerable time away from choosing an alternative second base. We are delaying not because of numbers but because the decision on any future basing is better taken at the time on the basis of the configuration of bases that are available. I indicated that Cottesmore and Marham had come out on top in that calculation. Nothing is written out, but nothing is written in as a certainty.

The hon. Gentleman is right about the wider estate rationalisation. We have to take into account a range of issues, not least of which are the risk factors associated with concentrating assets on individual bases. We do not believe that we face the threat that the hon. Gentleman describes. I do not think—I know that he is sensitive to this as well—that we should explore the nature of possible terrorist attacks. It would take an attack of a catastrophic nature completely to disable a facility. That could apply equally to single buildings where many administrative activities are undertaken. We are aware of how to deal with those issues.

The hon. Gentleman mentioned St. Mawgan in relation to the movement of the ISTAR activity. As far as I am aware—I have not seen the press release—the announcement is welcomed by people in the area, because they are seeking to build on the commercial aspect of the Newquay Cornwall airport. It is likely that that could have not easily coexisted with a military base. The announcement has been welcomed, by and large, by the local community—I appreciate that it is not unanimous—because it is better for the growth of the local economy.

A number of work streams are in place that could have a beneficial outcome for Leeming, but it is not yet at quite a mature enough level. We shall have to wait and see how that plays out. The same applies to

[Mr. Ingram]

Lyneham. Although we have decided to move the aircraft that were at Lyneham to Brize Norton, we have always said that Lyneham could have alternative defence uses. The hon. Member for North Wiltshire (Mr. Gray), who represents the area, is very active in pursuing this. I pay him that compliment, although he was pretty condemnatory of me in business questions. Lyneham need not be a solely RAF solution—there could be an Army interest in the site. The same could apply to Leeming. As we rationalise the estate, we do not dispose of it willy-nilly if it may have another defence use. It would be wrong to walk away from valuable real estate in important parts of the country. There has been considerable investment in all that infrastructure, some of which needs significant upgrading none the less. We do not need as many as 50 airfields in terms of what we now seek to do.

The hon. Member for New Forest, East mentioned the possibility of an external threat from a hostile enemy. I shall deal with that in the debate later, but we do not envisage it as part of the immediate threat. We can debate that at another time. All the factors are being considered, but they do not weigh as heavily with the Ministry of Defence as they do with the hon. Gentleman.

Alison Seabeck (Plymouth, Devonport) (Lab): I shall be brief because I know that several hon. Members will speak specifically about the impact of the decisions on Cornwall, and we shall probe the Minister about the basis for his decision not to deploy the JCA at RAF St. Mawgan.

However, in the best interests of Cornwall and Plymouth—the economic interrelationship between Plymouth and Newquay airports is incredibly close—will my right hon. Friend ensure that all the parties involved, including the local authorities, trade unions, Ministry of Defence and the airlines, work together so that the transfer from the MOD to civilian management is smooth? We now need certainty.

Mr. Ingram: My hon. Friend's last point, which was about certainty, is valid. I came to the House to make the statement because I recognise the importance of JCA basing. When we undertook the study, we understood that we needed to be clear about what we were doing because it was proving difficult for the commercial interests on the airfield to envisage the future and, therefore, growth in the tourist trade, business and so on. I am working closely with the Department for Transport on that. Indeed, I spoke to the Under-Secretary of State for Transport, my hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck), yesterday about this matter. Several issues must be tackled, but we shall deal with them sympathetically and constructively.

I stress that the Ministry of Defence cannot bear the cost of matters for which we have no responsibility. They must be met from other sources. We are on the case, we understand its importance and we want Newquay Cornwall airport to grow successfully. We shall do all that we can to facilitate that.

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): However inelegantly the information may have got into the public domain, I am sure that all hon. Members welcome the fact that the Minister has come here today to make the statement and has brought greater clarity, at least for some. He has made welcome announcements for communities in Moray, but many in Cornwall, notwithstanding his comments about reports from there, will be disappointed.

Does the uncertainty about the need for a second base for the JCA reflect some continuing doubt about the availability of the aircraft, or simply the fact that the MOD has still to decide how many it may need? Although the Minister said that there would be support for Cornwall, what impact assessment has been made of the nature of the decision and its effect on Cornwall? What specific measures will he bring to bear to help the economy in that area?

Mr. Ingram: I am grateful for the hon. Gentleman's opening comments. Let me deal with the last point first. The MOD is not responsible for taking on all the attendant responsibilities—that is what local authorities and other Departments are for. We try to minimise the adverse impact as best we can. We try to operate a good-neighbour policy whereby we work alongside the local community.

We understand the impact in number terms. Two lodger units remain at St. Mawgan and they engage many RAF personnel and some United States personnel. We are considering moving the two units elsewhere to give more coherence to what they do. One has a US input into what it wants to do about future use. Although we are involved in the care and maintenance of the airfield, two other announcements are likely to be made later. However, I am advised that conclusions will not be reached until 2010.

There have been competing pressures on the decision about Cornwall. Some did not want us to remain on the airfield because we could not grow its commercial aspect. Others said that we could co-exist. We conducted a sensitivity analysis to ascertain what was practical, bearing in mind that the aircraft will be noisy. The last thing people who are waiting to go on holiday want to hear is a noisy aircraft taking off or landing. Our best analysis was that it was possible to co-exist but that it would not be perfect. Cornwall county council concluded that it would be better to develop the airfield commercially after we gave them our best assurances on the noise thresholds.

The noise thresholds are currently understood on the basis of prototype analysis, because we do not have the aircraft. The people who give advice are good technical experts and they say that the noise will be the same or approximately the same as the prototype level. There will be no great variation. If there were, the adverse impact would be even greater. However, there will be no major variations that would have altered the calculations. We now have clarity, which allows all the relevant agencies to move forward with developing that important part of the country. A developing commercial airfield there is desirable.

The hon. Gentleman is right that the announcement is good news for Moray and for Scotland.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): Will the Minister confirm that the decision that Nimrod MRA4 should remain at RAF Kinloss will not prejudice the existing deployment of aircraft or personnel at RAF Waddington, which is in my constituency, or in any way diminish operations from that base?

Mr. Ingram: The right hon. and learned Gentleman should have heard me say that Waddington remains the hub for ISTAR. The preferred option was to co-locate all the aircraft on one airfield. However, the cost implications were so great that it was simply not advisable. Had I done that, at a considerable cost to defence, I am sure that the right hon. and learned Gentleman would criticise me for mis-spending money that could be better spent elsewhere.

I have no information that people will be moved from Waddington because of the replacement of MR2 with MRA4. There will be fewer MRA4s in the fleet. As the JCAs come to Lossiemouth, the GR4s will move to Kinloss to take up the free space. I do not anticipate—there has been no indication of it whatever—that Waddington will be adversely affected.

Mr. James Arbuthnot (North-East Hampshire) (Con): Where will the repairs to the aircraft take place?

Mr. Ingram: I should have thought that the right hon. Gentleman would know that. I appreciate that he is considering support for our current fleet of aircraft as outlined in the Select Committee on Defence. The through-life support for aircraft, whether it takes place on the base or elsewhere, will be part of the final contract arrangements. We are some way from reaching a conclusion, but we are moving increasingly towards industry support for whole-life support. However, we must take account of the crisis manpower requirement because we need the skills in the RAF to do that. There will therefore be a mix that is not dissimilar to our new approach to servicing existing aircraft.

Miss Anne McIntosh (Vale of York) (Con): The Minister will understand my profound disappointment at the implications of the statement for the future of RAF Leeming. He assured me in the Corridor after his last appearance at Defence questions that we would get a full statement on a defence airfield review "soon". Why is he releasing the information on a case-by-case basis? Why does not he undertake a fundamental, comprehensive, strategic, national review of all 50 airfields and their future?

In the Vale of York, we have RAF Leeming. I pay tribute to the contribution that the air crew, navigators and everyone on the base made when they were deployed during the Iraq hostilities and subsequently. RAF Linton is one of only two air training schools and we also have the Army helicopter base at Dishforth. Those based at RAF Leeming, or about to be based there, are very concerned about the long-term future. The Minister owes them today some explanation as to why they have been considered for the Typhoon and ruled out for that, and considered for the JCA and now ruled out for that? Where exactly does that leave RAF Leeming and the other bases that have not been considered as part of the strategic national review, which he owes to the House today?

Mr. Ingram: I do not think that I owe it to the House today; I owe it to the House to get it right. The hon. Lady, to whom I have spoken more than once in the Corridor—

Mr. Eric Forth (Bromley and Chislehurst) (Con): Oh!

Mr. Ingram: If the right hon. Member for Bromley and Chislehurst (Mr. Forth) is even interested in the subject, I am prepared to speak to him in the Corridor. The hon. Member for Vale of York (Miss McIntosh), however, is only remembering part of our discussion. The other part concerned why we do not have the all-singing, all-dancing comprehensive response. I tried to explain to her that what we must do is a bit like three-dimensional chess in some ways. We are having to unpick this on a case-by-case basis, because we must release assets, determine what will happen at certain bases, what the impact of that will be elsewhere, and what the downstream impact of that is in terms of other defence use. If we have to wait for all that to take place, the necessary infrastructure and planning work for the JCA and MRA4 would be delayed. That would delay its coming into service, which would not be desirable. That is a complex pattern, and I fully accept that the uncertainty about some airfields and airbases is not good. I meet a large number of our personnel, both at bases and operationally, and I must deal with those issues. Those personnel are mature enough, however, to understand that we must move forward on a progressive and proper analysis of what will happen.

The hon. Lady asked why RAF Leeming has not been selected as a third base for the Typhoon. That decision is some way down the line. We have made orders for the first two tranches, and while we are committed to the third tranche, that is some way downstream. If that happens, it could have a beneficial impact on RAF Leeming. She also knows that other defence interests are considering the matter, and I shall not go into all the detail, as she said that her hairdresser knows more about it than I do—she said that in the Chamber, I think, not in a Corridor discussion. As we begin to consider all the different future uses, someone gets to know about it, someone talks, and the rumour starts running. We must examine the matter, however, because we cannot come to the best conclusion otherwise. I am sorry that the hares start running—

Mr. Forth: And hairdressers.

Mr. Ingram: And hairdressers. I should have thought about that one.

It is a complex picture. I pay tribute to the staff dealing with this—the RAF and civilians—who must work their way through all this. We are trying to do what is right in terms of future basing, to make sure that we can have a long-term future and give that commitment to our personnel, both civilian and RAF, in relation to their location choice, where they buy their house and where they bring up their families.

Angus Robertson (Moray) (SNP): May I thank the Minister for the advance copy of his statement today? It

[Angus Robertson]

has also been interesting to read in the media the informed reports about today's announcements since last Friday. Considering the efforts by some in the Ministry of Defence to run down and close bases, today's announcement is a tremendous success for local campaigners and the service community in Moray. They have resolutely made the military and economic case for the retention of both RAF Lossiemouth and RAF Kinloss. The decision is a victory for common sense. Can he confirm, however, whether the Ministry of Defence will continue with the nearly 1,000 job losses announced earlier this year, which will cost the Moray economy £20 million a year?

Mr. Ingram: I knew that the hon. Gentleman would introduce a sour note. We have discussed the reasons for the change, which is part of a better utilisation of personnel, and ensures that we get maximum benefit from our investment in defence. The aircraft that will be based there will be a very important part of NATO's capability. He represents a party that is opposed to NATO. I should have thought that he would say, "We don't want anything flying in support of NATO in my area." He also represents a party that only too recently called the Union flag the "butcher's apron". I have asked him to repudiate that time and again, and he has not done so.

I well understand the importance of this matter to the hon. Gentleman's area, and where we have made decisions that have adversely affected other areas, there have also been strong campaigns. This is not, as he said, a victory for common sense, but a victory for what is right for defence. *[Interruption.]* Well, he is talking about it on the basis that it has been designed to suit the needs of the local community, but it has been designed to suit the needs of defence. He is not a strong supporter of what we do in defence, and perhaps he should reflect on that.

Robert Key (Salisbury) (Con): Please will the Minister of State explain what will be the impact on the aircraft testing and evaluation regimes and other functions at the military airfield at Boscombe Down, which employs more than 2,000 of my constituents? Perhaps he would prefer to write to me in some detail.

Mr. Ingram: I am not announcing anything about Boscombe Down. There are 50 airfields, and as far as I remember I do not think that I was told anything about Boscombe Down in advance of this briefing. If I can write to him usefully about anything related to it, I shall do so. If he does not get a letter, it is probably because there is nothing that I can tell him.

Mr. James Gray (North Wiltshire) (Con): The Minister accused me of being mildly condemnatory during business questions. He is quite wrong—I greatly admire the way in which he has handled these difficult, sensitive announcements, and I think that he does a rather good job of it. I welcome the hint during his statement that the regrettable removal of the Hercules aircraft from RAF Lyneham might none the less be mitigated by some other basing consideration. I shall not press him on his thinking on that, because I am sure that he would not want to say anything at this stage, but can he indicate how long that thinking might take, as people in and around RAF Lyneham in my constituency are extremely concerned about the future?

Mr. Ingram: I would like to give the hon. Gentleman a better answer, and I am grateful for his compliments, but a number of options are available, and we must balance what is right for defence. A decision might develop that is right for the RAF, but the Army might come up with a different solution, so we must then consider which will provide the best efficiency gain and the best delivery of what we seek. We are not yet at a mature enough stage to say what is happening. He might find that hairdressers in his constituency are picking up rumours about what is happening. Once we reach a point of relative maturity, I shall inform hon. Members, and if the matter is of sufficient weight, I shall inform the House through an oral statement.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): The Minister's announcement in relation to concentrating certain operations on certain airfields applies to my constituents, because the decision on RAF Lyneham, to which my hon. Friend the Member for North Wiltshire (Mr. Gray) has referred, will mean a concentration of flying at RAF Brize Norton and consequent knock-on effects at RAF Fairford. All the other announcements today have the same effect in terms of aircraft noise, however. Will the Minister consider two things? First, wherever possible, ought not the maximum amount of training be done on simulators to reduce aircraft noise? Secondly, with all the changes, will he undertake to do the maximum amount of liaison with local democratically elected bodies—district councils, borough councils and parish councils?

Mr. Ingram: The hon. Gentleman will be only too well aware that a lot of simulation takes place, and as the technology for that advances, the capacity and quality of output also increases. People cannot be trained to fly on simulators alone, however, especially if they are training to fly fast jets. I am not an expert, but I know that the people who need to get those planes into the sky need to be familiar with all their characteristics and to put the physical machine under test as well as themselves as flyers. We try to marry all that up.

On local interests in relation to environmental issues such as noise pollution, we deal with that. We have a very good relationship with the communities around our airfields. If a community suddenly became very negative about an airfield, however, and no one wanted it, that would also have to be taken into account. Those who make the comments have to be clear about what they want, rather than just nipping away on the sidelines about it. Do they want an airfield there; are they going to be good neighbours? They have been and I pay tribute to them for all the support that they have given us in the past.

The JCA is a noisy aircraft and will not be without impact on RAF Lossiemouth and the community. A number of houses and farms will have to be moved if the footprint is as we anticipate. There will be some adverse impact that will have to be attended to, but the community of Moray is very keen to get the aircraft and I am grateful that they are.

Mr. Dan Rogerson (North Cornwall) (LD): I cannot say how important this announcement is for my constituency and, indeed, for the whole of Cornwall. The Minister is aware that I have sought a meeting with him for some time—in fact, since the general election. I was promised a meeting this morning and three representatives of civilian employees at St. Mawgan came to the Ministry of Defence to attend at 9.30 this morning, only to be told that the meeting was not taking place. I thus seek the Minister's assurance that he will work in close consultation with service personnel and especially civilian personnel at St. Mawgan whose jobs are now at stake. About 500 jobs are involved.

Will the Minister also assure the House that he will work with other Departments, local government and other partners to ensure that, if the station is to close in future, any transfer to civilian use has maximum support from the Ministry of Defence? It must be done sensitively to ensure that the transition creates more jobs and protects the fragile Cornish economy.

Mr. Ingram: I apologise for the mix-up about this morning's meeting. I am sure that the hon. Gentleman will appreciate that, in any case, I could not have spoken to him about the detail of what was happening in his area in advance of my statement today. It was truly a mix-up for which I apologise, particularly to those who travelled, but it was for good and sensible reasons. If the hon. Gentleman had risen in his place to say that he had had a meeting with me this morning, I can only imagine what would have happened.

I am too well aware of the impact of the closure. That is why I announced that changes would be likely up to 2010 in respect of the other two lodger units there. It is a significant development for St. Mawgan airfield and the wider area. I give the hon. Gentleman my absolute assurance that, within the limits of what we can do, we will work with all agencies. I hope that he will not ask in future for the MOD to spend money when it is not for defence purposes. We cannot do that. If developments have to take place elsewhere, other Government agencies, local authority interests and perhaps commercial interests will be involved.

As to the disposal of the airfield, I hope that the hon. Gentleman understands—I would have told him this morning—that we have to look at alternative defence uses. That is our first priority. That is what we have done at RAF Lyneham, RAF Leeming and elsewhere. The indications are that such use is unlikely, but we still have to go through the process. Defence Estates will get ownership and then offer it round to see whether others are interested. It will have to take a quick decision; disposal through the appropriate mechanisms will then have to take place. That is where we will work sensitively with local interests to ensure that it is best handled. We can then make a transition to a commercial airfield, if that is what is to happen, and help the local economy in that part of the country.

Mr. Henry Bellingham (North-West Norfolk) (Con): The joint combat aircraft is obviously fundamental to our country's defence future. However, both the Minister and his ministerial colleagues have always promoted the JCA on the basis that two airfields would be required. Today's statement is good news for Lossiemouth. Given that I represent west Norfolk and that RAF Marham is a huge employer in the region, I would like the second base to go there. Whether it is indeed located there or at RAF Cottesmore, it is vital that we have a decision on that second base. The Minister said in his statement that we are still a number of years away from taking that decision, but why? Why cannot he tell us much sooner where that second base will be?

Mr. Ingram: Because I do not have the information that would allow me to take that decision. There will be a phased introduction of the new aircraft, but we are a considerable number of years away from the first tranche—if that is how it is to be defined—perhaps in 2013–14. Whenever that first tranche is introduced, it will then take time for it to build up to full strength. If I were to take a decision now, in 2005, on something that will happen 15 years away, it would not serve any useful purpose, because so many things could change over that period. We may have more or fewer of those aircraft; there may be a new aircraft type, for example. I cannot look that far ahead.

What we have done is put down costing indicators for both Marham and Cottesmore, so that we can say to the other two stations under consideration that they are ruled out for whatever reasons are decided. The Ministry could then progressively look forward towards the best and most cost-effective solution.

As to the idea that at some time in the future, there will be free resources sitting in the Ministry of Defence so that it can spend money at will and not have to take difficult decisions, that is not likely to happen for many millennia ahead. I believe that all future Governments will have to live within big demand processes for new platforms and that aspirations will always outstrip what will be available from central resources. We have to balance all the different aspects and that is what we are doing. We are about to have a debate in which we can discuss that matter in greater detail.

Lembit Öpik (Montgomeryshire) (LD): In his review, has the Minister considered the relationship between military airfields and general aviation? While military air controllers consistently offer a superlative service to general aviation, is the Minister aware that, on occasion, general aviation pilots are forced to pay a colossal amount for approved landings at defence airfields? I do not expect the Minister to be apprised of the details of that matter now, so would he be willing to discuss it outside the Chamber in order better to understand this simple but serious issue and find any potential solutions to the problem?

Mr. Ingram: We have discussions in the Corridors about a whole range of important issues. I am not aware of the actual costing threshold, but if the hon. Gentleman is saying that we should charge commercial interests less, whereby the defence resource goes down, I would not be up for that.

Lembit Öpik *indicated dissent.*

Mr. Ingram: In that case, we should have a discussion elsewhere. If the hon. Gentleman would care to write to me with some proposals, perhaps that would be the best way of taking the issue forward.

Mr. Brian Jenkins (Tamworth) (Lab): I thank my right hon. Friend for his statement, but what is coming across—he must now admit it—is a degree of confusion. People find that these decisions take them by surprise. Would it not be better if he and his Department took a more personal interest in the guidelines within which they operate? What is a good business case and what weight is given to the community? Then, hon. Members would better know the requirements for those based in our areas. We would not be taken by surprise when the announcements are made.

Mr. Ingram: I am usually grateful for my hon. Friend's questions, but I am not so sure that I am on this occasion. I do not think that people should be surprised. That is why I indicated in my statement all the different points where we gave advice on the development of the process. We have written to hon. Members and indicated to them through other means when certain airfields were no longer being considered. I announced to the House the five airfields that were being considered. After a detailed analysis, we have now come to the end of that process.

As to investment appraisal and the business case, we make as much information available as we can, but there are sometimes commercially sensitive issues involved and I know that my hon. Friend would understand that we should not release such information. We try to make information available to the people who matter most—our own personnel, and, in respect of civilian people, the trade unions. As I said, we are now entering a process of consultation on all these matters and we will take the views of trade unions into account. We try to be as open and transparent as we possibly can, but at the end of the day I have to get a final paper from the Department, make my decision and then announce it. I can think of no better way of doing that than by ensuring that hon. Members are given best advice through oral and written statements and other means. If anyone has a particular interest and if there is a purpose to be served by it, we seek to meet them well in advance of any announcement.

Mark Pritchard (The Wrekin) (Con): May I thank the Minister for his good grace in apologising to the hon. Member for North Cornwall (Mr. Rogerson) for cancelling his appointment? What reassurance can he give my constituents that he will not cancel his appointment with me at 5.15 pm on 28 November to discuss the job cuts at the Army Base Repair Organisation? While some elements of the defence review are welcome, is this not another case of the MOD's leading on estates and economics, rather than national security and defence?

Mr. Ingram: I do not think that I will apologise to the hon. Gentleman for cancelling our original meeting. He was invited to a meeting arranged for 29 November, and he then called my office to ask whether we could meet instead on 28 November, because he did not want to participate in such a meeting with the others attending. Moreover, I was not aware that he had been put in the diary for the 28th, so there is no chance of such a meeting happening, particularly given his heated exchange with my member of staff today. He can participate in the 29 November meeting, for which there is plenty of time for him to plan in his diary. Representatives of the various interests will be there to discuss these matters. So I am making myself available to MPs to deal with what is a major issue, as the hon. Gentleman correctly suggests. I do not accept his description of what we are doing, however. I note in passing that he has apparently called for those engaged at the location in question to come out on strike. If so, he does not have the security of the country at heart.

Mark Pritchard *rose—*

Points of Order

1.11 pm

Mr. Eric Forth (Bromley and Chislehurst) (Con): On a point of order, Mr. Deputy Speaker. Last night, the House very sensibly decided to move the business originally scheduled for Friday 24 February to Friday 3 March, because we have decided to have our recess during the week in which the 24th falls. You will be aware that these are days for private Members' Bills, in which some of us take a very great interest. You will therefore imagine my astonishment when I opened today's Order Paper and discovered on page 1278 that the business is still there for 24 February, and that there is nothing for 3 March. I hope that this confusion can be cleared up quickly. Those of us who want to plan ahead and draft our contributions on that day are indeed somewhat confused, so I hope that you can put this matter to rest and make sure that the Order Paper properly reflects the decision of the House.

Mark Pritchard (The Wrekin) (Con): On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker (Sir Michael Lord): I deal with one point of order at a time. I commend the right hon. Member for Bromley and Chislehurst (Mr. Forth) on his careful reading of the Order Paper. He is quite right: the decision taken last night to move private Members' Bills from 24 February to 3 March has not yet been reflected in the future business paper. I assure him and the House that that will be done today.

Mr. Andrew Robathan (Blaby) (Con): On a point of order, Mr. Deputy Speaker. Can you tell me whether the Prime Minister has asked to make a statement on his comments yesterday at Prime Minister's Questions, which related to comments that I made in the House on Monday about the Trooper Williams and Colonel Mendonca case? In response to the suggestion that either he or one of his Ministers had something to do with the initiation of particular prosecutions, he said the following:

> "Let me make it quite clear that that is completely untrue. The prosecutions are initiated by the Army Prosecuting Authority, not by Ministers."—[*Official Report*, 16 November 2005; Vol. 439, c. 965.]

That appears to contradict entirely what the Attorney-General said in a letter to my noble Friend Lord Astor on 9 July. The Attorney-General said:

> "The case was referred to me in March 2004 by the Director, Army Legal Services, on behalf of the Adjutant General, following discussions with the Chief of General Staff and the Commander in Chief (Land) . . . On 6 May 2004 I referred the matter to the CPS."

Furthermore, that was backed up by the following Attorney-General's written response to my noble Friend Lord Marlesford:

> "The case papers were formally referred"—

formally referred—

> "by me to the Crown Prosecution Service . . . on 6 May 2004, with a request that they consider whether a prosecution should be instituted against Trooper Williams for murder or manslaughter."—[*Official Report, House of Lords*, 27 October 2005; Vol. 674, c. 198W.]

The positions of the Attorney-General and the Prime Minister appear entirely contradictory. If the Prime Minister has not sought to correct that which he said yesterday, might it not be a good idea for him to be asked to come to the House to explain why he and his Attorney-General are saying totally different things about the same subject?

Mr. Deputy Speaker: In a sense, the hon. Gentleman is seeking to—

The Secretary of State for Defence (John Reid): Further to that point of order, Mr. Deputy Speaker. It is quite plain from the context of the discussion and debate at the Dispatch Box yesterday that the Prime Minister was referring to Defence Ministers. Secondly, for the hon. Member for Blaby (Mr. Robathan) to suggest inside, and apparently outside, this House that there was some lack of moral courage or an intervention in this process by either Defence Ministers or—an even more slanderous smear—the Chief of the General Staff, is in my view absolutely disgusting. It was in that context that the Prime Minister responded yesterday, and all the hon. Gentleman's bluster will not cover his—

Mr. Deputy Speaker: Order.

John Reid: Smear against—

Mr. Deputy Speaker: Order. The Secretary of State will take his seat when I am on my feet. I am not going to allow a debate to develop on this matter now. What both Members have said is on the record. We have a defence debate later this afternoon in which these matters can be raised, if necessary, and we must now proceed to that.

Mr. John Hayes (South Holland and The Deepings) (Con): On a point of order, Mr. Deputy Speaker. I wonder whether you have had notice from Transport Ministers of their intention to make a statement in the House on the London-wide transport implications of the axing of the popular, fuel-efficient and iconic Routemaster bus, and its being replaced by the gas-guzzling, ugly and unpopular bendy bus?

Mr. Deputy Speaker: Order. I have had no such request. This is the kind of issue that should probably be raised at business questions.

Mark Pritchard (The Wrekin) (Con): On a point of order, Mr. Deputy Speaker. I wonder whether I might seek your guidance on an issue affecting 628 of my constituents. I arranged a meeting with the right hon. Member for East Kilbride, Strathaven and Lesmahagow (Mr. Ingram) on 28 November, which he suggested—

Mr. Deputy Speaker: Order. The hon. Gentleman is obviously seeking to prolong a discussion that we have already had today. It is time that we moved on to the next debate.

Defence in the United Kingdom

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Roy.]*

1.17 pm

The Minister of State, Ministry of Defence (Mr. Adam Ingram): Recent defence debates have provided an opportunity to discuss the qualities of the armed forces and the vital work that they do around the world. We ask a lot of our armed forces. Day in, day out, they perform a huge range of challenging tasks, many of them dangerous, in countries around the world and in the UK. I will never tire of paying tribute to their dedication, commitment and bravery, and I do so again today. However, we owe it to our armed forces to do more than simply pay tribute to them. We must show the same level of commitment in enabling them to perform their role, and support them as they do so.

I want to pick up on the earlier point of order by the hon. Member for Blaby (Mr. Robathan), on which there was an exchange. He should be very careful in the words that he uses. He described the Chief of the General Staff, who is one of the bravest soldiers of his generation, as lacking moral courage. I understand that the hon. Gentleman was also a serving soldier, and I pay tribute to all that he did, but he should use his brain before he opens his mouth and attacks people of such—

Mr. Deputy Speaker (Sir Michael Lord): Order. I should point out before we start this debate that it is incumbent on everybody in the Chamber to use moderate language in discussing these matters. *[Interruption.]* Order. The use of such terms only exacerbates the situation and is usually counterproductive. I should like us to proceed in a civilised way.

Mr. Andrew Robathan (Blaby) (Con): *rose—*

Mr. Ingram: I give way to the hon. Gentleman.

Mr. Robathan: I had a long telephone conversation with General Jackson on Tuesday afternoon and I hope to meet him soon to discuss the matter in greater depth; indeed, I am looking forward to his making that arrangement. He assures me that he does stand up for his soldiers, and I am of course delighted to accept his assurances.

Mr. Ingram: I have been intervened on, Mr. Deputy Speaker, and I do not know whether you are going to allow me to continue this debate. There is a simple way of proceeding. I do not want to raise the temperature, but we are talking about our armed forces and how we best serve them. The hon. Gentleman could simply say that he was sorry that he made those intemperate remarks, which were inappropriate and a terrible slur on one of the finest soldiers of his generation. The hon. Gentleman may well look forward to the meeting but, if I know General Sir Mike Jackson, he should do so with some trepidation. He can be very robust when it comes to saying what he thinks, but an apology in a public forum such as this would not go amiss. I shall give way to the hon. Gentleman if he wants to apologise now. The hon. Gentleman remains in his seat, so it is clear that he does not want to apologise. His remarks therefore remain on the record. I look forward to seeing the minutes of his meeting with the general, if I am able to do so.

The role of defence in the UK is to ensure that the armed forces are structured, trained and equipped to meet the challenges that they face today and will face tomorrow. We need to ensure that every penny that we spend is spent wisely, in support of the front line. At the same time, we must provide support to our personnel and their families to enable them to focus on the job at hand.That is no small task. Our annual budget is about £28 billion and we employ more than 270,000 people. Indirectly, we support a further 400,000 jobs in the defence industry. Against that background, I want to take the opportunity provided by today's debate to describe the progress we are making in delivering on our commitment to the armed forces. I also want to talk about the role that the armed forces play within the UK.

The pace of change across the globe is remorseless, and with change comes new challenges for our armed forces. We must ensure that they are properly structured to meet those challenges, and that is precisely what we are doing—no more so than in respect of the Army.In December last year, the then Secretary of State announced that we would rebalance the Army to develop a more deployable, agile and flexible force—a force better able to meet the challenges and threats of the 21st century. This is known as the future army structure. We are now moving ahead to implement those changes, which will make the Army a more balanced, robust and resilient force.

On 1 August, we announced the start of full security normalisation in Northern Ireland. That will allow the reinvestment of posts back into the Army, to make it better suited to meet the enduring expeditionary operations that have characterised our deployments to Iraq and Afghanistan in recent years. As a result of the progress in Northern Ireland, the Army can reinvest more than 2,500 posts into specialist capabilities, including communications, engineering, logistics and intelligence, while making the infantry more robust. Continued progress in Northern Ireland, coupled with the end of the infantry arms plot—the process by which infantry battalions used to re-role, retrain and relocate every few years—is allowing the Army to reduce the number of infantry battalions by four. Under the existing system, up to 20 per cent. of the Army is unavailable for deployment. With the end of the arms plot, we will have more battalions available at any one time.

Mike Penning (Hemel Hempstead) (Con): As we discussed in the House the other day, the new arms plot and the reconfiguration of the infantry still leave certain units desperately short of personnel. The 1st Royal Anglian Battalion has fought brilliantly well in Iraq and is returning to the UK, but the 2nd Royal Anglian Battalion has to go to Afghanistan, despite being short. On Monday, you said that the 2nd battalion would have to be augmented with troops from the 1st battalion. Service men and women are very brave, especially the young ones, who will volunteer for anything. Can you assure the House today that you will not be using—

Mr. Deputy Speaker: Order. The hon. Gentleman is making a rather long intervention, and he must use the correct parliamentary language.

Mike Penning: Thank you, Mr. Deputy Speaker. Can the Minister assure the House that no one from the 1st battalion will be sent to augment the 2nd battalion's deployment to Afghanistan?

Mr. Ingram: I do not think that I said quite that at Defence questions the other day, but we would need to check the record. What I suggested was that there are willing horses in battalions who sometimes put themselves forward. I also said that we must be very careful not to put under too much strain people who choose to make that decision. We are sensitive to the difficulties involved.

I do not envisage the sort of augmentation suggested by the hon. Member for Hemel Hempstead (Mike Penning), but I need to be cautious. Certain individuals or specialists may be required to strengthen the battalion posted to Afghanistan. Such things happen, and that is what makes my remarks about reconfiguration and restructuring so important. The reduction in size of the four battalions has led to the creation of 2,500 more posts. Those posts will be taken up by key enablers, who will deal with the problems that arise at the real pinch points. Over time, that will achieve the improvement that we seek in personnel harmony. The picture is not perfect and there is a lot of strain in some areas, but we are actively addressing the problem.

Although I do not envisage that what the hon. Member for Hemel Hempstead suggests will happen, he would say that I had misinformed or misled the House if even one person found himself in the situation that he has described. I am very conscious of that and I am sure that the message has been heard outside the House that it is wrong to move people backwards and forwards too quickly. That is what I said on Monday, and I repeat the point now.

Bob Russell (Colchester) (LD): Will the Minister confirm that about 9 per cent. of the soldiers in the British Army are not British citizens? Clearly, we welcome anyone who wants to serve in the Army, but is that proportion the result of a deliberate policy decision, or is it because too few British citizens apply to join?

Mr. Ingram: The reason for the proportion of non-British citizens is probably a mixture of those alternatives. A conscious decision was taken to encourage what are known as Foreign and Commonwealth personnel into the armed forces, and the proportion that the hon. Gentleman quotes is about right. All the people to whom he refers serve with distinction, and I draw his attention to the bravery of Fusilier Beharry from Grenada, who won a VC. Others among that element in the armed forces have served with considerable distinction as well, and they bring much strength and support. Another example might be the Gurkhas, and I am sure that the hon. Gentleman is not suggesting that their presence in our armed forces is undesirable. I am also sure that he is not suggesting that we should not encourage South Africans, New Zealanders, Australians and others into the British armed forces. However, we are always aware that a balance needs to be struck in these matters. We must maintain the pressure on recruitment, and I shall say more about that later.

Mr. David Drew (Stroud) (Lab/Co-op): I mentioned at Defence questions on Monday that I had the opportunity last week to spend time with the Royal Gloucestershire, Berkshire and Wiltshire Regiment in Afghanistan. It is doing a splendid job there, under very difficult circumstances. I undertook the visit with some trepidation, as I expected a lot of flak about the further reorganisation of the regiment. In the main, however, the regiment has accepted the proposed merger with the Devon and Dorset Regiment, although there are some misgivings. The one assurance that the regiment seeks has to do with the continuation of the back badge. Will my right hon. Friend say something more about how the situation can be clarified, so that the memory of the Gloucesters can continue, even in the new, merged regiment?

Mr. Ingram: I am grateful to my hon. Friend for those remarks, and he is right. Change is always difficult, but there is an appreciation among our armed forces that what we propose will be for the greater good of the British Army in the longer term. I am always struck that sergeant-majors—and, sometimes, the regimental sergeant-majors—are the most forceful when it comes to putting that view across. One talks to such people with some trepidation, as in one sense they speak on behalf of everyone. I have never met one who has said that what we are doing is wrong. They understand the difficulties that we face. Although they say that they wish that no reform was necessary, they are keen to move forward rather than move backward or stand still. They know that we need to change.

My hon. Friend the Member for Stroud (Mr. Drew) raises the whole question of accoutrements and the golden thread. I must explain that that really is not a matter for Ministers. It is a minefield into which we tread very warily. The Army must decide what is acceptable and deliverable in that regard. The executive committee of the Army Board is looking at these questions, and announcements will be made in due course. It is possible that decisions have been made that have not been passed on to Ministers but, once the information is available, the House will be notified in the appropriate manner. It is right that we notify those who serve about such matters first. We are conscious of the golden thread and the whole question of accoutrements. Difficult decisions will have to be taken, but I take note of my hon. Friend's point.

I was talking about the end of the arms plot and the fact that 20 per cent. of the Army is unavailable for deployment under the existing system. As we move forward with the restructure, there will be fewer battalions—36 instead of 40—but we will have greater usability. Capability will no longer be lost due to the need for battalions to move location or re-role. That will also mean that the infantry will be able to offer much greater stability for soldiers and their families, so they will be able to plan their lives and careers with confidence. That is what our soldiers want. Given the benefits to families, that should help with the retention of our highly trained people.

When making changes to modernise the infantry, it has been important not to throw away their history and heritage. I have explained the background to why we are determined to maintain the golden thread. As well as considering history and heritage as part of our approach

[Mr. Ingram]

on recruitment and retention, we must keep it in mind that in the 21st century our armed forces must be truly representative of the society that they serve. We must review barriers to equality of opportunity whenever that can be done without compromising operational effectiveness. Let me cite several examples of the way in which we are addressing the matter. We are considering what flexibility might be possible to help those serving in the armed forces with child care and other family responsibilities. We carry out a wide range of outreach and recruitment activities that are specifically designed to build links with ethnic minority, gay and lesbian communities. We have recently recruited our first Muslim, Hindu, Buddhist and Sikh chaplains, and we are continuing to work in partnership with the Equal Opportunities Commission and the Commission for Racial Equality.

Mr. James Gray (North Wiltshire) (Con): Will the Minister pay particular attention to a detailed matter regarding our Commonwealth soldiers? The time that they spend overseas—often they are deployed overseas for the entire duration of their service—does not count towards their application for British citizenship after they have left the Army. Surely it is only right that if they serve the nation in the Army, even if they do that in Germany or the Falklands, the time spent should count towards their applications to become a British citizen.

Mr. Ingram: The hon. Gentleman hits on another point that we must address. I do not know whether the Under-Secretary of State for Defence, my hon. Friend the Member for Islwyn (Mr. Touhig), will be able to say more about that in his winding-up speech. We are aware of the issue. We must be sensitive to the fact that if people who are serving are seen to be disadvantaged, we must take account of that. The situation is a bit more complex than that simple explanation of the problem because we must work through the Home Office and deal with layers of regulations. I have not examined the matter in detail, but I know that my hon. Friend has considered it.

Mr. David Chaytor (Bury, North) (Lab): On the question of human resources, will he look again at the way in which the armed forces advise young soldiers who have come to the end of their term in the military to return to civilian life, especially those who wish to apply for positions in the police force? The issue concerns me at the moment because of the experience of one of my constituents. The kind of advice that is given to young soldiers who want to become policemen could be improved.

Mr. Ingram: To be realistic, I could say that there are other things that could be improved. We are not perfect. We are becoming more aware of the need to address a range of issues—the hon. Member for North Wiltshire (Mr. Gray) touched on one. The way in which we deal with resettlement is important because if we can get that right, others will be encouraged to join because they will know that they will be well looked after. I do not know the precise circumstances of the situation cited by my hon. Friend the Member for Bury, North (Mr. Chaytor), but if he writes to my hon. Friend the Under-Secretary, who deals with these matters, we can perhaps examine it.

I have mentioned the way in which our resources are used to target specific groups in our society. The way in which we deal with our young people—and those of mature years—who leave the forces is important. We must be a caring employer, and I think that we are. We do exceptionally well, but we can do better, which is what we are trying to do.

Mr. Tobias Ellwood (Bournemouth, East) (Con): I am trying to put in context what the Minister said about looking after the historical legacy of the regiments. The Royal Gloucestershire, Berkshire and Wiltshire Regiment is merging with the Devonshire and Dorset Regiment, which is then merging with the Light Infantry, although I now understand that that will merge with my local regiment, the Royal Green Jackets, to be called the rifle regiment. How can the Minister justify a link with the historical legacy when all the historical links are being removed?

Mr. Ingram: There will be an announcement on the names in the not-too-distant future. The hon. Gentleman asks me to respond to press speculation. We will make an announcement on the names of the new regiments when we are ready—some are already known—and he will have the opportunity to raise his objections at that time. I cannot comment until the formal decision is made, which will happen very soon.

Jeremy Corbyn (Islington, North) (Lab) *rose*—

Mr. Ingram: I want to make some progress.

Jeremy Corbyn: On human resources.

Mr. Ingram: No, I want to make some progress. I understand that my hon. Friend wishes to speak in the debate, so if he gets called by you, Mr. Deputy Speaker, he can make his point then.

The Navy, Army and RAF continue to make strenuous efforts to recruit and retain the right number of people. The Army's substantial investment in marketing over the past 12 months is bearing fruit, with applications now up to the required level. Indeed, in Scotland, where it is sometime argued that the changes that we are making are having a detrimental effect, the recruitment figures make salutary reading. Numbers for the Black Watch, the Argyll and Sutherland Highlanders and the Royal Highland Fusiliers are up compared with the same time last year. That is hardly an indication that the new Royal Regiment of Scotland is proving to be the problem that some claim—*[Interruption.]* That information shows that those who try to run the scare that the Royal Regiment of Scotland will be a deterrent are not proven by the raw facts of the matter.

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): For completeness, will the Minister tell us what happened to the figures for the King's Own Scottish Borderers and the Royal Scots?

Mr. Ingram: I have given the ones that are doing well—*[Laughter.]* No, we must be realistic about this.

The deterrent factor is not uniform. The extent to which numbers are up for the Royal Highland Fusiliers is significant, but the situation is more difficult in other areas. I am conscious of something that the regimental sergeant- major of the King's Own Scottish Borderers said to me not too long ago. I will not go into all the graphic details of it, but he said that the change had to be made, even though he wished that that was not the case. He is a proud member of the King's Own Scottish Borderers, but when he goes back to his village, he finds it almost impossible to encourage young people to join up. He is a prime exemplar of whom people should be proud, so that is not right.

The highlands is another area in which it is difficult to recruit, and there are a lot of reasons for that. However, I am painting a picture of a situation that is not uniformly adverse. What we are doing is not working against recruitment. Those who say that the situation is a disaster and that we will never recruit again to the Royal Regiment of Scotland must take account of the raw information. I think that the same situation will apply throughout the country as the new regiments begin to bed down.

We have sufficient members of the reserve forces to meet our current requirements. None the less, major efforts are under way to increase recruitment. It is also important to ensure that we retain the skills and expertise of those already in the reserve forces, which is why we have made a number of improvements to the support packages available. They include improved financial support for reservists and employers, greater access to training courses, intelligent selection for mobilisation, improved redeployment training, improved welfare support and a new reserve forces pensions and compensation scheme. They are just some of the measures that we are implementing to deal with the difficulties of recruitment into the Territorial Army and the reserves.

Mr. Philip Hollobone (Kettering) (Con): Will the Minister confirm that manpower in the Territorial Army is now at its lowest level since the TA was founded in 1907?

Mr. Ingram: We need to look at things proportionally. We could have party knockabout— [HON. MEMBERS: "Why not?"] I have been advised that it is not the desired way to proceed. Under the previous Conservative Administration, there were massive cuts— *[Interruption.]* I have just indicated that there are issues we must address and we are trying to do that by putting into place a range of packages. I could ask Opposition Members why those packages were not already in place. If they were so valuable, why were they viewed as secondary? The reality is that we are using the TA and the reserves to a considerable extent. As I said on Monday, one cannot tell the difference in the field: they are thoroughly professional members of Her Majesty's armed forces and we are trying to make sure that we increase their number. Members could help us to recruit even greater numbers by highlighting the qualities that the TA brings to the strength of the British armed forces.

David T.C. Davies (Monmouth) (Con): As someone who served in the Territorial Army when the last cuts were being made in the 1980s and early 1990s, may I remind the Minister that we had just seen the end of the cold war and there was a genuine belief that we did not require the military capacity that we realise we need now in the face of new threats? Is not it the case that his argument about the last Government cutting back on the Army is not really valid as we now have a serious security situation?

Mr. Ingram: I do not know who was giving advice at that time, but there was major mismanagement of the economy, so there were major cuts across public expenditure. At that time, there was a proposal to cut the TA to 10,000 and there was a major campaign to retain the strength at 40,000. When my right hon. Friend the Secretary of State was in opposition, he took part in the campaign to retain a bigger TA against the then wishes of the Conservative Government, so I shall take no lessons from Opposition Members about that.

Mr. David Hamilton (Midlothian) (Lab): I supported the changes taking place in Scotland and am pleased that recruitment is increasing, but one issue is that, as employment is at 2.5 per cent., there is competition for jobs. Councils have the authority to allow members of the armed forces to go into schools, but many do not use it, so will my right hon. Friend use his good offices to talk to the Education Minister in Scotland about the possibility that there could be recruitment in schools as there is for other industries?

Mr. Ingram: We will seek to do so. I do not know precisely where the barriers are, but all Members could help by speaking to their local authorities to ensure the best access for recruiting.

My hon. Friend is right: one of the barriers we face is our successful economy. Young people have many other choices. That is one reason for not doing away with the recruitment of under-18s—the number is about 7,000 a year. If we did away with that recruitment, those young people might enter further or higher education and make other life choices, so recruitment would suffer grievously. That is why I resisted the proposal. My hon. Friend made a good point.

Lembit Öpik (Montgomeryshire) (LD): Will the Minister give way?

Mr. Ingram: No, I want to make some progress.

I have already touched on our recognition of the importance of family welfare for the morale of our forces. That is why we are investing in modernising accommodation and revolutionising repair and maintenance services. It is why, by the end of the year, the combined upgrade programmes for single living accommodation will have delivered high-quality accommodation for nearly 9,000 people. It is why we are helping our people to take the first step on the housing ladder, by making the long service advance of pay available to people earlier in their careers, and it is why we place so much importance on getting the operational welfare package right.

From visiting our forces around the world, I know that they are committed to what they do and proud of the difference they make, but they also value time with their friends and families at home. Inevitably, we shall

[Mr. Ingram]

continue to expect our people to be away from home for lengthy periods. Enabling them to keep in touch with families back home is central to their well-being and to the operational welfare package.

Last year, the Prime Minister announced free postal packets for Christmas for personnel serving overseas. We have decided to make that a permanent part of the operational welfare package. For a month before Christmas, family and friends will be able to send small gifts free of postal charges to service personnel on operations. I am pleased that we can take that additional step to help maintain morale at a special time of year.

It is not enough to recruit our forces into the right structures. Good training is central to ensuring that they are not only available, but effective. The defence training review programme will modernise, improve and increase the efficiency of our training system, through the provision of rationalised defence-wide training on a reduced training estate. Delivery will be realised through public-private partnership contracts with industry. It will bring significant benefits by providing our people with the best opportunities, training and living environment that we can supply. It will underpin our aspiration to recruit and retain the servicemen and women we need to meet our current and future operational challenges.

Lembit Öpik: Will the Minister give way?

Mr. Peter Bone (Wellingborough) (Con): Will the Minister give way?

Mr. Ingram: No, I really have been generous. If I can make some progress I shall return to the hon. Gentlemen.

Modern training methods and technology will be introduced, and training will be concentrated at a reduced number of sites, giving us the flexibility we need to match training delivery to operational needs. Like me, my right hon. Friend the Secretary of State and other hon. Friends believe that the DTR programme has reached a key milestone. I am pleased to say that the bidding consortiums, which are all credible and capable, have now lodged their proposals. Bids will be evaluated over the next six months and I expect an announcement about the preferred bidders next summer. The DTR programme is large and complex and transitional arrangements will need to be managed with care, but I am confident that the outcome will deliver the improved training and operational capability that we need.

Lembit Öpik: Will the Minister give way?

Mr. Ingram: I am usually generous and I have been exceptionally generous this afternoon, but I really do want to make progress.

As Members know, questions have been raised about the way in which we train and manage our recruits. It is our firm commitment to deliver change in the initial training environment, which more than 17,000 new recruits entered last year. To achieve that, we are focusing effort on improving the provision of support to our recruits and working to ensure that our actions result in sustained change over time. A number of work strands are under way: for example, we are looking at the selection and development of instructors and at the training provided to commanding officers. We have already increased the ratio of trainers to trainees and we are also reviewing how welfare policy is implemented and applied consistently. Those and other initiatives represent major work in progress involving policy, processes and people. We will continue to measure the impact of change over time to ensure that we are effectively achieving that change.

In seeking to implement good practice, we are maintaining our links with external bodies such as the adult learning inspectorate, which is undertaking follow-up inspections. Visits to 10 training establishments were planned to take place between last September and March next year. More visits are planned for 2006 and 2007, culminating in a report to be published in 2007.

Lembit Öpik: The Minister has been generous and I thank him for giving way.

I and others welcome many of the changes in the training regime with which the Minister has been involved. Does he agree that some of those changes were caused by the ongoing investigations into the deaths at Deepcut barracks? Although I commend his proactive role with the parents, they have still not seen the Deepcut report on the inquiry commissioned by Surrey police and conducted by Devon and Cornwall police. Does he accept that that raises suspicion and upset in the minds of the parents, and is there anything he can do to encourage Surrey police to publish that report, which would be in the public interest?

Mr. Ingram: I am grateful to the hon. Gentleman for his comments. I have not seen the report either. I note what he says, but it really is a matter for the police and I will see what we can glean about their reasons. The Collinson inquest is coming up next year. That commences—

Mr. Deputy Speaker: Order. I am conscious that the Minister is treading carefully. He will be aware that parts of the issue that has been raised are still sub judice. So far, I think that everything is in order, but I am sure the Minister is aware of that.

Mr. Ingram: I am being very careful about what I say, Mr. Deputy Speaker. The inquest has not yet commenced and the police report may be material to that. We also have the independent review by Nicholas Blake, QC. He is due to report before Christmas, but perhaps just after Christmas. I am waiting to see what he says and I know that he has had dealings with the Surrey police. I do not know whether anything of relevance can arise from his inquiry, which may be restricted any way because of the forthcoming inquest.

Lembit Öpik: I am grateful to the Minister for his reply to my first question. Does he accept that the reason I am concerned to see the report published is that I genuinely believe that it is in the public interest for that to happen? It would also be in the Army's interests, because we have already learned lots of lessons. My frustration relates to the fact that, at every stage, Surrey police and, to an extent, the Army have been secretive and unwilling to share the information. I thank the Minister for his response and hope that he will be constructive in helping us to get the information into the public domain.

Mr. Ingram: I hope that the hon. Gentleman does not over-interpret what I am saying. There are good reasons the information has not been disclosed. I cannot give him the explanation. He should pursue the issue with the responsible Minister and the responsible Department. I do not answer for the civilian police, but I understand why he asks those questions, as well as the hurt about the issues.

With a slip of the tongue, I inadvertently called Private Beharry, VC, Fusilier Beharry. He is, of course, a private, and I just want to get the record straight.

Battle-winning troops need battle-winning equipment. Even the longest period of sustained real growth in planned defence spending for more than 20 years does not make equipment provision an easy task. Our aspirations will always outstrip our resources. With shipbuilding alone, we are embarked on a programme that is likely to be worth £14 billion over the next 10 to 15 years—the largest programme of work for decades. The ships and submarines that will be built are much more than steel hulls. They will be complex weapons systems full of cutting-edge technology. Some of our ships may be in service for a very long time and will need to be adapted and upgraded over their lives. The future carriers, for example, will deliver expeditionary offensive air power over a projected life of more than 50 years.

All that requires a change in the nature of our relationship with industry. We need to work more closely with those in the defence industry to ensure that they understand our needs and can tailor their expectations accordingly. That is why my colleague, the Under-Secretary of State for Defence, Lord Drayson, who has responsibility for defence procurement, is developing a defence industrial strategy, which will provide industry with a better understanding of what our future equipment requirements are likely to be. It will set out the key capabilities that must be fostered and sustained in the UK to meet our future requirements. If there are industrial capabilities and technologies that we need to retain in the UK but that are at risk, we must act now to preserve them. However, we cannot sustain all the defence capabilities that currently exist within UK industry.

By adopting a buy-British policy where an equivalent, cheaper alternative product is available abroad, or a better one for the same price, our armed forces could either get less, or worse, equipment than they deserve. Of course, equipment does not stay on the parade ground being polished. It is used in action. It must be fit for purpose. Our people expect that and they should get nothing less.

Mr. Kevan Jones (North Durham) (Lab): My right hon. Friend knows that many shipbuilding communities throughout the country are waiting with anticipation for the work to come on stream—it will give a lifeline to a lot of those yards—but can he give a commitment that, where workable alternatives exist in this country, those ships will be built in the UK, rather than the work being farmed out to eastern Europe, thus devastating parts of the UK shipbuilding industry, which is supportive of the Government at the moment?

Mr. Ingram: I do not know whether my hon. Friend is asking me specifically about the warship programme. I am conscious of that point. Given the fact that there is only so much that we can put into the yards throughout the UK, we must be very clear about what we want. We must find out whether they can deliver at the right price. We must then ensure that we have a shipbuilding industry for many years ahead. I suggest that our record to date shows how we protect and preserve those keys skills and capabilities. I would want to be judged on what we have done and I do not anticipate a major change in policy in that regard.

The defence industrial strategy will also recognise that, for defence to remain attractive to industry, there will need to be a focus on assured revenue streams and continued engagement, rather than a series of big "must win" procurements. The platforms of tomorrow, such as the future carriers and the future rapid effects system, will need to be underpinned by an emphasis on through-life capability. The same is true of the joint combat aircraft, the basing decisions for which I announced in detail earlier.

It is not just in respect of equipment that we must spend the taxpayer's money to best effect. Every penny that we spend in the head office and supporting agencies is a penny less for the front line. We are committed to achieving £2.8 billion of efficiencies—money that will be ploughed back into the front line. That is why we are collocating armed forces' headquarters—for example, the collocation of the RAF's Strike Command and Personnel and Training Command at High Wycombe. It is why we have embarked on a programme of transformation in logistics. Again, that is no small task. The Defence Logistics Organisation alone has a budget of some £5.5 billion and employs more than 28,000 people. For that to deliver the efficiencies that we must make, difficult decisions will have to be taken, such as the changes to the Defence Aviation Repair Agency and the Army Base Repair Organisation that I announced last week.

I will continue to take those difficult decisions with the best interests of defence at heart—not, as some have suggested, with the best interests of the private sector at heart. The success of the in-house future defence supply chain initiative bid should be evidence enough of that. The in-house solution was chosen to manage and operate the defence supply chain because it will provide the best balance between improved logistic support to operations and better value for money for taxpayers. Support to the front line will be significantly improved. We expect to make savings of more than £400 million over the next 10 years on that initiative alone.

I have said much about the programme of activity that we are embarked on to support our armed forces. I conclude by saying something of the work of our armed forces themselves in the UK.

The days of defending our shores from military invasion are long gone. We had an exchange during the earlier statement on that. Home security, rather than

[Mr. Ingram]

home defence, is the order of the day, and that is not primarily a matter for the armed forces. Indeed, right hon. and hon. Members will recall that the last defence debate took place on 7 July, in the immediate aftermath of the appalling and tragic attacks in London that day. I pay tribute to the emergency services who responded so professionally. Their performance was a testament to the emergence of modern, highly capable emergency services. Indeed, the fact that it has not been necessary, to mobilise a civil contingency reaction force serves to demonstrate the effectiveness of the Government's efforts to ensure that our civil authorities are resilient. None the less, across the UK, defence plays a vital role in our community and, when called upon, in our security.

The armed forces are not a conventional emergency service, but they are, for example, providing emergency fire cover in the west midlands as a result of strike action by the Fire Brigades Union. Resolving that dispute is a matter for the West Midlands fire service and the FBU, and it would not be appropriate for me to comment. I will say, however, that our armed forces are not permitted the luxury of strike action, yet we ask them to undertake those difficult jobs without comment, and they do it exceptionally well.

I said that the armed forces are not a conventional emergency service, but they regularly provide support to the police and other civil authorities. Most of those tasks are small-scale, drawing on specialist military skills. Invariably, they are unseen and unheralded, but they are the force that we call upon when all else fails. For example, right hon. and hon. Members will recall seeing a military Chinook helicopter deliver a police support unit to the scene of a disturbance during the G8 summit at Gleneagles. They will also recall the crucial role that the armed forces played in Carlisle during the flooding in January and in Boscastle last year.

As we know, whether they are operating in Carlisle or Kabul, Boscastle or Basra, our armed forces perform with great distinction. They have a professionalism, commitment and dedication to duty second to none—I know that they have the full support of the House—and that is why the Government are determined to deliver the best practical support they deserve. They should expect nothing less.

1.59 pm

Mr. Michael Ancram (Devizes) (Con): I rise to speak today with somewhat mixed feelings. On 6 December, at my own request, I shall return to the Back Benches, and this, therefore, is my last speech from the Dispatch Box, and my last speech as shadow Secretary of State for Defence.

I was grateful to the Secretary of State for the remarks that he made on Monday, and I reciprocate them. I regard him as a man who has a real affection for our armed forces, and who, so far as he is allowed by the Chancellor of the Exchequer, has their interests at heart. I have always found him an honourable Minister to deal with, in his many roles, and an agreeable companion beyond the boundaries of party politics. We have occasionally sung in harmony together—and I mean that genuinely, both of us being folk singers from our misspent youth.

Having thus destroyed any lingering leadership ambitions that the Secretary of State may secretly have nurtured, I turn next to the Minister of State. Never a man to duck a fight, as we have seen again today, honed as I was in the heat of pre-devolution Scottish politics and on the fires of conflict in Northern Ireland, he is an opponent for whom I have always had the utmost respect.

I welcome this debate on defence in the United Kingdom. Since the end of the cold war, the concept of defence of the realm has changed. From being reactive, in the light of evolving threats it has now had to become proactive. Alongside deterrence, there is now an increased need for pre-emption, or what the United Nations Commission called prevention. That is why, for instance, military action in Afghanistan in 2001 was prosecuted under the self-defence article, article 51, of the United Nations charter. We can no longer regard defence in Britain as being solely restricted within the boundaries of Britain.

I join the Minister of State in the praise that he has just given to the emergency services and the way they operated after the terrorist outrages of 7 July. But those terrorist outrages and their connection to Islamic fundamentalist terrorism underlined the way in which homeland security and events overseas are now inextricably linked. The balance, therefore, between the maintenance of defence resources within the United Kingdom and their deployment outside the United Kingdom is a crucial and difficult one to strike. The common denominator between them is the need for sufficient manpower and adequate equipment, and that should be a crucial element of today's debate.

We start the debate with a degree of harmony. We both pay tribute to our armed forces; we both acknowledge our debt to them for the dedicated courage with which they carry out their duties. I am unashamedly proud of our armed forces, whose commitment and professionalism are second to none. But we owe them more than just our words of thanks and praise. We owe them effective support, and I should have thought that that was common between us. Sadly, I cannot think that it is.

In my last Front-Bench defence speech I intend to be frank. I simply did not recognise our armed forces from the description given today by the right hon. Gentleman. I have never in over 30 years in politics known our armed forces to be under such pressure, to be so unsighted as to the Government's purpose and direction, to feel so unappreciated and devalued, and to be under such constant threat of cuts.

Since 1997, the armed forces have seen the level of their commitments rise, but not their resources. In simple terms, since 1997 they have been asked by the Government to do more and more with less and less. There have been five major operations in eight years—Bosnia, Kosovo, Sierra Leone, Afghanistan and Iraq—all prosecuted brilliantly by our forces, but the resources available to them have been diminishing.

Mr. Kevan Jones: The right hon. and learned Gentleman talks about overstretch of the armed forces, but will he tell the House which one of those deployments he would have cut or not taken part in?

Mr. Ancram: Since I took on this role for the Opposition, I have made it clear that I believe that it is essential to match commitments to resources and resources to commitments. The complaint that I make now, and the reason the armed forces are under such pressure, is that those resources and commitments are out of kilter. That is why some of the matters that I shall now outline are in fact the case.

Out of the armed forces helicopter fleet, 25 per cent. is grounded, with many needing lengthy overhauls, largely due to flying in Iraq. Out of the fleet of 569 helicopters, 121 are in repair and 79 have been classified as beyond repair. All of the RAF specialised aircraft in Iraq are grounded due to mechanical faults, more than 50 per cent. of the UK's armoured vehicle fleet is not fit for use, and only 1,483 of the Army's 3,340 combat reconnaissance class vehicles are in working order. The armed forces are now under intolerable pressure.

> "We have seen the reality of activity far outstripping the levels predicted in the review on which resources were supposedly based. But we have not seen any matching rise in defence spending . . . as a percentage of GDP, defence spending has fallen away."—[*Official Report, House of Lords*, 17 January 2005; Vol. 668, c. 484–85.]

Those are not my words, but those of our most recently retired Chief of the Defence Staff, Lord Boyce.

> "It seems extraordinary . . . at a time . . . when Iraq needs reinforcing; when Afghanistan needs additional troops . . . that we are actually reducing the size of the Army and in particular the number of infantrymen, who are the very people we need on current and future operations." —[*Official Report, House of Lords*, 17 January 2005; Vol. 668, c. 564.]

Again, those are not my words, but this time those of the former Chief of the Defence Staff, Lord Guthrie.

The Secretary of State for Defence (John Reid): I have no intention of trying to cover all the points that the right hon. and learned Gentleman raises—only one. While I was with the Army in the field on exercise yesterday, I understand that an allegation was made that reinforcements had been requested for Iraq and refused. That is a wrong and misleading accusation, and, inadvertently, the right hon. and learned Gentleman referred today to the need for reinforcements, presumably based on that factually incorrect assertion made from his own Benches yesterday. I want to give an assurance that we have not been asked for reinforcements, as was alleged yesterday, nor have I refused them.

Mr. Ancram: I am grateful for the Secretary of State's clarification and obviously I accept what he has to say. My statement—I was going to refer to it again—was based on an understanding that our commander in Basra is concerned about the influx of Iranian weapons and Iranian insurgents, and has looked for further troop reinforcements to help him to prevent that incursion across the border. If that is not the case, I accept what the Secretary of State has to say.

John Reid: There are two different statements there. We are all concerned about IEDs—improvised explosive devices—their origins, their numbers and any threat to the troops, but so far as I am aware, there is no truth in the claim that the commander has requested extra troops or reinforcements. Certainly I have not seen any such request, and I have therefore not refused it. That is the only point that I wish to put on the record.

Mr. Ancram: I am grateful to the Secretary of State. When I referred to Iraq I was quoting the words of the former Chief of the Defence Staff, Lord Guthrie, in a debate in the House of Lords. He said not that reinforcements had been asked for, but that they were needed. When we look at what is happening in Iraq, that may well turn out to be the case.

I notice that the Secretary of State recently issued a press release denying a series of what he described as "urban myths", but the points that I have just made are not urban myths; they are the words of former Chiefs of the Defence Staff, and it is incumbent on the House to take them seriously.

One of the myths attacked by the Secretary of State was the perception that the defence budget was getting smaller. He proclaimed that planned defence expenditure in 2007–08 will be higher than it was in 1997–98. I would welcome clarification as to how those figures were arrived at, as the Secretary of State and his colleagues are very keen to point out in written answers that following the introduction of resource accounting in 2001–02, direct comparisons with previous years are not possible, so how the Secretary of State can now pretend that they are possible is something that I find very difficult to understand.

The truth is that as a percentage of GDP, defence expenditure will fall from 2.22 per cent. in this financial year to 2.17 per cent. in 2007–08. The equivalent percentage in France for 2004 was 2.6 per cent. and the United Kingdom percentage in 1997–98, to which the Secretary of State referred, was 2.66 per cent. On those figures it is clear that, as a proportion of GDP, defence expenditure has fallen.

John Reid: Will the right hon. and learned Gentleman confirm that under the Conservative Government defence expenditure fell from a high of 5.4 per cent. of GDP to 2.4 per cent.?

Mr. Ancram: I have heard this argument on a number of occasions: that because the Conservative Government made cuts when commitments were coming down, this Government can continue to make cuts when commitments are going up. It is rather like saying, "Because you cut off a toe, I am entitled to cut off your leg." The situation is different, and the sooner the Secretary of State understands that, the better. The cold war ended; the commitments changed; we made reductions. Now the commitments are increasing again. Even his own report recently made that clear, yet we are seeing the commitment of resources going down.

John Reid: I am willing to engage in this discussion with the right hon. and learned Gentleman, who like me has always wanted as many resources as we can get. There are two differences between the two Administrations. First, his Administration cut the budget in absolute terms as well as in proportional terms: there was a 29 per cent. cut in absolute terms; and there was a 50 per cent. cut in proportional terms. In our

[John Reid]

situation, there has been an increase in absolute terms and one 10th of the cut in proportional terms under the Conservative Government.

Mr. Ancram: The Secretary of State always makes these figures sound as if there is an increase. I seem to remember that he was responsible for the strategic defence review, in which certain expenditure and commitment levels were set out. I think that he would agree that the commitment levels have risen beyond those projected in the review and that the resource commitments have gone down from what they were predicted to be in the review. For the first time, we have a Minister who, perhaps unfortunately for him, is having to defend the cuts that he has made in the face of what he said was necessary some time ago.

John Reid: In terms of the absolute amount in real terms, the money allocated has gone up by 1.4 per cent. per annum over the three years. In terms of the planning assumptions, although there is a high and challenging level of commitment, we are broadly within the planning assumptions that we set out in the strategic defence review. I hope that that clarifies both those matters.

Mr. Ancram: The Secretary of State and I could go on for a long time with this ping-pong across the Dispatch Box. I shall come in the course of my remarks to the effects of the reductions. We can all bandy figures. I want to show him the effect of that on the armed forces on the ground. If he is patient for a while, I shall come back to that.

David T.C. Davies: I have not been in Parliament long, but will my right hon. and learned Friend confirm that, during the 1980s, Labour Members were calling for a massive cut in our defence commitment, as they wished to get rid of our nuclear deterrent? Will he accept my congratulations on the fact that the previous Government held out against those calls and ensured that we had a commitment until the end of the cold war, when it was possible to make some reductions?

Mr. Ancram: My hon. Friend makes a good point. I am looking across the Chamber at certain Labour Members, who I think from how they behave now are rather wishing that they had behaved differently in the 1980s.

The Chancellor has become increasingly effective in clawing back much of the reluctantly granted increase that the Secretary of State is talking about. For example, thanks to the previous Secretary of State's inability to stand up to the Treasury, the Ministry of Defence must now pay for its use of the spectrum at a cost to the armed forces of £145 million up to and including this year. That is a clawback by the Treasury which I am sure, had the current Secretary of State been in post, he would have resisted, but unfortunately his predecessor did not have the strength to do so.

At least the Minister of State came clean, possibly inadvertently, when he said:

> "I have always said that the budget is under pressure: if it were not, we would not be trying to save £2.8 billion."—[*Official Report*, 8 November 2005; Vol. 439, c. 173.]

That does not sound like a Minister who is talking about increased expenditure.

What is even more regrettable is that, to achieve those Treasury-driven savings, the MOD cuts take place wherever convenient, rather than where it is prudent to do so. I fear that the major project report—

Mr. Ingram: Will the right hon. and learned Gentleman give way?

Mr. Ancram: I will in a second. Let me finish the point.

I fear that the major project report 2005 will make further disappointing reading, bearing in mind that the 2004–05 winter supplementary estimates reduced the budgets of the front-line commands by £1 billion to pay for the delays in the equipment programme. Perhaps the Minister could explain the background to that.

Mr. Ingram: I think that I will go back to the right hon. and learned Gentleman's earlier comments. I indicated in an earlier contribution that defence budgets are always under pressure. They always have been and probably always will be, because our aspirations outstrip our resources at all times. Can he tell us, since he is criticising what we are seeking to do through a £2.8 billion efficiency programme, where he would have got the other £1.6 billion efficiency savings that he was campaigning on at the last general election? The Conservatives were seeking to take out £4.4 billion and I am telling him that it is very difficult to take out £2.8 billion.

Mr. Ancram: We made it clear that we were going to find savings of £2.7 billion, which we were going to transfer to front-line capability, but this debate is about the armed forces as they are today. I want to make it clear that the Minister of State's description of the armed forces as buoyant does not match the reality. Let us look at the effects of what has happened. Since 1997, the Army has lost 9,000 personnel, the Royal Navy has lost 10,000 and the RAF has lost 16,000. The MOD's own "Key Defence Messages" state that by April 2008 Army strength will be cut to 101,800, Royal Navy strength to 36,250, and RAF strength to 40,800. The manpower figures are coming down and no amount of rhetoric from the Minister of State can disguise that.

Mr. Peter Kilfoyle (Liverpool, Walton) (Lab): The right hon. and learned Gentleman makes much of the loss of manpower—politically incorrect, I know—in the armed forces, but is not much of that to do with, and I am sure that the Chief of the General Staff would agree, the quality of housing that is available? Was not it the Conservative Government who virtually gave away military housing to the Nomura bank for a knock-down price, a deal that the incoming Government could do nothing about?

Mr. Ancram: I know from my own constituency experience, because I have Tidworth in my constituency, that there has been much progress in terms of Army housing—I have been asking a lot of questions about that. I have been surprised to find out how many Army houses are empty at the moment. That is something that the MOD should address for the reasons that the hon. Gentleman gives.

If the Minister hoped that the cracks in the armed forces could be papered over by the use of reserves, I suggest that he look again at the position in which the reserve forces find themselves today. They have done a tremendous job, but those serving voluntarily have been steadily leaving, causing a crisis for both the Territorial Army and the regular Army, which it increasingly supports. Can the Minister confirm reports that an average of 500 men and women a month have left the TA since October 2003? The TA's current strength is 35,500, the lowest since it was founded in 1907, whereas the required strength is 41,610. Can he confirm the report that the recent £3 million television advertising campaign, which shows that the Government know that they must have more men and women in the reserves, brought in fewer than 600 candidates?

Mr. Gray: Is my right hon. and learned Friend aware that the situation in the TA may be significantly worse than he describes? Quite a large number of people who are still nominally on the books have remained in the regiments for the purpose of receiving their bounty, which they get at the end of the year, but will be reluctant to be deployed again and may be thinking about leaving.

Mr. Ancram: My hon. Friend and neighbour makes a good point. It again highlights the difference between the Minister's rhetoric and the reality on the ground.

The Minister rightly said that equipment is important. One fifth of our tanks and a quarter of our surface ships have gone, as have 130 of our aircraft. Is that what he meant when he proclaimed that

"we must ensure that the armed forces are well equipped to do the job"?—[*Official Report*, 31 October 2002; Vol. 391, c. 1032.]

It is not only the reserves but the regular forces that have had difficulty in recruitment and retention. The total intake for the three services, if we stop being selective about one or two Scottish regiments, has seen a steady drop in numbers, while the total outflow of United Kingdom regular forces has been increasing. That is the reality.

Mr. Bone: I am sure that my right hon. and learned Friend is aware that the Government recently changed the position of university air squadrons, which provide over 50 per cent. of pilots for the Royal Air Force. They have now stopped elementary flying training, at an alleged saving of £10,000 in total, yet it costs £1.8 million to train a fast-jet pilot. That change will discourage the recruitment that we need.

Mr. Ancram: I am grateful to my hon. Friend for making that point. He knows that my Front-Bench colleague, my hon. Friend the Member for Aldershot (Mr. Howarth), has repeatedly made the point that university air squadrons are a very good way not only to recruit pilots to the RAF but to train them. That is something that the Government fail to understand. They are driven by the Treasury, not by the realities.

Mark Pritchard (The Wrekin) (Con): Does my right hon. and learned Friend share my concern at the haemorrhaging of special forces to the private security sector? Despite reassurances made by Ministers in the House some weeks ago that they were to make an announcement addressing those issues, no announcement has been forthcoming.

Mr. Ancram: I am grateful to my hon. Friend, and I am sure that Ministers heard his remarks. I hope that they will in due course make such a statement. I, too, have read reports of the haemorrhaging that he describes.

At the same time, we are witnessing a dangerous fall-off in training, which is at the heart of the maintenance of effective armed forces. Reductions in training have a progressively damaging effect on fighting power and ethos. At the highest level it may take years to recover standards that have been lost. One cannot buy in experience. Being heavily committed to operations can off-set some of those disadvantages, particularly in respect of command training, but reducing activity levels for field force units that are not committed to operations is a self-inflicted wound.

In the words of Lord Guthrie, another former Chief of the Defence Staff:

"It should be of great concern that soldiers are now being deployed less well trained than they should be and less well trained than they have been in the past . . . Individual soldiers are less skilled than they were; training standards are too low; gunnery and field firing camps are cancelled; training between infantry, tanks, engineers and those parts of the Army that may have to co-operate and fight together rarely takes place."—[*Official Report, House of Lords*, 17 January 2005; Vol. 668, c. 564.]

That is not an Opposition spokesman making an accusation across the Dispatch Box; it is a former Chief of the Defence Staff who knows what he is talking about. The Government should have the courage to listen to what they are being told by such men. What action are the Government taking to deal with recruitment, retention and training?

Mr. Ingram *rose—*

Mr. Ancram: I shall give way if the Minister wants to answer my question.

Mr. Ingram: The right hon. and learned Gentleman should wait and hear what my intervention is. Why does he always pray in aid former chiefs of staff, when sitting beside him is a spokesman who attacks the current chiefs of staff? Why does not the right hon. and learned Gentleman apologise for what the hon. Member for Blaby (Mr. Robathan) has said?

Mr. Ancram: I have known General Mike Jackson for a long time. He and I had our disagreements, as the House knows, about the disbandment of regiments this time last year, when the announcement was made in the House and I responded to it. But he is a man for whom I have the utmost respect, and I am sure that after he has retired we will be seeing even more of each other.

What action, I asked, are the Government taking to address the issues of recruitment, retention and training? None. This in the end is all about cuts. All this talk of making savings comes oddly from a Government who have wasted so much on a mismanaged procurement programme. Despite the launch of the smart procurement initiative in July 1998—six and a half years ago—under the mantra, "faster, cheaper,

[Mr. Ancram]

better", there has been little evidence of success. The National Audit Office major project report of 2004 showed little evidence of project performance improving, finding that the MOD's 20 largest projects were 144 months behind schedule and more than 6 per cent. over budget. That is hardly faster, cheaper and better. I fear that the soon-to-be-published major project report for 2005 will make equally disappointing reading.

Defence procurement policy remains in a chaotic state, with most of the vital new programmes still awaiting production contract signature. The aircraft carrier project, which we talked about on Monday, is a good example of this Government's incompetence. The Minister of State accused me on Monday of having attacked MOD officials because of the chaos in the programme. I did not; I talked about ministerial incompetence. Procurement decisions are taken by Ministers and they have to accept responsibility. In that project there is still total uncertainty as to when the carriers will enter service, whether they can be provided within budget and what involvement the French might have in the project. This is a shameful reflection of the mess into which the Government have got themselves on defence expenditure.

The greatest threat to our armed forces posed by this Government is what they are allowing to happen, or in some cases are actually doing, to morale. We all understand that morale is crucial to the health of our armed forces. Of course, Ministers and generals claim that morale is high—they always have and they always will. But that is not what I am hearing on the ground. The effects of overstretch and the equipment shortfall are part of the problem, but there is something more insidious, and I make no excuse for returning to the matter.

> "There is considerable disquiet among some members of the forces and concern that, even when doing their perceived duty in an operational situation, they may become vulnerable to prosecution and will not always be backed up higher up the chain of command, where it may be claimed that the matter has been taken out of their hands."

Those are not my words but those of Field Marshall Lord Bramall in the House of Lords on 14 July.

> "The Armed Forces are under legal siege and are being pushed in a direction that will see such an order being deemed as improper or legally unsound. They are being pushed by people schooled not in operations but only in political correctness. They are being pushed to a time when they will fail in an operation because the commanding officer's authority and his command chain has been compromised with tortuous rules not relevant to fighting and where his instinct to be daring and innovative is being buried under the threat of liabilities and hounded out by those who have no concept of what is required to fight and win."—[*Official Report, House of Lords*, 14 July 2005; Vol. 673, c. 1226–36.]

Again, those are not my words but those of Lord Boyce, the former Chief of the Defence Staff, in the debate in the House of Lords on 14 July. The Government cannot pretend that those views do not matter. There is a consistency in the views of former Chiefs of the Defence Staff to which the Government must pay attention.

I am not suggesting that criminal misdemeanours should not be prosecuted—of course, they should. However, if we send troops to fight on our behalf they must know that we recognise that a battlefield is not a court of law and that their ability to fight and win—and, indeed, in some cases to survive—must not be compromised. Today more than ever they need that support from us.

John Reid: I have listened very carefully indeed to the right hon. and learned Gentleman, who is always judicious and sensitive in his remarks. In so far as he is appealing for us to protect, succour, support and sustain the morale of our armed forces in battle, I agree entirely. As for his remarks about the asymmetric nature of warfare, in which our soldiers are asked to play by civilised rules compared with the enemy, who is unconstrained by morality or rules, I agree entirely. However, where his remarks concern those further up the chain of command—remarks that will only be seen in the context of the accusation of his hon. Friend the Member for Blaby (Mr. Robathan) of a lack of moral courage by the Chief of the General Staff—I appeal to him, urge him to distance himself from that imputation. I hope that he will urge his hon. Friend to withdraw his remark, as its implications are unnecessary and it gets in the way of a frank, candid and supportive discussion for our soldiers. I want to do that as well, but I cannot do so when cases are under way, because the judicial system prevents my doing so. I hope, however, that the right hon. and learned Gentleman will distance himself from any criticism of the chiefs of staff, which is entirely separate from accusations against politicians who make those decisions.

Mr. Ancram: The Secretary of State will note that my words today are largely not my own—they are the words of former Chiefs of the Defence Staff. Those men are speaking out in that way, because they realise that the general events surrounding those particular cases have created an environment, atmosphere and psychology in the armed forces that is unhelpful to their operations, and could be very damaging indeed in future. The right hon. Gentleman must understand that this is not rhetoric—this is a reality that is understood by the former Chiefs of the Defence Staff. I hope that he will take it on board and address it.

John Reid: Not only do I take that seriously but I met the Chiefs of the Defence Staff a considerable time ago to discuss this precise issue. I did not announce that publicly until today, because I did not intend to make capital out of it. I hope, however, that that reassures the right hon. and learned Gentleman that I take that issue and the support of our troops seriously. Whoever made the original remark, I ask the right hon. and learned Gentleman to dissociate himself from implications that there are criticisms to be levelled, particularly about a lack of moral courage or otherwise, at the Chiefs of the Defence Staff. They do a very difficult job, and they are very brave people, both morally and physically. They have shown that in the past, and they are as concerned as I am to support morale. In a democracy with a separation between the legal process and political decisions, they cannot intervene. The right hon. and learned Gentleman knows that they are prevented from so doing, so to try to criticise them for not intervening is unfair. That is all that I am asking. He can attack me as much as he likes, but I urge him to withdraw from attacks on the chiefs of staff.

Mr. Ancram: I do not think that in anything I have said—or, indeed, in what was said by the former Chiefs of the Defence Staff—I have attacked any serving soldier. What I am saying to the Secretary of State is that there is a genuine problem on the ground. I am glad that he acknowledges that. For the well-being of our troops, particularly those who are engaged in dangerous missions overseas on our behalf, that cannot be allowed to continue. Far from the buoyant Army that was described by the Minister of State, the armed forces have problems. Having said that I know the Secretary of State has their interests at heart, I hope that he will address the problems not just with rhetoric, but by finding a way to give the armed forces the moral support that they deserve.

I turn to some of the tasks undertaken by our armed forces. Those tasks may be overseas, but they are undertaken because they are part of the way that we defend ourselves. I said earlier that our involvement in Afghanistan was based on article 51, which is about self-defence. I would argue that even in Iraq, given the dangers of Islamic fundamentalism, what we are doing relates not only to that country but to our security in the United Kingdom.

The issues arising in these areas are complex. In Afghanistan, the broadening of ISAF control over the areas where new provincial reconstruction teams are deployed may lead to merging the command structures of Operation Enduring Freedom and the NATO/ISAF operation. We are led to believe—the Secretary of State may know more about this than I do, but I saw a report this morning—that not only France but now Belgium could yet veto any integration of US-led forces and NATO-led forces under one command. What is the Government's position on this?

What role will UK forces play—peacekeeping, counter-insurgency, counter-narcotics, or a combination of them all? If it is a combination, is it seriously suggested that the British contingent could operate under a number of different commands? How will that affect the rules of engagement? The idea that UK forces could be asked to operate under two rules of engagement, with the sort of confusion that arose in Kosovo, is unthinkable. Harmonisation of the rules of engagement of each of the participating countries is essential.

Will the right hon. Gentleman assure the House that incipient deployments of additional troops to Afghanistan, if and when the decision is made, will not be at the expense of our commitment in Iraq? I may have been wrong in suggesting that requests for further troops in Iraq have been made. It would be extremely damaging and dangerous at this moment if our troops in southern Iraq were moved over to Afghanistan, leaving a vacuum there.

Mr. Desmond Swayne (New Forest, West) (Con): On 10 November, at column 35, the Secretary of State spelled out in answer to me the high stakes in Iraq. He used terms that were very similar to the language of a speech by Senator John McCain on that very day. Senator McCain's conclusion was that we may have to ramp up our troops in Iraq. I am worried about the mood music and all the talk of withdrawal and troops coming home next year, when in fact the requirement may be the opposite.

Mr. Ancram: I am grateful to my hon. Friend who, as the House knows, has had experience on the ground in Iraq. I listened carefully to what he said, and he is right. We must be very careful not to persuade ourselves, possibly for trans-Atlantic political reasons, that we are getting to a stage where a draw-down can take place.

On Monday the Secretary of State admitted, in answer to a question from me, that the proportion of violent contacts between our troops and the insurgents initiated by the insurgents rather than by our troops in the past 12 months has gone up. That is a significant measure. It hardly suggests progress in the fight against insurgency. It rather suggests, as my hon. Friend said, that recent reports of drawing down the numbers of troops in Iraq are over-optimistic.

I want to mention strategy. I shall not enlarge on this, as I have spoken for a long time already. When I was in Washington recently, I was told about the concern over tactics and strategy in Iraq. It was described to me, perhaps infelicitously, in terms of the game called Whack-a-mole. In the game, little moles appear out of a board, and one tries to hit them in order to score. If one does not hit them, one does not score. It was put to me that a lot of the counter-insurgency work in Iraq is a matter of reacting to where the insurgent appears. I have been told that the Pentagon is examining the oil-spot concept, which we should examine too, in order to begin to establish stability on the ground. *[Interruption.]* The man who introduced it into current thinking described the concept as an oil spot, because it has the ability to spread. I hope that we are examining that concept, because there are lessons to be learned.

When we discuss defence in the United Kingdom, any consideration of our military commitments in Iraq or Afghanistan must encompass the general time scale within which our troops will come home. As the Secretary of State knows, I have never sought a firm date, which apart from its impracticability would send a dangerous signal to the insurgents. However, I continue to seek benchmarks against which to assess when the job is done. The time scale was once described to me as the length of a piece of string, but that is no longer good enough, and the string must have knots in it to serve as points of reference as we move along.

I hope that it has become apparent that defence in the United Kingdom is now indivisible from our wider commitments overseas. They are different elements of a single narrative, and the common thread is the dedicated, committed, courageous and selfless men and women who put themselves and their lives on the line for our country. I despair of this Government, who ask so much of the armed forces and give so little, and I despair of the resolve of the MOD to fight its corner in the corridors of Whitehall and the inner sanctums of the Treasury. We know that we have a Chancellor of the Exchequer who neither values nor understands our armed forces, and a Prime Minister who talks big but walks small on the welfare of our servicemen and women.

In a democracy, there should always be an overriding understanding that, if we commit our armed forces to action, we have a total responsibility for seeing that they are adequately manned, adequately equipped, adequately trained and adequately supported. The

[Mr. Ancram]

Government fail on all those counts, but it is not too late for them to turn over a new leaf and start to fulfil their responsibilities, and I urge them to do so.

Several hon. Members *rose—*

Madam Deputy Speaker (Sylvia Heal): Order. May I remind all hon. Members that Mr. Speaker has imposed a 15-minute time limit on speeches by Back Benchers?

2.37 pm

Mr. Peter Kilfoyle (Liverpool, Walton) (Lab): I am sorry that the Secretary of State is about to leave—ah, he has decided to return. It is not for me to give a man of his calibre advice, but having heard the shadow spokesman's comments, I remind the Secretary of State to beware Greeks and Tories bearing gifts, even if they are only encomiums of praise. I do not know what it does for my right hon. Friend, but it makes me very uneasy when there is such a closeness between the Secretary of State and the Opposition spokesman.

I had the pleasure of watching a drama on television last night about Siegfried Sassoon, who was a great poet. The drama was about his treatment in a hospital in Scotland, where one of his co-rehabilitees was another great war poet, Wilfred Owen. The immortal lines of Wilfred Owen's greatest poem come to mind:

> The old Lie: "Dulce et decorum est Pro patria mori".

No one wants to see the modern soldier reduced to the condition of soldiers in the first world war.

It was interesting to hear Sir Ian Blair deliver the Dimbleby lecture and discuss the need for a great and open debate on policing in this country. His speech reminded me that the Secretary of State for Defence recently said that there should be a national debate about what replaces Trident, and I want to discuss the changed circumstances and whether we need to replace Trident.

The strategic defence review reported in 1998. The House of Commons Library note on the review makes the valid remark that the SDR then was evolutionary rather than revolutionary. However, it did not face up in a radical way to many of the circumstances that it should have done, but continued the pre-existing policy.

The one thing on which I will agree with the Government is that circumstances have changed dramatically since 9/11. We are told that it was year zero and that all the rules of the game have changed. If so, we need a proper review of our overall defensive strategy.

Before the debate, I jotted down some of the things that have happened since 9/11 to change dramatically our stance, or implied stance, given our close relationship with the United States on a bilateral basis and through NATO. Our close allies, to whom, we are told, we are inextricably linked, are considering the weaponisation of space. Members on both sides of the House recently went to a briefing with the Washington-based Centre for Defence Studies on exactly how the air force is developing plans for that. The Americans have adopted the notion of full spectrum dominance, with the aspiration of dominating land, sea, air, space and cyberspace. They have taken up the notion of pre-emptive war, which we thought was unacceptable for the west. They have even started to moot, with some support from the previous Secretary of State for Defence, the idea that nuclear strikes on non-nuclear countries, even in a pre-emptive mode, would be feasible. There have been various withdrawals from treaties to which we all subscribed, and a failure to implement others, including those that have a direct impact on whether Trident is replaced.

We are entering a time frame in which we are considering earmarking expenditure for Trident's successor. There is ample evidence that a lot of money has been allocated in preparation for the new generation of warheads for it. Refitting has already taken place at Aldermaston.

We are in a different world and about to embark on a new course. There is no more suitable time for a complete review of what our defence objectives, strategy and priorities should be.

Dr. Julian Lewis (New Forest, East) (Con): In support of the hon. Gentleman's remarks about Trident, albeit from the opposite side of the argument, I remind him that in the 1980s, in the run-up to Trident, the then Conservative Government published a series of open government defence documents that aired the arguments about the decision to replace Polaris with Trident. Does the hon. Gentleman agree that if the Government are serious about starting the debate, they should begin by publishing a similar rationale, so that the public debate can get under way as to why we need a successor or, indeed, why we do not?

Mr. Kilfoyle: A future risk assessment was carried out in March 2003 to consider our changing circumstances, but unfortunately it was not taken up politically. We are in a different world. The Government have to show us what enemy, real or potential, Trident would be aimed at, and how that fits in with the emphasis on asymmetrical warfare that was mentioned in the future risk assessment. The stuff that Kitson predicted many years ago about the sort of warfare that would be endemic—I would argue, throughout the 21st century—has come to pass. We should consider that through a great national debate, not, as the current Secretary of State suggested, simply on a successor to Trident but on what our policy objectives should be.

We must not be pre-emptive in our discussions. Nothing should be excluded and nothing should necessarily be included. We should have a full and open debate analogous to that for which Ian Blair called for the police. Why do we not hold such a debate on the future role of our defence forces? That does not in any way minimise their current importance or disposition—we will all have arguments about that—but we need to look to the future with an open mind, not a closed one.

The Foreign and Commonwealth Office, not the military, should lead such a review. If we accept another old adage, that warfare is diplomacy by other means, we should establish our diplomatic priorities first and everything else should fit around that. The only way to avoid the accusation that big boys' toys win out is to hold a serious, wide-ranging and open debate on what we face in the 21st century.

Apart from the arguments about the reasons for the Iraq war, Denis Healey concluded our commitments east of Suez 39 years ago, but now we find that we are drifting further east. We have a commitment in Iraq, and that in Afghanistan is about to be expanded. We can only fear the speculation that suggests that our commitments may spill over into Iran or Syria. Long before today, we placed what we were capable of doing against what we aspired to do. We need to examine closely the matrix of foreign policy and diplomatic objectives and defence objectives.

I am conscious that we have only a short time, and I do not have a great deal more to say. I support a complete and open debate, before we are committed to a successor to Trident, to take account of the same circumstances that are drilled into us at every opportunity by Government spokesmen and women.

There was an interchange between the right hon. and learned Member for Devizes (Mr. Ancram) and the Secretary of State about the moral courage or otherwise of Chiefs of the Defence Staff. I would not particularise or make an accusation for the sake of it—for what it is worth, I do not believe that one was made—but nobody is beyond criticism, whether they are Chiefs of the Defence Staff or ordinary squaddies. Everybody has a part to play in any military enterprise. They know their responsibilities and they should face up to them. It is fatuous to assume that, simply because somebody carries the great title of CDS or CGS, they should be immune from criticism. However, I accept that, as the Secretary of State said, a case has to be made.

Let us make another case. Perhaps we would not be facing some of the dangers that confront us today if we had listened to the then Chief of the Defence Staff at the outset of the Iraq war. Lord Boyce questioned the legality, discussed the appropriateness of the kit and whether it was fit for use and, critically, looked for an exit strategy, which was not there. It ill behoves us to criticise people when they get it right. In that instance, if we had listened a little more to the military at the top, our soldiers and our interests would not be facing some of the dangers that confront us today.

2.49 pm

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): The hon. Member for Liverpool, Walton (Mr. Kilfoyle) made some important points, to which I hope to return. I join in the earlier tributes to the right hon. and learned Member for Devizes (Mr. Ancram). In the past three or four years, I have sat through many foreign affairs and defence debates in which he has participated. I have listened to many of his speeches. We have not always agreed—we may not do so on certain matters this afternoon—but I have never doubted his commitment and knowledge. I am sure that he will continue to contribute to our debates on those matters in future. Tributes were quite properly paid earlier to the bravery, dedication and professionalism of the armed forces in this country in all their different roles, on operations abroad or in the United Kingdom. There were also tributes to the emergency services and the way in which they work with the armed forces in carrying out their terrible duties on days such as 7 July this year. I associate myself and my right hon. and hon. Friends with those comments.

On Remembrance Sunday last weekend, we all in our different ways, at constituency events or elsewhere, paid tribute to veterans and to those who gave their lives in the service of this country. A few weeks ago, I was lucky enough to visit the Earl Haig poppy factory in Edinburgh. I was shown around and saw not just the great work in the factory, which produces millions of poppies every year, but the work undertaken with the money raised. In Scotland, about £1.4 million was raised last year. In the rest of the UK, I understand that the British Legion raises about £23 million through its appeal. That is both a staggering achievement and a sign of just how important it is that we continue to work on behalf of those living in our communities who have served this country. It is right that we should continue to remember those who gave their lives in world wars, and all others who have done so in the service of their country.

The debate is fairly broadly defined, which the contributions so far have demonstrated comprehensively. I want to focus on a few key areas. In the past, Select Committee reports have sometimes been the focus of these debates. There have been none as yet in this Parliament, but I know that the Defence Committee has been working extremely hard and has had some interesting evidence sessions, which I hope will lead to reports in due course.

I commend the Ministry of Defence for its annual report—a comprehensive document that provides a useful focus on the MOD's thinking and its activities throughout the year. I will try to follow loosely the structure of that report in picking out subjects for discussion.

It is fair to say that defence in the United Kingdom is based on a strategy for which there is a large degree of consensus in the country. That is not to ignore substantial differences over specific issues such as Iraq, nor to suggest that there is not plenty of scope for major disagreements over many areas of implementation and detail. One of the most significant strategic issues, however, which has the potential to unpick that consensus, is the future of nuclear policy, to which the hon. Member for Liverpool, Walton referred.

The defence White Paper, "Delivering Security in a Changing World", published in December 2003, first raised the issue of the replacement of Trident when it indicated that a decision was "likely to be required" in this Parliament. At the time, the quote might have looked as though it was tucked away in relative obscurity at the bottom of page 10, but since the election it has attracted a great deal of attention in this House and elsewhere. That is entirely understandable, as this is one of the most important debates that the country will have.

Our election manifesto committed us to work first and foremost for the elimination of nuclear weapons on a multilateral basis while retaining the United Kingdom's current minimum nuclear deterrent. We retain that position. If we are to be able to make a decision on the replacement of Trident, however, a properly informed debate is needed beforehand. There are significant questions about the timing—why now? We need information about the options being considered and the costs that go with them, assessing not only whether it is a cost that the country can afford, but the opportunity costs in the sense of what will be lost if we divert resources to that particular investment. We also need a full and frank debate about the strategic context, not just about the nature of the threat—we need to bear in

[Mr. Michael Moore]

mind that we are trying to predict 20 or 30 years on—as we also need to take account of the projected alliances of which we are members.

There are, of course, philosophical, moral and many other—including even instinctive—reasons that will be brought into the debate. We must have that debate, and to inform it I would endorse what was said by the hon. Member for Liverpool, Walton and the hon. Member for New Forest, East (Dr. Lewis) about the need for a consultation paper. In response to a question put by the hon. Member for Pendle (Mr. Prentice) on Monday, the Secretary of State indicated that he might come forward with a Green Paper on the matter, and we believe that he should. I hope that in replying to this afternoon's debate, the Under-Secretary will be able to give us a firmer commitment on that, and preferably a timetable.

One of the key areas of policy that will be before us before long is the proposed armed forces Bill. It has already been subject to some pre-legislative scrutiny. The Bill is important as a quinquennial review of service discipline, but this time we know that it will be more than a tidy-up. It will deal with streamlining the different systems in the three services into one, while seeking to harmonise military law more closely with civilian law. The core principle of service discipline is that the military is not above the law and must operate within it. The Ministry of Defence mission statement does not talk only about the need to defend the UK and its interests and strengthen international peace and security—it rightly adds that our forces must

"act for a force for good in the world".

We certainly believe that operating within the law is a prerequisite for that. That is a heavy burden to place on military personnel, who face untold dangers and take daily risks with their own and others' lives. As was observed earlier, they cannot strike or speak out and they have to go where they are sent. We surely owe them a vast duty of care. As a minimum, that requires a clear set of rules and clear law that take account of the extraordinary things that we expect of them.

Recent case law, with Trooper Williams and the collapse of the 3 Paras trial a couple of weeks ago, has put those issues under a sharp spotlight. We must carefully learn the lessons from those cases. The Minister has said that a comprehensive review of those cases is now under way. Indeed, he rebuked some of us last week, during the debate on the urgent question of the right hon. and learned Member for Devizes, for apparently rushing to conclusions. It is always a delicate balancing act—we are not allowed hindsight, but we must not pre-judge either. Fine, but we need assurances that some of the issues highlighted by people involved in those cases are seriously examined. We need prompt and timely investigations—without any massive gaps between the alleged incidents and the investigation—and adequate resources must be made available for them. There should also be proper legal expertise among not only those pursuing the case, but those actually doing the investigation.

In bringing forward the new Bill, we need a commitment that we will see not only the law being reformed, but the resources necessary to ensure an effective and just system of military law. It would certainly help the House if, in replying to the debate, the Under-Secretary could clarify when he anticipates the publication of the Bill and its proceedings through Parliament. Will he also make it clear whether there is any intention to use the quasi-Select Committee approach to the Bill's consideration, as used in the past?

Military law underpins the services and is vital to our credibility in the wider world, but it also matters to people here in Britain, not least to the parents of young servicemen and women—the gatekeepers, as the Secretary of State put it in the House a few weeks ago. Confidence in the disciplinary system is absolutely necessary, not least to root out the bullying that breaks out from time to time, and which is a scar on our armed forces' reputation. The latest available Army version of the armed forces continuous attitude survey to April of this year makes for grim reading in that respect. One key set of findings highlights the fact that 25 per cent. of soldiers had cause to complain about unfair treatment, discrimination, harassment and/or bullying. More than half were dissatisfied or very dissatisfied with the objectivity and fairness with which their complaint was handled. I accept that that is a snapshot, but it is a worrying signal at a time when the tragic events at Deepcut remain firmly in the public eye. Ministers are well aware of the dissatisfaction of parents and families with the investigation so far and their anger at the limited publication of the Devon and Cornwall police report. Many also have long-standing fears about restrictions to the scope of the Blake review.

Ministers know better than any of us the damage that such things can do to recruitment, and will want to limit it. I understand that we can expect no commitments from Ministers at least until the Blake review has been completed. However, I hope that they will recognise parents' fears that this review will not necessarily succeed in answering their questions, and that they will be ready to push such issues further if the outcome is unsatisfactory to them. In an earlier intervention, my hon. Friend the Member for Montgomeryshire (Lembit Öpik) raised concerns about publication of the full report of the Devon and Cornwall police review of the Surrey police investigation. We welcome the Minister's sensitive comments and hope that that will lead to some progress.

If I may, I want to change the focus and turn to what is potentially one of the MOD's great success stories: Qinetiq, which, according to its own blurb:

"is one of the world's leading defence technology and security companies".

It does indeed have an impressive track record that stretches back to its original MOD days. It was involved in the development of liquid crystal displays, carbon fibre, microwave radar and much else besides. Today, it is at the forefront in many fields, including defence interests such as unmanned aerial vehicles and robotic bomb disposal, and other developments such as runway radar, which is used to identify dangerous debris. It has a breathtaking range of capabilities, fantastic employees, great management and wonderful potential.

As guardian of our national security, and as a shareholder and customer, the MOD clearly has a significant interest in the future of Qinetiq. This is surely an issue for Parliament, given the intention to proceed to flotation. All the signs for a flotation are there. Last year's readiness study by Morgan Stanley apparently concluded that flotation was appropriate. This year, Credit Suisse First Boston, JP Morgan and Merrill Lynch were appointed as financial advisers, with the ubiquitous Rothschild as consultants. Acquisitions continue apace, particularly in the important United States market, but also in Belgium with the acquisition of a satellite maker. At the very least, that will challenge a few long-held stereotypes about Belgium.

Press reports over the summer indicated that we are heading toward a £1 billion flotation by the end of the year. However, according to recent reports such as that in *The Daily Telegraph*,

"it is understood to be gearing up for a . . . flotation in the first half of next year".

It is hard to find any clues from official sources so far. The MOD properly refers to the company in its annual reports and financial statements, but there is no mention of the flotation. Qinetiq's own annual report—admittedly, it is six months old—talks about it only "in principle". In an interesting recent development, the company's website commented on an article that appeared in the *Guardian* late last summer and spoke about the "purported" flotation, rather than an actual flotation. There is much coyness about the matter, but quite a lot of information has slipped into the public domain. Perhaps this debate offers a chance for Parliament to begin to share in that information, as there are serious issues to be considered.

Ministers may say that flotation is a matter for the company, but Qinetiq's executive chairman, Sir John Chisholm, said, when asked after last year's positive readiness review why no flotation was in prospect, that it was

"a matter for the shareholders."

It is important to remember that after the part-privatisation of a few years ago, the MOD retains a 56 per cent. shareholding. Employees have 13 per cent. and the private Carlyle group has 31 per cent. Therefore, the question of flotation is very much one for the Government and Parliament.

Important questions need to be addressed. For example, who is driving the demands of the flotation? Clearly, the company's management is incentivised and therefore has an interest in the matter. The Carlyle group has made it clear that it wants an exit from its strategic investment, but is the drive coming from the Treasury, whose instinct is to sell things off and raise money, or is it coming from the Shareholder Executive, which is responsible for the most commercial parts of Government and has some challenging targets to meet?

It would be helpful if some suggestions in the press could be put to rest. For instance, there has been talk that the financial imperatives of the flotation are leading Qinetiq to bulk up by acquisition and to focus less on pure research. How are we to ensure that the taxpayer will get a fair return? That is important, not least because it appears that the Carlyle group has some very interesting tax shelter arrangements in Guernsey, which most outside observers consider to be highly unusual in this context.

Will the MOD receive receipts for its already tight budget? So far, the company's profitability has depended on its contracts with the Ministry. Some reports say that Qinetiq will receive £250 million from any flotation and that the rest will go to the Treasury. The veracity of that is hard to assess when we do not have the full picture or know whether the MOD will retain a direct stake in the company.

There is also a very important national security angle to the matter. As I have mentioned already, Qinetiq is a significant supplier to the MOD, so its ownership will be of crucial national interest. A special share is mooted, and its creation might indicate that the company will not be listed abroad or that it will not move into foreign ownership. Where might Thales or even BAE Systems fit within those requirements? After the flotation, how will potential conflicts be handled and will there be a new basis for Government funding to the company?

There is no doubt that other issues merit consideration and I have given the House just a sample. My understanding is that the flotation does not require primary legislation, and I should be grateful if the Minister who winds up the debate will confirm that much at least. If no such legislation is needed, how will Parliament be involved in the legitimate scrutiny of what would be a very significant development?

I emphasise that I believe that Qinetiq is an excellent company and that my party has no objection in principle to its flotation. However, many unanswered questions remain, to which Parliament really should receive an answer before the flotation proceeds much further.

Qinetiq is a major part of the early development of future capabilities for the military. The MOD properly expends a great deal of effort in that area—the future of provision of equipment to the military has already figured strongly in this debate, as has the related defence-industrial strategy that will underpin it. It is understood that Lord Drayson will make an announcement soon, and I hope that we will then be able to have a serious and informed debate on the matter.

One final matter in respect of future capabilities has to do with the regiments. This is well-trodden ground: I respect the fact that recent presentations to Members of Parliament have set out what is planned, and that the game will soon be up. However, I hope that Ministers do not lose sight of the fact that there is still a great deal of anger and resentment in communities throughout many parts of the country, not least in my constituency. We will not only lose our local regiments—the King's Own Scottish Borderers and the Royal Scots—but those regiments will be merged into a single battalion of the new Royal Regiment of Scotland.

I have never been persuaded that the modernisation, which we support, requires abandoning the historical regiments and all that goes with them. Will the Minister at least give us assurances today about the future of the museums and regimental headquarter offices, which act as a focal point for communities in different parts of the country?

Ann Winterton (Congleton) (Con): Will the hon. Gentleman confirm that the Scottish regiments—I have an interest because members of my family fought in the Black Watch—can retain their cap badges, whereas English regiments are not allowed to do so?

Mr. Moore: Indeed. I do not wish to comment, but I am sure that the Minister has heard the hon. Lady's point. Perhaps he will be able to explain the situation to her in due course because I know how important it is.

My father was a chaplain in the Army for five years, during which time he was attached to the Royal Highland Fusiliers. I visited its museum a few weeks ago, as have Ministers and many other hon. Members. The traditions and legacies are important—so many people are distressed that they will be lost. There is still one major effort going on outside Parliament to illustrate the folly of what is being done and the strength of feeling among the public. When the national petitions are brought to Parliament, I hope that Ministers will take careful account of them.

I am sure that this will continue to be a wide-ranging debate because there are many contributions still to come. I hope that the Minister will have the opportunity to deal with the huge range of issues raised, whether that is in his winding-up speech or by correspondence in due course. We devote a great deal of parliamentary time to such matters, but given what we ask of our servicemen and women, that is only right and proper.

3.12 pm

David Wright (Telford) (Lab): It is a pleasure to follow the hon. Member for Berwickshire, Roxburgh and Selkirk (Mr. Moore) in this afternoon's important debate on defence in the UK. I shall address my remarks to issues surrounding Shropshire and the civilians who work for the Ministry of Defence there. I shall then raise a couple of points about policy to which I hope the Minister will listen.

Before that, I pay tribute to those who run the armed forces parliamentary scheme, especially Sir Neil. I have been on the scheme over the past 12 months or so with the Royal Marines. I thoroughly enjoyed the experience, and was joined by my hon. Friend the Member for North Durham (Mr. Jones) and the hon. Member for Bournemouth, East (Mr. Ellwood). We had some interesting times, especially in northern Norway when we slept out in a tent in temperatures between minus 32° and 34° C. We got a rounded view of how the Royal Marines operate. The scheme should continue to receive the support of Parliament and hon. Members.

Increasingly—and thankfully—Members of Parliament do not in large part have the opportunity to serve their country in the field of conflict. Although that is a good thing, it is important for people to go out and get a taste of military life, and the armed forces parliamentary scheme enables them to do that.

Before I speak generally about civilian posts in the Ministry of Defence in Shropshire, it is important that I pay tribute to members of our armed forces throughout the globe who are serving us in these difficult times. They do a tremendous job. The Royal Marines are deployed out there, as are other parts of our armed forces. We should pay tribute to them wholeheartedly this afternoon for the work that they do on our behalf.

I am worried about several of the changes that the Government are proposing to the civilian structures that service and serve the Ministry of Defence. I want to raise three particular concerns. The first relates to the Donnington site, which is in the constituency of the hon. Member for The Wrekin (Mark Pritchard), who is in the Chamber today. The site is large and significant; it is affectionately known locally as the depot and has provided a large number of jobs over many years for people across Telford, the Wrekin and the wider Shropshire area. We received some difficult news earlier this year when the Government announced that they were planning to review and indeed lay off members of staff in the Army Base Repair Organisation at Donnington. They also announced a further phase of reviews. Last week, the Minister of State announced a further 628 job losses at the ABRO site up to 2010. I, other Members and the local community were devastated at that news.

The future for Donnington is not all dark, however. The future defence supply chain initiative has been rescued for Donnington. We shall still have a Ministry of Defence presence at the site and there may be some scope for jobs growth in the FDSCI structure. Of course, that is at the expense of the closure of the base at Stafford and I hope that some posts may move from there to the Donnington site. However, the news about ABRO is devastating for local communities and I am pleased that the Minister has agreed to meet us to talk about the issues.

Mark Pritchard: The hon. Gentleman mentioned jobs growth at Donnington. Can he clarify which Minister confirmed, and when, that new jobs will be created at Donnington? That news would come as a surprise to the work force.

David Wright: The hon. Gentleman is right. The FDSCI announcement was about job losses at Donnington, but I hope that as we debate the future structure of the site there may be growth in some areas of the supply chain. That would be positive. No announcement has yet been made, but I am sure that the hon. Gentleman will join me in wanting to debate the issues over the coming months.

I am delighted that the Minister has agreed to meet the trade unions and the leader of the new council taskforce to discuss the situation at Donnington, and I hope that my hon. Friend—if I may call him that—the Member for The Wrekin will join us at that meeting. It is important to show a united front in our efforts to ensure that jobs at ABRO are protected. If they are to go, however, we must prepare the local community as best we can. We need to ensure that people are offered opportunities for retraining and reskilling, and the taskforce idea could enable us to do that.

Jeremy Corbyn: As someone who grew up near the Donnington depot—which we used to refer to as the dump, but that is the way it was in those days—I obviously hope that my hon. Friend is successful in his meetings with the Minister. Are any of the proposed job losses at Donnington due to the contracting-out culture that is rife in the MOD, and the possible privatisation of some services? There is a committed and skilled long-term, loyal work force at Donnington who should be looked after.

David Wright: My hon. Friend is right. We may be taking a step too far with some of the proposals for privatisation and the business structures relating to the supply chain, maintenance structures and services that the Donnington work force perform so well. We shall be debating those issues with the Minister over the coming months. There is an opportunity for us to discuss the outline business case that has been drawn up. My understanding from the trade unions, whose representatives have seen the outline case document, is that it does not discuss in detail the advantages of retaining jobs and services at Donnington. We shall certainly want to focus on that issue when we talk to the Minister in the coming weeks.

One of the best apprenticeship schemes is run from the ABRO site at Donnington. It is a shame that we may lose an extremely good scheme that not only serves the MOD but provides skills for people who go into the private sector. Those are high-value, high-quality jobs and we need to try to work together to defend them.

It would also help if the Minister could say something, perhaps in his winding-up speech, about possible Government support for the proposed rail freight terminal in the north Telford area, which straddles my constituency and that of the hon. Member for The Wrekin. It would be particularly positive if the Government could help us to ensure that that terminal is built in Telford, using a mix of MOD land and land owned by the public. That could bring several hundred jobs into the local economy. I hope that Ministers will look closely at the options and the proposals made by the local authority to develop a rail freight terminal on that site, which, I repeat, is fondly known as the depot.

The second sort of work that goes on in the wider Telford and Wrekin area is that of the Equipment Support Procurement and Provision Agency, which is located in my constituency at Stafford Park. Constituents of the hon. Member for The Wrekin also work at that facility and we are both extremely concerned about its future and ongoing activities. ESPPA was formed in 1995 from the technical equipment division at Donnington, the procurement branch at Andover and the vehicle spares division at Chilwell. More than 400 employees work at Sapphire House, where ESPPA is located.

Proposals are being considered to collocate that facility at Abbey Wood in Bristol. That is extremely alarming to local employees and local trade unions. I have met the trade unions who represent members at that facility, and they are finding it difficult to determine exactly what the Government's proposals are. There is great concern that Ministers are getting to a point where they almost have a fait accompli and that the facilities offered at Sapphire House will almost automatically move to Abbey Wood. I should like to raise that incredibly important issue again with the Minister at our meeting on 29 November.

It is important that the jobs at ESPPA stay in Telford for a number of reasons. I do not think that the 400-plus people will redeploy to Bristol. They will probably have to find jobs in the wider economy. I do not want that to happen; I want those jobs to stay in Telford. The MOD will find it incredibility difficult to recruit staff in Bristol, certainly skilled staff. These are skilled jobs. Those people procure products for the armed forces. It will be difficult to replace them when most of them will not want to move from the Telford area. Of course, it is also more expensive to live in Bristol and I am sure that many people will not want to move because the costs of living are greater there.

Salaries will be greater for the MOD in the Bristol area. One of Telford's great advantages is that it represents excellent value for money in terms of costs to the MOD. Such a move would run counter to the principles of the Lyons review. That is also the case for ABRO. We should ensure that defence has a footprint right across the UK, including the midlands and the north. Moving jobs to the south of England is symptomatic of our not having a footprint right across the UK. That is somewhat alarming. I want to raise issues that relate to ABRO as well as ESPPA with the Minister on 29 November, and I hope that we will be joined by trade union colleagues.

The third issue that I want to talk about is the defence training review at Cosford, which is in the constituency of the hon. Member for The Wrekin. We obviously share the fact that many of our constituents are employed there. I do not want to say too much about Cosford—the hon. Gentleman will probably have quite a lot to say about it—but it is important to note that there are 1,038 military jobs at Cosford and 942 civilian and contractor posts, as far as I am aware, and it is a jobs engine for our local economy.

The defence training review is being examined at the moment. My hon. Friend the Member for Vale of Glamorgan (John Smith) will also be interested in the outcome of that review. Cosford presents the opportunity to provide an excellent location for defence training in the UK. The site could expand by up to 300 per cent. in a number of scenarios. That would give us a real opportunity to provide new jobs, which are so important in the Shropshire economy, and which will service not just Telford and Wrekin residents, but the black country and the wider west midlands area.

I hope that the Minister will look carefully at the proposals relating to Cosford and the defence training review. It is an incredibly important site for us. In some ways, we are an RAF county, with the RAF presence at Shawbury and Cosford, and the RAF has a long tradition of being in Shropshire. I hope that we will continue to have that presence in the county and see it expanded over time.

This is a big contract. I understand that two competitors, with two separate sites, have emerged to be examined by Government, and I understand that that decision may be some time away, but it is important that the Minister should once again engage more generally with regard to the importance of defence training jobs within the wider Shropshire economy.

I close by looking at two broader policy issues that have already been raised in the debate. The first relates to our independent nuclear deterrent and the second to community ownership of the armed forces. Clearly, we will have to make some decision in the coming months and years about whether we retain an independent nuclear deterrent. The manifesto on which I stood understandably commits us to retention of that independent deterrent, but I hope that we will have a wide-ranging debate about how appropriate that is, in the sense that the world has changed somewhat. Certainly, a replacement for Trident would be extremely expensive.

I put it clearly on the record that I would support the Government and vote for the replacement of the independent nuclear deterrent. I am not suggesting that

[David Wright]

we abandon it, but I am not sure that we need to go for an extremely expensive deterrent option. We must look at a raft of options. We may have to consider nuclear-tipped cruise missiles, which may be deployed from different platforms. We need a wide-ranging debate on that and to think about the money that we are spending. Certainly the concern of members of the armed forces is that, if we are to deploy troops effectively in a modern environment and meet the challenges that now face us as a country, we need to invest significantly in flexible response conventional forces.

David T.C. Davies: I welcome the hon. Gentleman's comments and I am delighted that he supports Britain having an independent nuclear deterrent. Is he pleased about the fact that a Conservative Government won elections in 1979, 1983 and 1987 when his colleagues were trying to scrap our independent nuclear deterrent?

David Wright: That is an interesting point, but times have moved on. I hope that I have made my position very clear this afternoon.

My position is clear. I support the retention of an independent nuclear deterrent, but we need to consider a range of costed options before we decide to commit.

Jeremy Corbyn: Is my hon. Friend confident that this deterrent is either a deterrent or independent?

David Wright: That is the very debate that we need to have, but I have put my position clearly on the line this afternoon. I would vote for retention. Some of the people in my local Labour party may disagree with me, but I am willing to say that I think that we need to have that independent deterrent but that we need to look at options other than Trident or a replacement for Trident, which are incredibly expensive. There must be cheaper options that we can use and divert resources into conventional forces.

I want to finish by talking about community ownership of the armed forces. We have moved away from that in the changes that have been made to the regiments with their identities based on counties, and that is a shame. Over the years, my relatives have served in the King's Shropshire Light Infantry and the Royal Artillery, although that is a distinct regiment, obviously not based upon a country structure. I wish that we could do more to keep a community connection with our armed forces. We do not seem to name our ships any more after counties or towns. We seem to give them more general names. Let us start to think about connecting our communities again with our armed forces. Let us have an HMS Shropshire or an HMS Wrekin—

Mr. Kevan Jones: HMS Telford.

David Wright: Indeed. Let us start to think about identity and how we connect and reconnect our communities with our armed forces. It is so important.

3.30 pm

Mr. James Arbuthnot (North-East Hampshire) (Con): I agree with much of what the hon. Member for Telford (David Wright) has just said. I share fully in his praise for the armed forces parliamentary scheme, and I will come on to recruitment and the community connection that he talked about. I think that a great deal of benefit would be achieved by naming a ship HMS Hampshire, but then I would say that, wouldn't I?

I must begin, and it is a huge pleasure to do so, by paying tribute to my predecessor as Chairman of the Select Committee on Defence, the right hon. Member for Walsall, South (Mr. George). He truly believes in defence and in this country. He has served the House and the Defence Committee very well over the past two Parliaments and his shoes are difficult to fill—indeed, everything is difficult to fill because he is larger than life.

It is a new Committee. It has outstanding support from its staff; we are very lucky in that regard. From what I can see of the way it is working so far, it will be an extremely good Committee. It is larger than before; the number of members has increased from 11 to 14. It was over-subscribed. A lot of people who would have liked to be on it are not. We are working very hard, as the hon. Member for Berwickshire, Roxburgh and Selkirk (Mr. Moore) kindly said. We have a full programme. We have started investigating the carriers and the joint combat aircraft. We have already had some interesting evidence sessions on that. We have also started an inquiry into delivering future capability for the Royal Air Force. Yesterday, we were at RAF Marham and saw some dedicated and enthusiastic people there working to do exactly that.

I asked the Minister of State earlier what the repair arrangements were going to be for the joint combat aircraft and for the Nimrods. That was with a view to discovering whether there was a principle behind his move of the repair facilities from, for example, DARA St. Athan to RAF Marham. I was disappointed in his reply in that he said that he simply did not know the answer. Therefore, it did not strike me that there was much principle behind the move. We will have to go into that.

The Defence Committee is beginning an inquiry in relation to Afghanistan, where the Allied Command Europe Rapid Reaction Corps will deploy next year. We have already had some interesting discussions about the difficult circumstances that it will face when it gets there. We have had informal briefings at the MOD and taken introductory evidence from the Secretary of State for Defence.

The Defence Committee will move on to discuss the topic that is increasingly coming up in this debate: the independent nuclear deterrent. I echo the comments made by hon. Members on both sides of the House. When the Secretary of State said that we needed a debate about that subject, he was absolutely right but, for heaven's sake, when is it going to begin? The Committee will play its part in making sure that there is a debate on that matter, but we will need to encourage the MOD to be open, as it was when Trident was first introduced. Perhaps we will need to encourage the MOD to an openness that it has previously resisted, but which would greatly strengthen its hand.

Jeremy Corbyn: I am pleased by what the right hon. Gentleman says about the possibility of the Defence Committee undertaking an inquiry on the issue. Could it do so in conjunction with the Foreign Affairs Committee, so that issues of non-proliferation and disarmament could be considered? They are also part of the debate and should form part of the discussion.

Mr. Arbuthnot: I shall draw that question to the attention of my Committee. It is an interesting idea and it would not be right for me to rule it out or in. I shall leave that to the Committee in its wisdom, which is—I think—great.

We have not yet found the right formula for these debates on defence in the UK. Defence always used to be debated in relation to what we did overseas, because of the expeditionary strategy that this country always used to follow. However, it is good to remember our history. Trafalgar was an overseas event, despite the fact that the name now sounds English to our ears. I wish to draw attention to the outstanding celebrations this year of the 200th anniversary of Trafalgar and, unusually perhaps, to pay particular tribute to my great-great-great-great-grandfather, a captain at Trafalgar who sadly had his head blown off on the day. His memorial is next to Nelson's in St. Paul's cathedral.

The role of defence in the UK was drawn starkly to our attention on 7 July, when we discovered that the threat is as much at home as it is abroad. The Defence Committee suggested in an earlier report that the Government had relied too much on the expeditionary strategy. It said that

> "the MOD is giving insufficient priority to the role which the Armed Forces may in the future be called upon to fulfil in respect of the defence of the homeland."

The Government soundly rejected that. Their reply said that

> "current Defence policy rightly emphasises the role of the Armed Forces in supporting wider foreign and security policy objectives. But … the Armed Forces contribute specific capabilities to standing home commitments and are held ready to support the civil authorities if requested to do so."

I am glad that the Government said that, because we must not forget the experience of the United States in the dreadful tragedy of New Orleans, when it was discovered that too many of their troops had been called overseas to Iraq and were no longer able to perform the home support role with their previous facility. Every decision that we take on overseas engagement has consequences. Next year, 8,000 troops will be in Iraq and we do not yet know how many will be in Afghanistan. There will also be troops in the Balkans, Northern Ireland—not that that is abroad, of course—Germany, Cyprus, the Falklands and Brunei.

The Minister said that he will never tire of paying tribute to the commitment, dedication and bravery of our forces, and neither will I. We will always say that. At the end of the cold war, we decided that it was right to reduce our spending on defence and cut troop numbers. That was a mistake, although I did not think so at the time. It was a mistake that we all made, but we have discovered since the 1990s that the world did not become safer or more secure after the cold war; it needed more troops, not fewer. Nevertheless, ever since then we have seen a rundown in the number of our troops. We need to reverse that mistake. Pressures abroad have consequences at home—in overstretch and in breaches of the harmony guidelines—and the Committee will certainly have to keep a very close eye on that. Recruitment is therefore a difficult, important issue.

I have the impression that the Ministry of Defence is not sure why recruitment is so difficult. I have the impression, too, from something that the Secretary of State said, that he is not entirely sure what we can do about it. I have one suggestion. The Chief of the Defence Staff suggested on Sunday morning that reputational issues and matters such as Deepcut have consequences for armed forces recruitment, and I think that he must be right about that.

The Committee published a valuable report earlier this year on the duty of care. We will begin to recruit at the necessary level only if we in the House and in the country show an absolute determination to treat our troops outstandingly well, both in their service and in their training. A good demonstration of that, if I may make a suggestion to the Minister who will reply to the debate, would be made by implementing the Committee's strong recommendation for an independent tribunal to look into complaints against the armed forces. The independence of that tribunal is essential. It would require a very deep change in mindset in the MOD, but it would be good for the MOD, good for our armed forces and very good indeed for the country.

3.42 pm

Jeremy Corbyn (Islington, North) (Lab): I am pleased to able to take part in the debate. Unfortunately, the Minister of State would not give way to me earlier when I tried to intervene about human resources. I wanted to make the point that when there are media stories and court cases concerning appalling harassment of certain individuals—women and gay and lesbian officers—in the armed forces, there has at the very least to be the most rigorous examination of the facts, but there also has to be action to ensure that the culture does not continue. It would be helpful if the entire report on Deepcut were made available, so that we could all be assured that no residual culture of harassment remained in the armed forces. Such reports and stories must have an effect on recruitment, and therefore have to be dealt with.

The right hon. and learned Member for Devizes (Mr. Ancram) raised several issues about recruitment; clearly there is an enormous problem. Part of that problem is the question of rights within the service, but the disenchantment of many members of the public with the policies in Iraq is part of it, too. I have met the families of some of the soldiers who laid down their life in Iraq. Some feel very angry, some feel very bitter and some feel that the soldiers were misled into going to war. The atmosphere surrounding the question of Iraq has had a huge effect on recruitment. Clearly, many people do not want to face up to that, but they will have to face up to the sense of disillusionment with the policies in Iraq.

I shall make a couple of brief points about Iraq and then talk mainly about nuclear weapons and the Trident replacement. In 2003 the House voted to go to war in Iraq to support the Government's strategy there. We still have 8,000 troops in Iraq, and have lost nearly

[Jeremy Corbyn]

100 British troops. Nearly 2,000 US soldiers have laid down their lives, and an unknown number of Iraqi soldiers and civilians have died. According to *The Lancet*, as many as 100,000 may have died in the conflict. It is perfectly reasonable to ask how much longer troops will be there, and whether the mere presence of British and American forces has not become part of the problem, rather than part of the solution. They may be attracting insurgent attacks, rather than achieving a solution to the obvious problems. While we are fed a diet of news about the problems in Iraq, we are not necessarily told that a significant number of Iraqi politicians, including those elected to the Iraqi Parliament who strongly oppose—

Madam Deputy Speaker: Order. May I remind the hon. Gentleman that today's debate is about defence in the UK?

Jeremy Corbyn: I do not want to challenge your ruling, Madam Deputy Speaker, but if it is about defence in the UK it is perfectly obvious that the presence of British troops in Iraq is part of the debate. Other Members have mentioned the presence of British troops in the Falklands, Gibraltar, Brunei, Cyprus and Germany, so why can we not mention Iraq?

Madam Deputy Speaker: I am quite happy to have a passing reference to the position of troops in other countries, but I do not want this to develop into a debate on Iraq.

Jeremy Corbyn: I have no intention of turning it into a debate on Iraq, but Iraq is an important factor in British military expenditure and the approach taken by the Ministry of Defence. It is clearly central to the Ministry's policy making. When the Secretary of State replies to the debate, as I am sure he will, I hope that he will tell us when those 8,000 troops will come home. At the moment, it appears that it will be December 2006 at the earliest. In view of the disturbing news earlier this week about the use of phosphorus by United States and British forces, we want an assurance that chemical weapons will not be used in any form, even as an incendiary device to guide others into an attack, because of the danger of their use against civilians, which is illegal under the 1925 convention on chemical warfare.

I am a member of the Campaign for Nuclear Disarmament, as is well known, and I chair the parliamentary CND group. The arguments against the nuclear deterrent are very strong, and we need to have a serious public debate about it. I therefore welcome what a number of hon. Members have said, particularly the right hon. Member for North-East Hampshire (Mr. Arbuthnot), who chairs the Select Committee on Defence and said that it may be prepared to undertake an investigation or inquiry into the matter. I repeat what I said in my intervention, when he kindly gave way to me. The Defence Committee ought to be joined by the Select Committee on Foreign Affairs. The Defence Committee has responsibility for defence matters, but it does not have responsibility for disarmament policy nor, indeed, for the operation of the non-proliferation treaty, which is clearly relevant. I therefore hope that that suggestion will be considered seriously by both Committees, because it would make an important contribution to the public debate.

The hon. Member for Liverpool, Walton (Mr. Kilfoyle) talked about US strategy, which includes full-spectrum dominance and thus the development of a new generation of nuclear weapons. Indeed, there are many signs that the US is already spending very large sums on preparing for a post-Trident world, but that does not mean that the UK should do so. We must consider two things: first, our existing expenditure; and, secondly, what happens afterwards. I recently asked the Secretary of State about the cost of running AWE Aldermaston and capital investment in the base. I was astonished to learn that over the past five years, AWE Aldermaston has cost £1.5 billion of the defence budget, of which almost £100 million has been spent on capital investment in the past year. I would be interested to know what that capital investment was. I hope the money was not spent on preparation for, or manufacture of, a new generation of nuclear weapons to succeed Trident. We have been told, and I accept that we were told in good faith, that no decision has been made on a post-Trident world through the refurbishment of Trident or some new nuclear weapons system.

It is worth thinking for a moment about the costs involved. They are huge, as my hon. Friend the Member for Telford (David Wright) pointed out. The original cost of Trident was £12.52 billion and the annual running costs are about £1.5 billion. Trident's lifespan was predicted to be 30 years. The Trident refit that is taking place at Devonport docks in Plymouth was estimated in 1997 to cost £650 million, but it is already running at almost £1 billion—about a third more than the original estimate. It is not a cheap system, even with the current refit. A replacement of Trident would cost around £25 billion. There is a great deal else that one could spend such a sum on—not least, it would allow us to meet the UN millennium development goals every year for the next six years. It is important that in the debate we throw all these factors into the equation.

The wider question is how secure the world is with nuclear weapons or with Trident. If we replace Trident nuclear missiles, we will be running contrary to the rule and expectation of the non-proliferation treaty. Although it puts the five declared nuclear weapons states in a special position, it does not allow them to develop new generations of nuclear weapons while at the same time saying that the signatory nations to the non-proliferation treaty cannot develop their own nuclear weapons. If we do not want proliferation, a good example must be set by the five declared nuclear weapons states. I hope the UK does not develop a new generation of nuclear weapons. I do not believe them to bring security. I believe them to be immoral and dangerous, and to encourage others to develop nuclear weapons.

The Secretary of State said that there must be a public debate on the matter. We all welcome that. It would be helpful if, in his reply, he could set out the options, the cost of the existing system, the cost of replacement and the legal opinion with respect to the non-proliferation treaty, so that there can be a serious, informed public debate about it. That debate will take place anyway in the public arena. It is extremely important that it also takes place in the Chamber and in the Committees of the House.

We are debating defence. The world is obviously not a simple or a stable place. We must ask ourselves whether such fantastic levels of expenditure on defence make the world a safer place, or whether we would be better off spending a little more energy addressing issues of inequality, poverty and instability around the world, rather than assuming that there is a military solution to every problem. I say that because I want to see a more peaceful world, as does the entire House, I am sure. The possession or development of nuclear weapons does not bring that about.

3.53 pm

Ann Winterton (Congleton) (Con): I welcome the opportunity to speak briefly in this important and wide-ranging debate on defence in the United Kingdom. I begin by paying tribute to the members of the armed services who serve this country so well. We are very proud of them, of the standards that they set and of what they achieve.

I shall also pay a brief tribute to my right hon. and learned Friend the Member for Devizes (Mr. Ancram), who this afternoon made his last appearance at the Dispatch Box. He has given long and distinguished service in the House, and perhaps he will feel happier at laying down the burdens that that has placed upon his shoulders. He will be much missed, but I can assure him that in stepping down, he will rediscover the freedom and independence that Members on the Back Benches are allowed in some small measure from time to time.

The Minister has made it clear in numerous written answers that the final structure of the Territorial Army will be confirmed by the end of the year. That announcement about the future is vital, because the TA is in dire straits—one might say meltdown. All we have to go on is the announcement made on 16 December last year by the Chief of the General Staff to the Army chain of command on the "Future Army Structure Reserves—Structural Changes", which will take place around 2007–08 following the planned amalgamation and disbandment of regular infantry regiments, I presume.

In view of the unsatisfactory nature of the replies given by the Minister at Defence questions on Monday to two of my hon. Friends who asked about TA recruitment, I want briefly to pursue the issue. It is all very well stating that reserve forces will carry out certain tasks and specialist activities to supplement the regular forces, but that surely depends on available manpower. It will be interesting to learn the actual size of TA that the MOD is seeking. At present, the TA is 15 per cent. under strength and overall numbers are falling. As has been said, the current requirement for TA personnel is 41,610, but the actual figure is 35,560, which is the lowest since the TA was founded in 1907.

The Minister asserted on Monday that the fall in TA manning has already been reversed. However, I understand that the number of resignations exceeds the number of people who have passed basic training and are fit for deployment, which is a direct consequence of the Iraq war. For the first six months of the war, resignations stood at an average of 162 people a month. From September 2003 until August this year, the average jumped up to 540 resignations a month. That point was highlighted in *The Guardian* this week—I hasten to add that I do not read that newspaper regularly—in an article based on parliamentary questions entitled, "Civilians who signed up to serve in the TA speak for the first time about why they have handed in their kit for good", which is a matter of great concern for everyone.

A tremendous physical and financial effort has gone into recruitment, which has fallen by 35 per cent. in the past eight financial years. In 1997–98, there were 10,400 recruits; in 2004–05, that figure decreased to 6,900 recruits, with the costs of recruitment doubling. In 2001–02, expenditure on recruitment was £5 million, increasing to £10.5 million in 2004–05. Those recruitment figures require further study because from 1 March 2003 to 30 June 2005, some 3,800 people were recruited as infantry TA privates, yet only 1,300 of them completed phases 1 and 2 of basic training, and 1,960 privates left the TA in the same period.

More than 35 per cent. of the TA have not collected their financial bounty. That figure of 12,010 individuals is, coincidentally, exactly the same as the number of individuals whom the MOD claims are still available for deployment. I respectfully suggest that that might not be true.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): On Monday, the Minister said that TA manning levels are 31,680. In my role as an officer in the TA, I am responsible for officer training in the London district. Of the 130 potential officers who have come through in the past year, 60 have already dropped out and only one has passed through Sandhurst in the past 12 months.

Ann Winterton: My hon. Friend makes his point very clearly and backs up what I am trying to say.

Part of the problem is defining the role of the TA nowadays. It was always thought to be a reserve force and never intended to be a continual front-line force. It is difficult for young people at the start of their civilian careers to expect to be called up for 10 months' continual service in a three-year period; and we must not overlook those who are older.

I regret that the Ministry will not answer the question, which has been posed several times, about how many TA personnel have left after having been deployed. I appreciate the Minister's saying that, where possible, the term of commitment is to be extended from three to five years. At present, however—especially in the infantry, where the number of regulars is being cut—as soon as a private has completed basic training he will be called up in the next Operation Telic. The Ministry says that 2,000 TA infantry privates were available for Operation Telic 7 and some 1,500 were available for Operation Telic 8. I do not know where it gets those figures from, especially given that the 4th Battalion the Parachute Regiment was not even able to form a company for Operation Telic 7. A third of the numbers were supplied by the Tyne and Tees Regiment and the East and West Riding Regiment. I suspect that, as information on the ground suggests, new recruits finish their basic training and are deployed virtually immediately when the brown envelope drops on their doormat. Is it any wonder that so many leave when they see what is happening?

[Ann Winterton]

We need to consider the effect on the employers of those deployed in the TA. SaBRE—Supporting Britain's Reservists and Employers—provides an excellent lifeline, especially for employers. Although the number of TA medical personnel who have been deployed since the start of Operation Telic may seem small at 754, most if not all of them are employed in the national health service and need to be replaced in order to continue to provide the services required. The effect on small businesses can be devastating. Although the financial package for replacement of staff is good, it does not replace the expertise and experience of a key individual who is absent for such a long period. Those left behind can cope for a month or two—possibly for up to three—but 10 months is expecting too much.

Some 1,350 members of the TA have volunteered for a second or subsequent tour. One sometimes wonders why they do not join the regulars. Part of the answer might be that they are far better off financially if they do not do so because they receive their normal civilian wage. A person who is on a salary of £25,000-plus may be in the same unit as a regular on a salary of £16,000.

Mr. Gray: I want to pick up on a small and technical but important detail. If a member of the Territorial Army volunteers for a second deployment to a theatre of war, he does not have the advantage of the pay and conditions that he gets if he is compulsorily mobilised. That means that people will not go for a second time to Iraq, for example, unless there is some change to their pay and conditions.

Ann Winterton: I am grateful to my hon. Friend for clarifying that.

One can imagine a tight-knit unit with a medic on a large salary and someone on a much smaller salary. Men and women are aware of what is going on and there is a slight resentment among regulars who are not on the same remuneration package. The Minister said that one cannot tell the difference in the field between regular servicemen and members of the TA. The men on the ground know the difference—there may not be a difference in performance, but they know who is a regular and who is a member of the TA.

The Ministry must make up its mind about what it expects from the TA, because it may find that it simply cannot attract personnel in sufficient numbers to give the required commitment in future. I want to stress the importance of maintaining the existing network of TA centres. If there are fewer in future and they are located in the larger conurbations, that will inevitably result in fewer recruits. The Ministry and the defence chiefs are sailing close to the wind and must realise that simply throwing money at recruitment is not producing the right results.

Although I welcome the announcement of the improved package of measures for the reserve forces—we are waiting to hear exactly what they are—the result of current policy is putting the future of the reserve defence forces of the United Kingdom in jeopardy.

4.5 pm

John Smith (Vale of Glamorgan) (Lab): It is always a privilege to take part in defence debates for the important reason that it gives us an opportunity to pay tribute to our brave servicemen and women in this country and throughout the world who do such an excellent job.

I had the privilege of accompanying the right hon. Member for North-East Hampshire (Mr. Arbuthnot) on a visit to RAF Marham yesterday, and I would like to place on record my thanks to Group Captain Bagwell and the team at Marham for showing members of the Select Committee on Defence the superb job that they do and their commitment and professionalism in carrying out duties on our behalf. When we left, every member of the Select Committee felt the same. However, there is a difference between being able to undertake duties with professionalism and commitment and being given duties and responsibilities that people should not have to accept. I intend to discuss that this afternoon.

I agreed almost entirely with the opening speech from the Government Front Bench. *[Interruption.]* I said "almost" entirely. I am a great supporter and extremely proud of the Government's defence policy. Our strategic defence review is one of the best reviews of any military in NATO and much of the rest of the world. The new chapter and White Paper followed as a result of the changing threats worldwide. The White Paper was a courageous document and a rational response to the threats. It called for a radical reorganisation of our assets, people and structures to create a more flexible, agile and responsive force that could have an increasingly further reach, with smaller packages carrying a bigger and better punch.

That model is emulated in other NATO countries. Last week, as part of the EU presidency, I had the privilege of attending a dinner with leading people in the defence community throughout Europe. I sat next to a person who paid tribute to the British Government's role in restructuring our armed forces. She told me that her country—a leading European country—modelled its reform proposals on the British strategic defence review. She had been an adviser to the Minister of Defence in her country and had drawn directly on the British review in shifting from a cold war scenario to one that, as the right hon. Member for North-East Hampshire said, presents far greater and more invidious threats in many respects. It is much harder to tackle because it is so much less predictable, demanding greater responsibility, better equipment and better force structures.

However, when I outlined to the same person the Government's proposals for providing depth support for the RAF fast jets as yet another outcome of the review and rationalisation, she listened to me in absolute disbelief. She could not believe that the British Government, who have been taking a leading role throughout NATO in reorganising their armed forces and, just as importantly, the support for their armed forces, as has been mentioned quite a lot today, had now decided to place the depth support for their elite fast jet fleets back in-house with the RAF, after taking it away from the RAF just four years ago, on the sound military grounds that since the end of the cold war there has been no military case whatever for military personnel to carry out the factory maintenance and repair of fast jets. That can be done much more successfully by civilian workers working in a commercial environment, or by outsourcing that work to the private sector, if appropriate safeguards are put in place. Giving that work back to the RAF, however, makes no sense whatever.

We do not object to reducing the scale of logistical support. Every Member in the Chamber knows that following the force configuration, the over-capacity and huge duplication could not be justified. Also, as I think the hon. Member for New Forest, East (Dr. Lewis) said in response to the statement, nobody disagrees with a rationalisation of logistical support, which was necessary. We agree with collapsing four lines of logistics for our front-line jets to two. In layman's terms, if we think of the example of a car, it is like moving from three at depot, industry and factory level and one on the front line, to a service station on the front line and a garage to take the car to for repairs.

It is a fundamental mistake, however, to mix the two on a front-line base, as proposed by the Government. It will put unfair pressures on our front-line airmen and women to meet operational targets on a base such as Marham, which we visited yesterday, and to carry out scheduled, planned, long-term maintenance upgrades and deep repairs. If we ask the same people to do the same job with limited resources, the danger is that we will put operational capability at risk. The bottom line is that, when push comes to shove, brave servicemen such as Group Captain Bagwell will meet his operational requirements to defend this nation every time. That is why it was proposed that the two functions should be separated in the first place.

I note with interest that, once again, our distinguished Defence Committee Chairman, the right hon. Member for North-East Hampshire, expressed dismay that when he questioned the Minister following his statement, and asked what strategy was being adopted, or what plans there were for providing deep support for the joint combat aircraft and the joint strike fighter, the Minister was not able to reply. The right hon. Member for North-East Hampshire expressed his disappointment because it revealed that there was no principle underlying the Government's strategy of supporting their front-line aircraft. Let us bear in mind the fact that all the scenarios that we propose—or the overwhelming majority of them in terms of security threats and entering battle zones—require absolute dependence on the reliability and availability of our fast jets, particularly the Tornado GR4 and Harrier GR9, for many years to come. We must therefore get this right.

It was revealed not only that there is no principle underlying the Government's strategy, but that there is no strategy. The argument has been that we should centralise the second line of logistics—depth support—on a military operational basis. Let me tell the House that we are centralising some at Marham with the Tornado and some at Cottesmore with the Harrier, but despite today's announcement we do not know where we are going to centralise the depth support for the joint combat aircraft or the joint strike fighter. In his statement last week on the modernisation of logistics, the Minister failed to say where the Hawk training jets were going, but he did say that half or perhaps more than half of the RAF's rotary wing fleet is rolling back into one centralised unit—with the exception, I believe, of the Merlin and the Puma which are going, quite frankly, God knows where.

The point that I am making is that there is no rationale running through the policy on depth support. If there were a clear and transparent rationale, many hon. Members would have no difficulty in supporting it. I am afraid that statements that this jet is going forward and that jet is going back, or that this aircraft is going forward and that aircraft is going back, or that this helicopter is going forward and that helicopter is going back, smack of cuts for cuts' sake rather than a rationalisation. As I said, I would have no trouble supporting a proper rationalisation. There is a huge difference between saving money for defence by cutting costs and saving money for the front line by introducing genuine efficiency gains. Quite frankly, this stinks of cutting costs. In my opinion, it is even worse than that, because there is serious danger of undermining front-line capability.

The House will know that in March 2004 the Harrier was rolled forward to Cottesmore. In a speech in July this year, I explained to the House that it has been a costly mistake. Indeed, the cost of carrying out the work is escalating out of control. It was originally intended to be carried out by military personnel, but they cannot cope with the work, so an increasing number of civilians—almost 100 at present, employed by BAE Systems—are supporting it.

I have to apologise, because I told the House in July that it was taking an average of 200 days to turn round a Harrier—GR9, if upgraded, or GR7 if not—as compared with 100 days under the old depth support arrangements at DARA St. Athan, where civilians carried out the work in a commercial and centralised environment as they should. One of the biggest military aviation hangars in the world had only just been constructed. It opened only earlier this year and had 47 purpose-built bays to provide depth support for the entire fleet of fast jets in the RAF. It was the size of six football pitches and cost £80 million—but, no, that is not going ahead and it is being broken up.

I told the House in July, as I said, that it was taking 200 days at Cottesmore compared with 100 days at St. Athan under the older arrangements. In the contract bid for that work, it would have taken 60 days to turn those aircraft round. I was wrong, because it takes 232 days to turn round those aircraft—four times longer than it would have done if the aircraft had remained at St. Athan. That is only a small part of the fleet, yet we are now proposing to put the lion's share and major part of our front-line fleet—the Tornado aircraft—on these military operational bases.

I am deeply concerned about the effect on the future availability of our aircraft. In ministerial replies to questions, I have been told that Harrier availability has increased dramatically since the roll forward to Cottesmore and that turn-round times are quicker. That is not true—and the evidence that shows that is available and has been presented to the Minister. Instead of openly and transparently challenging the evidence, the MOD has shut down the computer logistics information technology system that makes the information available, to ensure that no one finds out either the true cost or the amount of time spent on the work.

[John Smith]

I ask the Government for what must be the third or fourth time to think very carefully about this issue. Even if they are sticking to their principle—if it is a principle—of rolling forward the Tornado to Marham, for goodness' sake, they should look very carefully at and evaluate the effects of rolling forward the Harrier. We must find ways to retain this capability—doing so in-house is one option—that do not involve a sole monopoly supplier such as BAE Systems. I cannot see how we could incentivise a sole supplier of a service, given that there would be no alternative competitor or in-house provision to turn to in order to reduce costs. I predict that costs will escalate out of control. We must look at other options, such as slowing this process down or retaining, as I said, in-house capability one way or another, be it through the private sector or through the Defence Aviation Repair Agency in St. Athan. We must do so for the future of the British military.

In the few seconds remaining to me, I finish by saying that I hope that defence training rationalisation will come to St. Athan.

4.21 pm

Mr. James Gray (North Wiltshire) (Con): The hon. Member for Vale of Glamorgan (John Smith) and I have three things in common, the first of which is our ability to watch the clock; I greatly admire the tremendous precision with which he did so. Our second thing in common is our less than slavish support for Government defence policy; despite what he said at the outset, he proved to be rather critical of it. Our third common factor is that we are very strong supporters of the armed forces parliamentary scheme. I fear that I am something of an "anorak" on this subject, having completed undergraduate and postgraduate study on it. Most recently, I graduated from the Royal College of Defence Studies, having enjoyed the careful tending of Sir Neil Thorne, to whom we all pay tribute.

That experience from last year has been combined with two or three other, more recent experiences. I am a visiting parliamentary fellow of St. Antony's College, Oxford, which discusses issues such as those before us. I am also chairman of the all-party group on the Army, and a member of the Court of Assistants of the Honourable Artillery Company, my former Territorial Army regiment. All those experiences have enabled me to put together a number of thoughts in recent months. A debate such as this is an occasion not only to talk about the detailed issues to which Members have referred, but to reflect a little more widely on what we are seeking to do in our defence policy, and how we intend to do it.

We have reached a very significant point in world history and defence history. We must consider not only the challenges that our defence forces face and the tasks that they must carry out, but the resources that they are given to enable them do so. It used to be easy: it was plain what our defence forces had to do. We had to defeat communism; to remove the Argentines from the Falkland Islands; to sort things out in Sierra Leone. Even as recently as the conflict in Afghanistan, it was perfectly plain that, post-9/11, we had to do something, and sorting out al-Qaeda in Afghanistan seemed like the right thing to do. I have to say, however, that I am one of those who are by no means convinced that we achieved that task. Equally, I was one of few voices in my party who were by no means convinced that we had justification under international law to do what we eventually did in Iraq. Again, I am by no means convinced that we achieved our aims.

Leaving those issues to one side, the reality is that we no longer have clear tasks, because we do not have such an enemy any more. The enemy of peace in the world today is not a person invading somewhere else; it is not Saddam Hussein invading Kuwait. Today's enemy is invisible, diverse and unknown. He is ready to sacrifice his own life in a way that we have never seen before in terrorist activities. It was reasonably easy to defeat the IRA. On pointing a weapon at an IRA soldier's head—I use the word "soldier" loosely—he laid down his weapons. On pointing a weapon at an al-Qaeda terrorist's head, the likelihood is that he will blow himself up, taking a lot of other people with him. That is an enemy very different from any that we have seen before.

Much fundamental thought needs to be given to how to defeat such a terrorist. Do we do so by shooting him? Can we defeat him through direct, conventional operations? To some degree, of course, we can. If we can shoot Saddam Hussein—sorry, I meant to say the terrorist—*[Interruption.]* I should point out, incidentally, in response to a sedentary observation from the Liberal Democrat Benches, that many people would have liked Saddam Hussein to be shot.

How do we fight terrorism? Terrorism is a many-headed Hydra: taking out a terrorist carries the risk that 10,000 more will be created. Sorting out international terrorism is a much more complicated business than our beloved Prime Minister and the President of the US have led us to believe in recent years. They have tended to say that the war against terrorism is a matter of fighting the bad guys, and that our forces will ride in like the sheriff on his horse and take them out. Not so long ago, I heard Richard Perle saying that people could join the President's posse if they wanted to. The notion is that we are the good guys, and thus entitled to take out the bad guys.

I, for one, do not believe that defence today is anything like so simple. It is a great deal more complicated, but I still have great faith in my former regiment's motto—"Arma pacis fulcra". It means, "Arms are the Balance of Peace", and I am sure that that is right.

The cold war demonstrated as much. Our independent nuclear deterrent won the cold war for us. For some 20 years, the Labour party wanted to get rid of it. If that had happened, the Russians and communism would have won. We would not be where we are today if we had done what Labour wanted and disarmed, and the same is true now. We cannot defeat al-Qaeda or international terrorism by laying down our arms, so we need a sensible military deterrence to sort out the terrorist threat.

How do we deploy our conventional military assets so that they deter terrorists? That is a key question, and we must be careful about how we answer it. The tragedy of the South American person killed in error by the police on the underground is a good demonstration of that.

Should we have been using dum-dum bullets against someone who turned out to be perfectly innocent? What weapons should we use to deter terrorist activity?

I want to contemplate for a moment what we have done in Iraq. Is it right to build up our conventional forces and deploy them as we have in Iraq, given what might happen elsewhere in the world? Next year, we will seek to deploy a second Army group in Afghanistan, which will mean that we have two such groups deployed in the world. That exceeds what was foreseen in the strategic defence review, so what will happen to overstretch? I shudder to think of the consequences in that regard.

I have watched our armed forces at work over many years, and I know that service personnel will brace up, salute, turn to the right and march off and do whatever we ask of them. The people who talk incessantly about overstretch demean the capabilities and determination of our very professional armed services. There is no question but that they are up to any job they are given.

However, the more we ask our armed forces to do, the harder the task will be if we do not give them the appropriate resources. Our deployment in Afghanistan is due to be increased next year, but who knows what else might happen around the world. What will happen if there is another Sierra Leone or—God forbid!—an increase in violence in Northern Ireland? If anything like that arose, the elastic would be stretched to its maximum.

In that respect, I am more critical of the Government even than the hon. Member for Vale of Glamorgan (John Smith). Our Army is close to being the smallest since the battle of Waterloo. A force with 100,000 people or fewer does not deserve the name "Army". At such a size, we are talking about a home defence force.

In that context, I pay tribute to my hon. Friend the Member for Congleton (Ann Winterton), who spoke with great knowledge and expertise about the Territorial Army. The commanding officer of the Honourable Artillery Company, my own regiment, said only the other day that the Government were using the TA as cheap labour to bridge the gap in their defence budgets. The Government have made deep cuts in the Army and have used the TA to plaster over the gaps, but that cannot go on.

I have some experience of the TA, and can tell the House that its personnel will accept a deployment of six months or 12 months. However, if the law were to be changed to allow them to be required to accept another compulsory deployment, the boys would not do so. They are professional people, with jobs and families to think about. They are prepared to serve the nation once, but the possibility that they might do so more than once is remote.

I suspect that the crisis involving recruitment and retention in the TA is worse than it appears, because an awful lot of the people who have come back have not yet handed in their uniforms. They are not necessarily turning up at the drill halls, but are waiting to collect their bounties. If there were a huge crisis that demanded a substantial deployment of the Territorial Army, I suspect that the people would not be there. If that were the case, the regular Army would be left high and dry. The same situation arises in other areas owing to what the Government are doing on procurement and the provision of equipment, and the number of people who are on the ground.

The strategic defence review did not foresee the situation that we are in, and nor did the Government. They will not tell us in any detail how they would handle a significant increase in military threat throughout the world. They seem to be sitting on their hands and hoping like heck that that does not happen. There are significant signs that suggest that the elastic that is our highly professional armed forces is being stretched to its maximum. If there were a crisis—I hope that there will not be one—who knows what would happen to that elastic.

4.30 pm

Mr. Kevan Jones (North Durham) (Lab): I echo the tributes that my hon. Friend the Member for Vale of Glamorgan (John Smith) paid to our men and women in the armed forces. We often take them for granted. They make difficult decisions and find themselves in difficult situations, so it is right to start a speech in such a debate by paying tribute to them.

I welcomed the speech made by the right hon. Member for North-East Hampshire (Mr. Arbuthnot). He is the new Chair of the Defence Committee, to which I have been reappointed for this Parliament. I echo his views about the previous Chair, my right hon. Friend the Member for Walsall, South (Mr. George). I did not get on with my right hon. Friend on all occasions, but I was thinking the other day that his absence is a little bit like toothache—one misses it when it is gone. He made a great contribution on defence in the House over the years, which has clearly been recognised by many right hon. and hon. Members.

I want to talk about the importance of the UK defence industry to defence in the UK and the deployments that we ask our men and women to undertake around the world. I shall do that by concentrating on two issues: first, the future rapid effect system; and, secondly, the future shipbuilding strategy for UK yards.

The international situation these days is setting new challenges for the armed forces. The need for lighter and more manoeuvrable forces is clearly evident. The tasks that we will ask our armed forces to undertake in the future are likely to be smaller in scale than in the past, conducted at short notice, and carried out some distance from the UK. That explains why it is important to develop a medium-weight land capability that could be deployable by air and effective in acute and dangerous situations.

Few would dispute the fact that it is important that FRES is delivered on time, on budget and up to specification. As General Sir Mike Jackson told the Royal United Services Institute last year:

> "It is . . . clear to me that the concept of the Future Rapid Effect System is critical to the British Army's . . . capability."

No one should doubt the scale of the task that faces the Ministry of Defence in delivering on time and to specification. The new medium-weight armoured vehicle will be totally network enabled and full of computers and new technology. It represents the largest single project that the MOD has undertaken in peacetime. It will be an important piece of kit for the

[Mr. Kevan Jones]

next 20 to 30 years for the British Army. It is thus vital that we have a defined in-service date, but this is where I find that answers given by the MOD, with its usual culture of denial, are a little unclear.

The generally quoted in-service date for FRES was 2009. In late 2004, the then Minister for Defence Procurement, Lord Bach, said that the date would definitely be 2009. He said that

> "we think it achievable otherwise we would not say it is".

In fairness, I realise that that does not mean that the entire fleet of vehicles would be fully operational, because there will be a family of vehicles with different capabilities. In October 2004, in reply to the Defence Committee's procurement report, the MOD said that

> "our planning assumption for FRES remains to introduce early variants around the end of the decade".

However, when I questioned General Sir Mike Jackson in the Defence Committee in January 2005, he said that he doubted that FRES would be available by 2010.

To try to obtain some answers, I tabled a written question to the Secretary of State. I was grateful but intrigued by the answer from the Minister of State, who said:

> "The in-service date will not be fully endorsed until the main investment decision, but our current planning assumption is that the early variants of FRES will be introduced into service early in the next decade, with a phased approach to achieving full operational capability thereafter."—[*Official Report*, 9 November 2005; Vol. 439, c. 556W.]

We have gone from Ministers openly talking about an in-service date of 2009 to a position where the Minister will not be pinned down on what the date will be. That makes me wonder what, if anything in FRES, will be delivered on time.

The Government's response to the Select Committee report referred to

> "planning on the incremental development of an interim medium weight capability, using existing vehicles where appropriate".

Yet when General Fulton appeared before the Select Committee he said that there was an option. He said that

> "there is a very clear choice to be made between what I might call not-FRES and FRES. Not-FRES we could go out into the market today and buy a light armoured vehicle, and there are a number on the market . . . The assessment phase needs to answer for me the question can we have FRES in a timescale acceptable to my end customer or we have got to spend money on not-FRES in the interim?"

That is the challenge that faces the British Army. I am increasingly sceptical about whether FRES will be introduced anywhere near the end of the decade. People ask why that matters. It matters because our existing kit is getting older and there will be a capability gap if FRES or some variant of it does not come on board.

British industry faces another problem—planning to ensure that we have the capability to produce in the UK the variants of FRES and other armoured vehicles in the future. The current programme of Alvis Vickers, or BAE Systems Land Systems as it is now, shows that there is a real problem. There are gaps in the company's work over the next two or three years. Again, people ask why that matters. It matters because we cannot keep a skilled work force together and assume that we can turn on the tap two or three years later when we want to procure an armoured vehicle. Planning is needed to ensure that industry is taken into consideration.

I welcomed the appointment of Lord Drayson as the Minister with responsibility for defence procurement. This month, when he appeared before the Select Committee he showed his understanding of industrial processes, and I await his defence industrial strategy with eager anticipation. We need to do two things: first, we must deliver equipment on time and on budget to our armed forces; and, secondly, we need to realise that if we are to maintain a viable and vibrant defence manufacturing industry we must plan our procurement. Clearly the Defence Procurement Agency had an atrocious record on that in the past.

I want to deal with the shipbuilding strategy. I welcome the commitment given by my right hon. Friend the Minister of State in his opening address that £14 billion will be spent on procuring new ships for the Royal Navy over the next 10 years. However, I am sceptical about whether they will actually be built in the UK. There will be a glut of work, with the CVF, the future carrier, and the military afloat reach and sustainability—MARS—programme, but there are worrying signs that unless a clear strategy underpins development in the yards we shall not have the capacity to build those ships in the UK. The idea of building our warships abroad, possibly in eastern Europe, would be a complete tragedy.

There is a notion—there certainly was when the Conservatives were in power—that shipbuilding is an old smokestack industry. I would challenge anyone who thought that to visit a modern shipyard. Not only do they use cutting-edge technology in fabrication, but electronics and so on. It is far from a smokestack industry. We need a clear strategy to ensure that the industry in this country has the necessary capacity and we should encourage apprenticeships and expertise in those areas. If we fail to do that, I fear that, when we finally come round to procuring ships in the future, we will not have the necessary capacity or skills base, which is vital.In the next 12 months the Government need to lay out that strategy, not just for shipbuilding but for other parts of defence manufacturing. I hope that we do not go down the road of thinking that purchasing our equipment from abroad would be cheaper somehow. Clearly, if work is not forthcoming there will be knock-on social effects on many of those communities throughout country.

I want to refer to the ongoing saga of the alternative landing ship logistics, which has a lot of credence locally in the north-east, given the involvement of Swan Hunter. I am concerned about that programme. Clearly, extra money is rightly being spent to finish it. I visited Scotstoun yard in Glasgow a couple of weeks ago to see the two BAE Systems vessels being procured. There are serious problems with that programme. We now need a clear audit of what is going wrong and what needs to be put right to get those ships delivered on time.

I am not here to apportion blame, but some grave questions must be asked about the way in which the winning bid used an off-the-shelf Dutch design. Clearly, unrealistic estimates for the cost of those ships were included. I am also concerned that, as the ships are being delivered, possibly up to 40 variations are being made each week. I understand that Lloyd's Register will not even certificate some of the ships until some of those modifications are put right. Unless that is done, the saga will carry on. Will it cost more for the taxpayer? No doubt, it will, and I wonder why some of those things were not questioned when an off-the-shelf Dutch design was proposed as a cheap alternative by someone at Swan Hunter who may have expertise in the oil industry, but none at all in designing and building a modern warship, even logistics ships such as those in that programme.

Shipyards must work together, but if we have no commitment to sharing work around the industry yards such as Swan Hunter will face a number of years without work. The way to ensure that that does not happen is to plan the work over the next 10 years. However, I would certainly question whether any work should go to the yard under the current management. I have nothing against the work force—I have the highest regard for the good work that they do—but there are clearly serious problems not just with the way the work is managed, but with whether they can find the investment that is needed for a modern shipyard.

We should not underestimate the importance of the defence industry in this country, not just in procuring the best equipment that our armed forces need, but in ensuring that we protect this country's skills base. If that is not done, we could become a country of assembly workers for other international arms manufacturers. That would be a tragedy, not just for parts of the north-east, but for many communities throughout the country.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. About six hon. Members still wish to participate in the debate. I calculate that we have about 50 minutes before we must come to the winding-up speeches. If hon. Members will bear that in mind, I am sure that there will be mutual gratitude.

4.44 pm

Robert Key (Salisbury) (Con): Defence is the first duty of any Government but, at the moment, the defence world seems to be in a period of almost perpetual change and uncertainty. One change is the departure of my right hon. and learned Friend the Member for Devizes (Mr. Ancram), my neighbour in Wiltshire, to whom I pay tribute for his unstinting service to our country. I look forward to him being my neighbour in Wiltshire for many years to come.

A huge amount of change is going on all around us. There are difficult questions of procurement. There are strategic questions about whether we procure from the EU, the United States or the UK's 400,000 defence work force with their enormous skill. There are great changes afoot at the Defence Science and Technology Laboratory, for example, with expansion and relocation from Farnborough and Malvern to Porton Down in my constituency. There is the impact on Boscombe Down airfield of the airfield review that we heard about today, and the impact on companies such as Qinetiq, which were mentioned earlier. There are also smaller issues, such as the reconfiguration of the air squadrons. I shall be very sorry to see Southampton university air squadron leave Boscombe Down. There is massive change at Winterbourne Gunner, at the defence nuclear, biological and chemical centre, with its expansion, and at the police nuclear, biological, chemical and radiological centre, also at Winterbourne Gunner. There is concern about the future of Erskine barracks, Wilton, whether it will be relocating and to where. Will it be Solstice park? What about Upavon and Abbey Wood? There is constant change in the world of defence at the moment.

I will take the advice of the Minister of State and talk to my local education authority about the question of presentations to schools. The tri-service presentation teams are underused. They are superb teams of people and it would be a great opportunity if they were more widely used, perhaps in schools and colleges.

We have heard today stories of great pride in our armed forces and I have great pride, as do we all, in those who follow the flag, in the civilian employees of the Ministry of Defence, and in the private sector defence contractors and their staffs. Above all, I always remember those who gave their lives or sustained terrible injury in the service of our country. That is why we have all been so proud of the Royal British Legion in the past few weeks, centring on poppy day, on Remembrance Sunday.

The problems of forces families continue—little problems that they bring to their Members of Parliament. One matter that came to me again recently, as it did a decade ago, was the problem of service families obtaining commercial credit in shops because their lifestyle leads them to two-year postings, which means that they do not qualify for ordinary hire purchase agreements. I thought that we had knocked that on the head in the last Armed Forces Act, but apparently not. That matter will no doubt come up again. I served on the Committees considering the last two Armed Forces Bills, and I hope very much that I might be able to serve on the forthcoming Bill, which will be extremely important.

On Tuesday in Westminster abbey, we had the inauguration of the Church of England General Synod. I am a member of the General Synod and it gave me enormous pride to see the forces synodical council represented in Westminster abbey, because it is part of the Church of England's synodical system, and the chaplain general's department is very important to Her Majesty's forces. I was delighted to see the recent announcement of representation for other faiths, including the Hindus, Buddhists and Sikhs. But the synodical council is important. I found the summary of the minutes of its last recorded meeting at Amport house on the Ministry of Defence website, but I regret to say that although it was an hilarious account of a synodical meeting, it was dated 22 and 23 April 2002. I hope that it has met more recently than that. Perhaps it will pay more attention to its website in future.

There is a serious side to my mentioning that because in the Church of England General Synod on Tuesday, the Bishop of Southwark initiated a debate entitled "Facing the Challenge of Terrorism", on which the House of Bishops has produced a report, and part of his motion read:

> "That this Synod . . . urge all political parties, in considering draft legislation to heed the clear warnings from history about the progressive erosion of fundamental rights in relation to habeas corpus, free speech and religious liberty".

[Robert Key]

We heard during that debate moving accounts from former servicemen and civilians on various aspects, including torture. The Archbishop of Canterbury made a strong intervention, in which he said:

> "Torture is an invasion of the dignity of the human person"

and urged us as a nation always to look for the moral high ground. We heard from a former distinguished soldier, who argued that, whenever the British were tempted to use torture or internment, we lost the moral high ground. He believed that we let ourselves down many years ago in Cyprus and should have learned from our experience of internment in Northern Ireland before considering locking up people without charge for the famous 90 days. He described Guantanamo Bay as a concentration camp. There was little sympathy in the Church of England General Synod for 90-day detainment without charge and less sympathy still for the religious hatred legislation.

We need to remember in these defence debates that the expectation of many of our citizens is that the Government will take the moral high ground in controlling carefully, for example, our arms exports, especially considering the worldwide trade in small arms. We can do precious little about that. There are issues of extraterritoriality that are difficult to address, but we should do what we can and we will never regret sticking to the moral high ground.

I congratulate the Army in particular on the way in which it looks after its training estate. It is a remarkable fact that the training estate, which covers about 125,000 hectares, is some of the best managed land in the country. Relations between the Army and civilian population are crucial. I particularly commend the work of Headquarters Army Training Estate at Westdown camp on Salisbury plain, which goes to considerable lengths to ensure that all the parish councils are told exactly what is happening. In the excellent monthly newsletter that is sent to all the parishes and to me, there are accounts of when training in live firing and artillery firing will take place in Salisbury plain west, north and east, when there will be late firing, non-firing days, air activities, helicopter night flying, aircraft trials and parachuting. I always love the monthly conservation report. This month, it includes a welcome to Rachel Crees, who works as an environmental adviser for Defence Estates. She describes touchingly how the plain is one of the most amazing landscapes in the British Isles, and it is.

Another aspect of that work has been the extraordinary lengths to which the military have gone with the European Union life project on Salisbury plain, which ended in September. That was a £2 million scheme to look after the extensive chalk grasslands, some of the most precious in Europe. They would not be precious if it were not for the presence of the British Army for 100 years, which has kept the landscapes, flora and fauna in good order. Therefore, I congratulate all those who look after the Army lands in estates the length and breadth of the land.

I turn to a first-order issue. The hon. Member for Montgomeryshire (Lembit Öpik) reminded us about the Deepcut experience and how secretive and unwilling the MOD is to release information. On 18 October 2003, while he was addressing the Asia-Pacific Economic Co-operation forum, the then United States Secretary of State, Colin Powell, warned that

> "no threat is more serious to aviation"

than man-portable air defence systems. They are easy to use, readily available on the black market and pose an imminent and acute threat to military aircraft and civil airlines.

There is a huge issue of principle between the British approach to secrecy and the American approach. The United States Department of Homeland Security produces an enormous amount of material, all available on the web. It tells people exactly what the United States is doing about MANPADS, counter-MANPADS operations and what the priorities are. It gives examples of commercial responses, including from BAE Systems and Northrop Grumman. It believes that those details point out to anyone of ill intent that the United States is ahead of the game. It gives confidence to the American people and acts as a deterrent by making plain what the US Government are doing about that threat. We face real problems with MANPADS. Their proliferation is a problem, with at least 500,000 around the world. They are lethal, highly portable, concealable and cheap—some are only $500. They are easy to use, so airport perimeter security needs to be improved. Different air traffic procedures are needed, such as spiral descents. I have been in one of those and it is not something that I would like to do every day. Technical countermeasures are also available, such as infrared decoy flares, direct infrared energy and missile warning systems.

A huge effort has been made towards non-proliferation and the Government have played their part. The effort has included the Wassenaar arrangements in January 2004, the G8 action plan agreed on 2 June 2003 at Evian, the Bangkok declaration in 2003 and the Organisation for Security and Co-operation in Europe conference in July 2003. Tracing discussion of those issues in *Hansard* in both Houses has been an interesting experience. The trail goes cold after 1 March this year, when there was a question tabled in the other place. Two years ago, the Science and Technology Committee produced a report on the scientific response to terrorism. It came at a time when a lot else was happening and did not receive much of the spotlight.

I was a member of the Committee at the time and we visited appropriate organisations in the United States, from the White House to the National Institutes of Health, the Centres for Disease Control and Prevention and the Lawrence Livermore National Laboratory in California. The message we got wherever we went—military or civilian, medical or scientific—was that the more people are told, the better they are defended and the better the deterrent effect. It is time that our Government started to place more trust in the British people. The effect on those who wish to harm us would be very positive. It would mean a tremendous change in the whole tone of secrecy in this country and I invite Ministers to consider that in partnership with other Government Departments. Part of our trouble is that the lead Department is the Home Office, which has to co-ordinate our efforts. I would not wish to go as far as the United States and set up a separate Department, but I do wish to see a Minister for homeland defence.

The greatest strength of our democratic system is that soaring way above party politics must be leadership by democratically elected Governments. We have government by consent, which confers moral authority on the Government and involves trust between the Government and the governed. In these days of raised security thresholds, our Government must change the habit of centuries. The Government believe that it is necessary progressively to erode our fundamental rights in respect of habeas corpus, free speech and religious liberty. If we agree to lend them some of our personal freedom for the common good, the Government will have to trust the people.

4.58 pm

Bob Russell (Colchester) (LD): I will respect your request for brevity, Mr. Deputy Speaker, and ditch two thirds of my speech so that others may speak. It is a great honour to represent the garrison town of Colchester and I pay tribute to those troops from the Colchester garrison on deployment to Iraq and those who will go to Afghanistan in the near future.

I thank the Government for concluding that Colchester should be a super-garrison and for the massive investment in the new garrison. Although I am no fan of the private finance initiative, it is the only game in town and I welcome the spending. However, the problem with the new barracks is that there will be insufficient accommodation for all the soldiers who will be based there.

We have heard about recruitment today, but I shall leave that topic to others. Retention is of equal importance. I ask officials to consider the residential accommodation, including married and family quarters, in Colchester and throughout the country, and the consequences of the privatisation by the Conservative Government: the sell-off to Annington Homes. Are the Government satisfied that the efforts to reach the decent homes standard, or the MOD equivalent, are proceeding with sufficient speed? The information that I am getting suggests that there is a lot to be done, and the time scale is such that families are having to put up with conditions that are not conducive to people remaining in the Army.

Another concern is schools, which are technically part of the local education authority and are not funded by the MOD. That said, the MOD has an interest and a role. In June 2003, the then Secretary of State for Education and Skills, now the Home Secretary, visited Colchester and told the Army schools that they would get more money. I followed that up with written questions and the then Minister for School Standards, who has since been promoted, said that there would be no extra Government money for the Army schools. He said:

> "There is no need for specific or additional funding from central Government for such schools."—[*Official Report*, 23 June 2003; Vol. 407, c. 558W.]

That is not the considered view of those dealing with children from Army families who face the turbulence of their father, and sometimes their mother, leaving the scene, perhaps for months at a time. I ask the Under-Secretary and the MOD to see what they can do to assist with the education provision, particularly as the Home Secretary promised additional resources.

A previous speaker mentioned the difficulties faced by non-British citizens in the British Army who wish to become British citizens. A separate issue is those non-British citizens who are required by the Home Office to return to their country of origin when their leave to remain in the UK has expired. I am grateful to the Under-Secretary because I had a useful meeting with him last week and hope that those two difficulties will be resolved in the not-too-distant future.

I endorse all the points made about the important role played by the Territorial Army in the life of the British Army today, both at home and overseas. Will the Under-Secretary confirm that there will soon be a statement about the future Army structure? Is he satisfied that if, as I believe, it is to result in a greater Territorial Army presence in many parts of the country, not least in the garrison town of Colchester, the current TA accommodation in my constituency is sufficient for the growth that I believe will be proposed and which will be warmly welcomed?

5.3 pm

Mark Pritchard (The Wrekin) (Con): I join colleagues and hon. Members in paying tribute to Her Majesty's armed forces around the world and here in the UK, and to civilian contractors who work for the Ministry of Defence.

I pay tribute, too, to my right hon. and learned Friend the Member for Devizes (Mr. Ancram), who has served on the Front Bench with distinction for many years, and to the hon. Member for Vale of Glamorgan (John Smith), who gave an excellent assessment of the Government's disjointed defence policy, and was very brave to do so. I hope that his constituents will take note of his words.

I would like to take the House on a journey to Shropshire, a fine county. As I said in my maiden speech, Shropshire has a long, proud tradition of service in Her Majesty's armed forces, both on the front line and in the defence supply chain. We have the Royal Air Force at RAF Cosford, and we have the Defence Logistics Organisation, the Army Base Repair Organisation and the Defence Storage and Distribution Agency at Donnington. Since the general election—perhaps it is not a coincidence—480 job losses have been announced at the Defence Storage and Distribution Agency at Donnington. Only last week, Ministers announced a further 628 job losses, which will impact on my constituency. So there have been more than 1,000 job losses in six months.

I am worried about the defence training review, and I have expressed my concerns to the Under-Secretary outside the Chamber. I repeat those concerns today. I hope that that review will be objective and fair, and that there will be a level playing field for the people of Shropshire, the aerospace industry and the military in the west midlands. I hope that the Minister will either confirm or deny that the Welsh Development Agency and Welsh taxpayers' money is being used to promote St. Athan in Wales over Shropshire, which is not using taxpayers' money. It is unable to use such funds through the regional development agency to promote RAF Cosford as a site for the future defence training requirements of Her Majesty's armed forces.

Will the Government reconsider their decision to close the Army Base Repair Organisation at Donnington? I object to the decision not because it is a Labour policy, but because it is a flawed policy with a

[Mark Pritchard]

weak and thin business case. Like the hon. Member for Vale of Glamorgan, I believe that if a sound, rational business case on cuts had been put before the House both last week and today, hon. Members on both sides of the House could perhaps have supported the Government. However, we seem to have cuts for cuts' sake, and as I said in an intervention, much of that is meant to release estates and assets, thus realising value from large property holdings. That money will probably not be re-invested in the back office or in front-line military capability. Who knows, perhaps it will end up going to the failing Child Support Agency or another failing Government agency or quango. No business case has been made for the cuts, and nothing that Ministers have said can reassure my constituents or me that any savings from the reconfiguration of the armed forces will assist national security or the effectiveness and efficiency of Her Majesty's armed forces. Nor will they be of wider benefit to my constituents.

A charity dealing with combat stress is based in Newport in my constituency. Many soldiers, airmen and naval personnel who served in the first Gulf war have suffered from post-traumatic stress. If not intercepted and dealt with, after 12 months the condition turns into post-traumatic stress disorder. Will the Government commit more resources to tackle that serious problem? My right hon. Friend the Member for North-East Hampshire (Mr. Arbuthnot)—I, too, hope they name a ship after Hampshire and, indeed, after Shropshire—

Robert Key: And Wiltshire.

Mark Pritchard: Wiltshire can wait for now. My right hon. Friend for North-East Hampshire was quite right to say that the way in which we treat our armed forces and approach their welfare impacts on recruitment. The Ministry of Defence should therefore put far more resource into the mental welfare of our armed forces.

As others wish to speak, I shall make one final point. The Government, paradoxically, seem to have a doctrine of privatising virtually everything that moves in the armed services. That is worrying. If there were a business case, as I said, that would be fair enough. If it were in the national interest, I would agree. A satisfactory case has not been made that the policy of privatisation will improve our national security or our armed services in aggression or in peacekeeping, and there is increased demand on them to fulfil our international aid obligations. Unless a clearer case can be made by the Government, I cannot support them.

My constituents are extremely disappointed. Only a few weeks ago the Minister for the Armed Forces came to my constituency and said that Donnington had an optimistic future. Of course, that was before the election. After the election, we get the job loss announcements. It is a scandal. That is why I have asked the Defence Committee to initiate an inquiry. The closure of the Army Base Repair Organisation, the potential closure of the Equipment Support Procurement and Provision Agency in the constituency of the hon. Member for Telford (David Wright) with the potential loss of 550 jobs, the loss of jobs at the Defence Logistics Organisation in Donnington and the potential impact on RAF Cosford under the defence training review will leave a huge hole in the side of Shropshire and in the entire west midlands. I ask the Government to reconsider their commitment to Shropshire. I should be grateful if the Minister would respond candidly and, as other hon. Members have said, transparently.

5.11 pm

David T.C. Davies (Monmouth) (Con): It is my great privilege to represent the men and women of the Royal Monmouthshire Royal Engineers in the town of Monmouth. We can sleep a little better in our beds knowing that those men and women will go out and do battle on our behalf, as they have been doing. The regiment has distinguished itself since 1539, most recently in Iraq in Operation Telic. I was honoured to be invited to breakfast with them on the morning of their departure for Iraq, and I was very impressed with the level of commitment that those young men and women showed as they went off.

Although we have such fine men and women who are willing to serve our country, we are treating them in a monstrously unjust fashion. We are in the midst of a series of prosecutions that have been brought against soldiers serving in Iraq. Nobody in the Chamber or outside could support any indication of brutal treatment on the part of our Army, but some of the cases have clearly been brought on the basis of evidence which one judge described as weak and vague. That is not good enough.

Something similar is happening in Northern Ireland. Yesterday at Prime Minister's Question Time, it was telling that although the Prime Minister waxed eloquent about how proud he was of our troops in the Balkans, Afghanistan, Sierra Leone and Iraq, and rightly so, he failed to mention Northern Ireland. For the past 30 years, the men and women of our armed forces have faced incredible danger in Northern Ireland. They went out there to protect civilians, Protestant and Catholic alike, and they did so against an enemy who wore no uniform, who struck without warning and whose favoured method of attack was to blow up innocent civilians with bombs.

It is possible that the reticence of our Prime Minister stems from the fact that his Government are announcing a policy that seems to amount to little more than a "Get out of Jail Free" card for IRA terrorists. That would be bad enough, but what makes matters worse is that at the same time as we grant a pardon to IRA terrorists, we are setting up an inquiry to examine the actions of every soldier who served in Northern Ireland. That is a disgrace and an insult to the 760 or so men and women who lost their lives serving in the Province and doing an extremely difficult job. When we asked the Leader of the House about the matter last week, he said that one sometimes had to make difficult decisions. There is absolutely nothing difficult about appeasing terror. The difficult decision is to stand up to terrorists, and I am glad to say that many Ministers have done so over the past few years.

I am proud to have done my bit in a very small way—I served in the Territorial Army—but Salisbury plain was the nearest that I got to a battlefield. Some Conservative Members have been on a battlefield, and I cannot imagine what it is like. If the bullets, bombs and bodies were all around me, the last thing that I would want to think about as I was defending myself would be the prospect of being dragged in front of the courts by the very people who had given me a gun and a uniform and put me into a dangerous situation. I would not appreciate the "It's not me guv" attitude of those Ministers who have tried to make out that the matter has nothing to do with them.

I am proud to have played a small part in our armed forces, and I am very proud of what they have done, but I am utterly ashamed of how they are being treated. It is high time that the Government started to think about the loyalty, duty and commitment that our armed forces have always given to the nation, and began returning it.

5.16 pm

Mr. Philip Hollobone (Kettering) (Con): I, too, had a brief career in the Territorial Army, serving from 1984 to 1993 in the Oxford university Officer Training Corps, the Honourable Artillery Company and other regiments. My constituents would not want this debate to pass without my making a small contribution to emphasise their concern about the degree of overstretch in the British armed forces, which has reached intolerable levels and is placing an intolerable strain on those who serve our country.

I pay tribute to the local cadet forces in my constituency, who do a marvellous job training young people in the ways of the Army, Navy and Air Force. At the other end of the scale, I pay tribute to those former soldiers, sailors and airmen who now serve their local communities through the Royal British Legion, the Soldiers, Sailors, Airmen and Families Association and other organisations.

We currently face a global threat that we have never faced before, and I find it incredible that numbers are at their lowest ever level in the TA's 98-year history. The TA represents the most cost-effective way to rebuild our armed forces, because by and large one does not need to house and accommodate those who serve in the TA. One also gets far more bang for one's buck with the TA, because most of the time that members spend training with the TA is spent on exercise. Rather than having the lowest ever numbers in the TA, the Government should introduce proposals to secure the greatest ever numbers in the TA, because it would be the most cost-effective way to deliver the defence needs of our nation.

The proudest moment of my so far brief time as a Member of this House was to lay wreaths on behalf of local residents at the Remembrance day services in Desborough, Rothwell and Kettering last weekend. It was a great honour and brought home to me the fact that all the names of those local residents who, sadly, are listed on those war memorials are evidence that if this House gets its defence policy wrong, far too many of our citizens end up paying the ultimate price.

5.19 pm

Mr. Tobias Ellwood (Bournemouth, East) (Con): It is a pleasure to follow my hon. Friend the Member for Kettering (Mr. Hollobone). This is the first time that some of us who have worn uniform have been able to discuss defence in general terms in this House, and I pay tribute to all hon. Members who have participated for praising the armed forces appropriately.

It is interesting to note that our military forces are the last corner of Britain that new Labour has found it hard to change. If one goes into any barracks, sergeants' mess or officers' mess, one will see the same levels of discipline and commitment and the same standard of training as one would have found more than 100 years ago. One would probably also find the same numbers of tattoos in the soldiers barracks and the same war stories being told in the sergeants' quarters, and as many labradors in the officers' mess.

It is ironic how well something can work when a Government leave it alone. The forces have been able to maintain a collective discipline and responsibility that has resisted political upheavals. All Governments should be grateful for that. The democracy that we enjoy today is thanks to the military of yesterday and the continuing capability and commitment of the forces today. That is why we are able to sit on the world's top table and to have an important place in NATO, the G8, the United Nations and the Commonwealth. The commitment that is shown by our armed forces is not necessarily matched by that shown by the Government. We are serving in more than 40 operations in more than 20 countries, but our forces are deeply overstretched, woefully undermanned and dangerously ill-equipped—at a time when, as many hon. Members have pointed out, we are living in an increasingly dangerous world. The result is low morale and a failure to meet recruitment targets.

There is much that the Government can do, including on recruitment. Recruitment is harder today as a result of falling birth rates, more people going into further education, and people's lack of direct exposure to the armed forces, whether in a military family or by seeing people in uniform. Today's iPod generation, as they are being called, have very different expectations from those of previous generations. The solution is to expose people to the military environment at a much earlier age.

I pay tribute to the combined cadet force and the sea cadets, among others, which are important sources of recruitment. I recently visited the sea cadets in Bournemouth, and unfortunately found that they are woefully underfunded and looking for a new location in which to house themselves. Yet they provide huge opportunities for people from deprived backgrounds and eventually help in recruiting people into the armed forces. As we heard, the university air squadron provides 56 per cent. of our pilots. If we remove their ability to train in aeroplanes until they go to Cranwell, we are again denying ourselves a huge and important source of potential officers. I would not have joined the Army had I not gone through the officer training corps at university.

It is astonishing that at a time of increased threats and more commitments, famous battalions are losing their names. We are losing four battalions outright, and at the stroke of a pen 19 regiments are to go. The Royal Gloucester, Berkshire and Wiltshire Regiment is to merge with the Devon and Dorset Regiment, which is to merge with the Light Infantry. I understand, although the Minister is yet to make the announcement, that they are all to be merged with my own regiment, the Royal Green Jackets, to form five rifle regiments. As for the loss of the Parachute Battalion, which is the biggest feeder into the special forces, I do not understand the logic of that at all.

[Mr. Tobias Ellwood]

Many tributes have been paid to the Territorial Army, which is at its lowest level in terms of numbers since 1907. It is unacceptable that it should have about 41,000 personnel but in fact has only 35,000, yet the Government seem content to do little about it.

As if cutting manpower were not enough, the real scandal concerns equipment. This is where it is interesting to have been a soldier and now to be in this House and able to look at how much is being spent and whether it is being spent wisely. We are talking about basic kit—the basic requirements that enable the soldier, sailor or pilot to do their job.

The Eurofighter is £1.5 billion over budget and 16 months late. It is supposed to be replacing the Jaguar and the Tornado, but its introduction is slipping again and again—even though we are about to get rid of the Jaguar fleet in its entirety. The tale of the Sea Harrier jump jet is equally sad. It is supposed to be replaced by the joint strike fighter, but I am worried about that, especially as the Americans are now saying that they are going to make budget cuts. Can the Minister clarify what will happen if such budget cuts threaten the entire project?

We do not appear to have a timetabled strategy for dealing with our aeroplanes. Even worse, we have problems with the aircraft carrier. The wranglings over the bid were appalling and we are now not even sure of the entry date. There is a litany of problems with other equipment, including the Apache helicopter, which was brought to the United Kingdom in 2001. We lack trained pilots and the helicopters were not declared operational until 2004. The aircraft weapons did not work and pilots could not communicate with ground troops. It was also £4 billion over budget.

The same applied to the Chinook helicopters. Cockpit avionics prevented them from flying apart in cloudless skies. Those helicopters were £260 million over budget. Seventy Navy Lynx helicopters were grounded because of long-running safety problems. There were also problems with Tornado bombers, which cost £7 million each. Serious computer glitches occurred when they were introduced. When the C-130J transport planes—the replacement for the ageing Hercules system—were brought in, they were not operational. The Parachute Regiment could not even jump out of the back.

Adam Afriyie (Windsor) (Con): Was my hon. Friend also concerned about the equipment in use on the ground, such as Clansman radios, during the Iraq and Bosnian conflicts?

Mr. Ellwood: My hon. Friend makes a good point. The Clansman radio system was introduced in the 1970s and we are still using it today. We must be the only large-scale western Army that uses a non-encrypted radio system. Only now are the Royal Marines replacing it with Bowman radios.

Mark Pritchard: Does my hon. Friend share my concern that the Bowman radio does not fit into Land Rovers and that they currently have to be put on to trailers behind the vehicles so that they can be taken on operations?

Mr. Ellwood: My hon. Friend makes a good point, which is an indictment of the project. I learned from going out with the Marines recently that, on a weekend exercise, they need to take approximately 32 batteries to keep the radios going. Clearly, many questions need to be asked about the project, especially since it has taken 30 years to devise a replacement for the Clansman system. Of course, that was supposed to be solved by the smart acquisition system—a new process for dealing with procurement. As my hon. Friend the Member for North Wiltshire (Mr. Gray) commented earlier, perhaps from a sedentary position, rather than being faster, cheaper and better, it was "slower, dearer and worser"—I believe that those were his words. It is time to take our military needs seriously and invest properly in the equipment.

I should like to consider many other issues, which have already been raised, and with which the Government need to deal. They include closing RAF bases, the duplicity of the relationship between NATO and the EU, and the standard of NATO training as we go for the first time in Afghanistan from a peacekeeping to a war-fighting role. The hon. Member for Telford (David Wright) also mentioned the nuclear deterrent.

Much more needs to be debated. We had the biggest shake-up in July 2004, when we needed more forces, yet the Government reduced our strength. The Government are keen to praise our armed forces but not fully to finance them. They are keen to commit them to battle but not properly to equip them. It is a good job that we focus our energies in most of our operations on hearts and minds. If we had to do it any other way, we would not have the equipment. Every soldier, sailor and airman has the right to ask whether money is being well spent by the Government. I do not believe that the Government's words are matched by their actions. We are rightly proud of our armed forces, but we should be less proud of the Government's record.

5.28 pm

Mr. Andrew Robathan (Blaby) (Con): Defence in the United Kingdom is a fairly topical subject given the bombings in July, terrorism in the UK and so on, so one has to ask why the Labour Benches are so empty. Why are so few Labour Members of Parliament interested in the subject? That is in contrast to Conservative Members—the best part of a dozen Conservative Back Benchers are present—yet only a Parliamentary Private Secretary and one solitary Labour Back Bencher are here. Not one new Member of Parliament in the Labour party has participated in the debate. The five Labour Members who spoke were highly or pretty critical of the Government. It must be lonely for the Under-Secretary on Treasury Bench; the bluster from the Secretary of State and the Minister of State is no substitute for good defence policy.I want to pay tribute to the excellent speech made by the shadow Secretary of State, my right hon. and learned Friend the Member for Devizes (Mr. Ancram), who has given long service to our party, this Parliament and the country over a number of years.

A great many Members—the hon. Members for Liverpool, Walton (Mr. Kilfoyle), for Berwickshire, Roxburgh and Selkirk (Mr. Moore), for Telford (David Wright), for Islington, North (Jeremy Corbyn), my hon. Friends the Members for New Forest, East (Dr. Lewis) and for Monmouth (David T.C. Davies) and my right hon. Friend the Member for North-East Hampshire (Mr. Arbuthnot)—raised the question of a full-scale debate and consultation on the future of the nuclear deterrent. We know, because the Government have told us, that a decision will be made in this Parliament about a replacement for Trident. The Government should, as the Conservatives did in the 1970s when Trident was being discussed, publish papers stating the facts and the arguments for and against, so that we can have an informed debate.

The hon. Member for Telford and my right hon. Friend the Member for North-East Hampshire both spoke of the increasing detachment of the armed forces from local communities. That has an impact on recruitment, about which many Members have spoken, so I again question the breaking of local links through the provision of mega-regiments rather than regiments with local ties such as county regiments.

My hon. Friend the Member for Congleton (Ann Winterton) spoke at length about falling recruitment and retention in the Territorial Army. In a stunning indictment of recent Government policy, she described the TA as being in jeopardy. My hon. Friend the Member for North Wiltshire (Mr. Gray) added to that from his great experience of the TA. He made a devastating attack on the Government, comparing the armed forces with an elastic band stretched to breaking point.

I am sorry to praise the hon. Member for Vale of Glamorgan (John Smith), because I know that he will not appreciate it, but he was again a fierce critic of decisions in relation to DARA. He described cuts for cuts' sake and said that the decisions stink of cutting costs. The hon. Member for North Durham (Mr. Jones), a member of the Defence Committee, spoke with great authority on FRES and other procurement problems—hardly a tremendous endorsement of Government policy.

As for the contribution of my hon. Friend the Member for Salisbury (Robert Key), I, too, liked the conservation part of the report in relation to training errors. He was the only person really to congratulate the Government—on MOD policy on looking after Salisbury plain. As a young man lying on Salisbury plain in the middle of the night, I remember watching badgers through a night sight, and it was great fun—*[Interruption.]* Badger watching has a different meaning in the Conservative party than in the Labour party. He then criticised the Government over the failure to address the threat of MANPADS and the failure to trust the people.

The hon. Member for Colchester (Bob Russell) again criticised the Government over the education of forces children and about the TA. In particular, he asked the interesting question: when will we have the statement on the future Army structure?

My hon. Friend the Member for The Wrekin (Mark Pritchard) spoke up for Shropshire and discussed Combat Stress, an excellent charity with which I have had dealings. He spoke of the Government letting down his constituents at Donnington and about national security. He spoke without notes, which is very impressive, and I can tell that he has been taking lessons from my hon. Friend the Member for Witney (Mr. Cameron), who always speaks without notes, too.

My hon. Friend the Member for Monmouth spoke with great passion, and extremely well, about his TA experience, and particularly about the Government betraying soldiers in both Northern Ireland and Iraq. My hon. Friends the Members for Kettering (Mr. Hollobone) and for Bournemouth, East (Mr. Ellwood) spoke from their different military experiences. My hon. Friend the Member for Bournemouth, East spoke particularly about difficulties of recruitment, procurement failures, Government cuts and policy failures.

All in all, this has not been a great day to sit on the Treasury Bench—

John Reid: It has been an excellent day.

Mr. Robathan: The Secretary of State says from a sedentary position that it has been an excellent day; he has not been here for very long.

What concerns me more than anything else—it also concerns the armed forces—is the attitude of the Labour Government to their loyal soldiers, sailors and airmen. We should not be too surprised at that attitude. We heard from my right hon. and learned Friend the Member for Devizes about the Chancellor of the Exchequer's attitude to spending money on the armed forces. I want to give the House two examples that illustrate, I regret to say, the contempt in which some members of the Government and the Labour party hold the armed forces. I do not wish to be nice to the Secretary of State, but I exempt him from these criticisms as I know that they do not apply to him. I believe that they do not apply to his Ministers either, although I have not yet heard their views in the same detail as I have heard his. I believe that the Secretary of State is a great friend of the armed forces and it is a pity that he has to implement the cuts that were announced before he took his post.

While serving as Secretary of State for Northern Ireland during Christmas 1999, Peter Mandelson—as I understand it, a pretty close confidant of the Prime Minister—referred to members of the Household Division as "chinless wonders". At the time, three of the five footguards battalions were on operations in Northern Ireland. I was in a footguards battalion and served in Northern Ireland. If I thought that "Uncle Peter", as he is apparently called in the Prime Minister's household, were no longer welcome in No. 10, I would be happier, but I suspect that he remains a close friend and confidant. More recently in 2003, the Deputy Prime Minister insulted our armed forces by saying, "All soldiers are boneheads." That rather contrasts with what the Minister of State said about how much he respected our forces. It was an unworthy comment, but I suggest that it is revealing of how many in the Labour party's hierarchy view the armed forces.

My right hon. and learned Friend the shadow Secretary of State mentioned several of the real problems that are dogging the armed forces, including declining recruitment and retention, notwithstanding the fact that, as I understand it, 7 per cent. of the Army is now recruited outside the UK from the Commonwealth. My right hon. and learned Friend and several other hon. Friends referred to the increasing haemorrhage of soldiers from the Territorial Army. Until the present Government came to office, such soldiers had never been used on operations outside general war to the extent that they have been in Iraq.

[Mr. Robathan]

I would like to highlight other issues that are making the Army, and the armed forces in general, deeply suspicious of the Government. As I said on Monday, I fear that they are undermining the loyalty and trust that should exist both ways between our armed forces personnel and their political commanders. When he sums up, will the Minister comment on the following extract from an article in Monday's *The Daily Telegraph*? I know that he probably does not read that newspaper, but if it were a quote from *The Guardian*—*[Interruption.]* I am delighted to hear that the Secretary of State reads *The Daily Telegraph*. The article states:

> "A week after the trial ended, Brig. Robert Aitken, the director of Army personnel strategy and answerable directly to Gen. Jackson, wrote to selected commanders.
>
> 'How did our officers perform?', he asked. 'Was abuse of Iraqi civilians widespread?'
>
> The brigadier said he was not 'conducting a witch-hunt' but added: 'I do need some evidence.'
>
> In a reference to press reports, he wrote: 'The media at the moment is giving our military discipline system a bit of a hammering and is also asking . . . whether our officers behaved to the highest standards.'"

I do not know him and—I hasten to add for the Secretary of State's benefit—I am not criticising him one way or the other, but we require an answer about whether that is true. Was there a policy of investigating officers to get them to face a court martial? I have already raised earlier today the question of the Attorney-General's political involvement in decisions. Perhaps the Minister will tell me that the Government did not encourage that policy.

As we have already heard from my hon. Friend the Member for Monmouth, these courts martial are harming the morale of people who, whether they be soldiers or their commanders, are operating in incredibly difficult circumstances. I can assure the House that all soldiers understand that if they wilfully abuse Iraqis or others, or if they wilfully misbehave or commit criminal acts, they should expect to be punished. I hope, however, that everyone understands that sitting in a nice office in Whitehall or, indeed, in the Chamber of the House of Commons and talking about these matters is very different from being on the streets of Iraq, where temperatures may be as high as 58° C and troops may be wearing heavy body armour, sweating like the proverbial, knowing that some people around them have weapons and are trying to kill them.

My second point leads on directly from that and relates to the Northern Ireland (Offences) Bill, which my hon. Friend the Member for Monmouth mentioned. Will the Minister tell me what representations he has received from senior officers about that shameful Bill? Can he confirm that it is the case that British soldiers who served in Northern Ireland, who were obeying orders from senior officers directed by the Government at the time, may be prosecuted under the Bill on exactly the same conditions as the terrorists they were trying to deter? Would the soldiers and SAS personnel involved in the Loughgall incident in 1987 be caught by this Bill? The Minister will recall that the European Court of Justice—it might have been the European Court of Human Rights; he will put me right—found that the terrorists involved in that incident were unlawfully killed, and that as a result, compensation was paid to their relations.

I would be very grateful if the Minister commented on those issues. I can assure him that soldiers will not wish to engage the enemy—the primary purpose of infantrymen and most other soldiers—if they are likely to face prosecution. It cannot be right to treat public servants acting under orders in the same way as terrorists committing crimes in this country. These are the issues that are harming the armed forces' long-term morale. As I said, I do not believe that the Secretary of State is party to them, so let him stand up and say what he thinks about them. It is important that he do so.

Many other issues have been raised and I shall not cover them in detail, but the cut in the number of infantry battalions as part of the Army restructuring is, to put it mildly, perverse, coming as it does when the Army is so busy around the world. It cannot make sense to reduce the number of infantry battalions by four. Perhaps the Minister will tell us where the troops for Afghanistan will come from, because it is not immediately apparent. In view of the question from the hon. Member for Colchester, he might also tell us when the disbandments and reorganisation will take place. I understand that they have been put off because our troops are so busy. On infantry reorganisation, is the Minister absolutely sure that ending the arms plot will make the infantry operate better and be more usable?

Has the Minister considered the following important point, which several soldiers have raised with me? Currently, our battalions have experience in depth. They contain people who have served in armoured infantry in Germany and Iraq, and who have done basic foot-soldiering and peacekeeping in Northern Ireland. Such people have the gamut of experience, but given the direction in which this reorganisation is going, we risk taking away that depth of experience and the military expertise that we currently enjoy. My concern is that we will get a less flexible, less usable infantry under this reorganisation.

I come briefly to the Royal Navy. In discussing how the Government have been treating our armed forces, it needs to be pointed out that we are reducing the frigate and destroyer fleet from 32 to 25. In fact, in a couple of years' time there will be even fewer. Some ships have yet to come into fleet service. This is a dire situation. The Chief of the Naval Staff and First Sea Lord, Sir Alan West, said that he believes that 30 is the minimum number that we can make do with.

In many ways, today is a rather sad day. This debate has been largely interesting and well attended—certainly by Conservative Members, if not by Labour Members—but it has raised more questions than it has answered. I very much hope that the Minister will be able to answer some of them when he replies.

5.43 pm

The Parliamentary Under-Secretary of State for Defence (Mr. Don Touhig): This has been an important and valuable debate, and every Member's contribution has helped in that regard. I apologise at the outset for the absence of the Minister of State, Ministry of Defence. As he advised the Opposition parties, he has had to leave London.

As a force for good across the world, our armed forces are second to none. Our service personnel do a tremendous job in often unimaginable circumstances and they deserve the very best support that we can give them. My agenda—my mission as a Minister in the Ministry of Defence—is simple. It is to demonstrate to the whole defence family that we value them: our cadets, reserves and serving personnel, and their families, and our veterans.

This year more than ever we have shown how we value the contribution made by those who defended our freedoms in the darkest days of the previous century. Our men and women become veterans the moment that they leave the armed forces, and I believe that it is very important to remind the public of what they have done for us, while at the same time making sure that they know that we are there to give help, advice and support for the rest of their lives.

I am delighted that the armed forces veterans badge has been so well received, and we are very pleased that my right hon. Friend the Secretary of State was able to announce that eligibility is being extended to cover those who served between the wars and up to 1954.

I am also pleased that the Ministry of Defence makes a significant contribution to the Government's youth agenda. I should like to pay personal tribute to all the adult volunteers who give so much of their time to the cadet forces. It is a direct result of their efforts that the cadet movement is one of Britain's largest youth organisations with a membership in excess of 130,000.

For the commitment and personal sacrifices that our service people make, they deserve the confidence and peace of mind that comes from knowing that their families are cared for, particularly when they are away on operations. Members of the armed forces draw heavily on the support that they get from their families, supporters and loved ones. There is no question in my mind that we must continue to deliver practical improvements to the things that make people feel good about the extra mile that we often ask them to go.

They expect—and I agree with them—that we should and will deliver good-quality accommodation, a fair allowances package and a robust and responsive welfare network. Over the past three financial years, we have upgraded 5,452 married quarters, at a cost of £120 million. Over the next four years, we intend to upgrade a further 3,300. I pay tribute to the service families associations for the full part that they play in helping us to devise our policies.

It is appropriate that I say something about the reserves and the regular forces together, because together is exactly how they serve in our modern forces. On the numbers in the reserves, we have witnessed Opposition Members shed a quantity of crocodile tears—*[Interruption.]* We should not forget that, in their years in power, they cut the reserve forces by 20,000. They do not like to be reminded, but there is an old saying, "By their actions ye shall know them."

Our reserves play a vital role in the success of operations. The strategic defence review envisaged more capable reserves, more closely integrated with the regular forces. I also pay tribute to the employers who give reserves time to serve. That is of tremendous value and the country owes them a great debt.

In the past few days, and in this debate, we have heard a great deal from Opposition Members about the military justice system. The armed forces Bill will be presented to Parliament later this month, with a Second Reading possible in December. It will give us an opportunity to streamline and modernise our system of military justice and I suspect that it will provoke much discussion in this House.

In this debate, as in others, a great deal of outrage has been generated by some Opposition Members. They produce a tremendous amount of heat but not a lot of light on this subject. Our armed forces are the very first to say that they should act within the law. Where there are questions about the conduct of individuals, those individuals should be properly investigated and dealt with. That is a proud tradition of the British forces, and one that this Parliament upholds.

My right hon. Friend the Prime Minister told the House yesterday:

> "Any wrongdoing that ever occurs comes . . . from a very small minority—totally unrepresentative of the broad mass of the British armed forces."—*[Official Report*, 16 November 2005; Vol. 439, c. 965.]

I believe that all of us in the Chamber would endorse that.

Mark Pritchard: Will the Minister give way?

Mr. Touhig: No. I hope that the hon. Gentleman will forgive me but I have very little time. Under normal circumstances, I would give way to him, but those hon. Members who have served in the armed forces know the truth of what I am saying.

Some accusations made by Opposition Members are perhaps designed more to inflame the leader writers than to inform any debate. The MOD gives tremendous support and help to all our people involved in the legal process. The Bloody Sunday inquiry and the Stevens investigation—to which I referred during Defence questions on Monday—prove that we give that support. We will continue to give it.

Mr. Robathan: Will the Minister briefly respond to my question about the report in *The Daily Telegraph* on Monday?

Mr. Touhig: I am making a number of points, and I hope that the hon. Gentleman accepts that I shall come to that in my own time.

It is time to set the record straight on current and recent prosecutions. Through ignorance or malice, or because certain of them seem to get things wrong, Opposition Members are damaging the morale of our armed forces by the way that they treat this issue.

I am mindful of the hon. Member for Blaby (Mr. Robathan). His attack on the Chief of the General Staff is a disgrace and a shame he will bear for a long time. I respect the hon. Gentleman as a former serving soldier and he knows that it is the convention in this country that serving officers do not engage in politics. I urge him now to help save his reputation and withdraw the slur on the good name of General Sir Mike Jackson. No less offensive were the allegations of political interference, which were as incoherent as they were intemperate.

[Mr. Touhig]

Contrary to the allegations that have been made, there is absolutely no political involvement in decisions of the independent Army prosecution authority.

Sometimes I wonder exactly what the Opposition want. Are they saying that there should be political interference and that Ministers should intervene to stop prosecutions? Alternatively, are they saying that British troops should be above the law? I am sure that they are not doing so, but that is the impression that they seem to give.

Mr. Ancram: It is important that we get this straight. Is the Minister saying that the Attorney-General on no occasion has any say on whether a prosecution should take place?

Mr. Touhig: As I think the right hon. and learned Gentleman knows, the responsibility of the Attorney-General comes into play after the Army prosecution authority believes that there is a matter to be prosecuted. That is how it happens and how it has been happening. We need a robust system of military justice through which allegations are investigated and, if appropriate, wrongdoers brought to court. That is what the Government want.

Let me respond to the comments made by hon. Members. First, I pay tribute to the right hon. and learned Member for Devizes (Mr. Ancram). We wish him well in his retirement. He has made a considerable contribution as a Member of the House, an Opposition spokesman and a Minister. I endorse warmly the comments that have been made on both sides of House at his last appearance at the Dispatch Box.

The right hon. and learned Gentleman alleged that the Government were responsible for cutting the defence budget. When his party was in power, defence spending—[HON. MEMBERS: "Come on."] It is funny how Conservative Members do not want to hear these things. The Conservative Government cut defence spending by 15 per cent., and that was after the cold war. This Government are increasing defence spending by 7.5 per cent.—that is the difference.

The right hon. and learned Gentleman went on to complain about regiments and various cuts to forces. Let us not forget that the Conservative Government merged several regiments. They also reduced numbers in the Navy. The number of submarines fell from 18 to 10 and the number of frigates from 22 to 19. The number of Navy personnel was cut from 58,000 to 45,000. During the Tory Government of 1992 to 1997, the number of RAF squadrons fell from 55 to 47, which was a reduction of 15 per cent. The Conservatives have nothing to teach anyone about how to handle the armed forces.

The right hon. and learned Gentleman criticised the Government's procurement record, but in 1997—the year that the Conservatives left office—the National Audit Office found that the top 25 defence procurement projects in which the Conservative Government were involved were £3 billion over the original costs and would be delivered three years late. That was the Conservatives' record in government.

I was especially worried that the right hon. and learned Gentleman suggested that the armed forces were under a "legal siege". That is rubbish. There have been 80,000 troop deployments in Iraq since we have been there, but in that time, there have been 184 investigations, which includes investigations of road traffic incidents. Of those investigations, one is ongoing, three have been dealt with by a commanding officer, five have been passed to the Army prosecuting authority, five are due for trial and 164 are closed. Five trials have been held and one case is now with the chain of command. There is no siege on our forces as far as the legal system is concerned.

My hon. Friend the Member for Liverpool, Walton (Mr. Kilfoyle) said that he believed that there should be an open debate on defence. He is right, but we have five defence debates a year—this is one of them—so we have a fairly open debate on defence.

The hon. Member for Berwickshire, Roxburgh and Selkirk (Mr. Moore) made several points about nuclear policy. My right hon. Friend the Secretary of State made his views on that clear during Defence questions this week, so I have nothing to add to what he said.

The hon. Gentleman asked about the publication of the tri-service Bill. As I said, we hope to publish it at the end of the month and hold the Second Reading debate at the end of December. My right hon. Friend the Minister of State referred to the Blake report earlier, so I do not think that I can add anything else to that.

I will take note of the points that the hon. Gentleman raised about Qinetiq. I will go through them thoroughly and, if necessary, write to him. I will place a copy of any correspondence in the Library.

I pay great tribute to my hon. Friend the Member for Telford (David Wright) for his hard work on behalf of his constituents. The hon. Member for The Wrekin (Mark Pritchard) has been trying to intervene for some time—he must forgive me but I cannot give way at this time—and I know that he shares my hon. Friend's concerns about the proposed job losses at Donnington. All is not dark there and I hope that both Members will take part in the meetings with my right hon. Friend the Minister of State. I cannot answer the question about the rail freight depot but to assist my hon. Friend I will ensure that it is passed on to my appropriate ministerial colleague.

The Chairman of the Defence Committee, the right hon. Member for North-East Hampshire (Mr. Arbuthnot), has an important role. His Committee scrutinises on our behalf what we do day-to-day in the Ministry of Defence. I pay tribute to him and his Committee for their hard work. He mentioned a debate about Trident. I am sure that when my right hon. Friend the Secretary of State reads *Hansard* tomorrow he will take note of the right hon. Gentleman's remarks, and if there is a wide-ranging debate I have no doubt that my right hon. Friend will welcome it.

My hon. Friend the Member for Islington, North (Jeremy Corbyn) raised the issue of nuclear policy. I think I covered that point in my earlier remarks.

The hon. Member for Congleton (Ann Winterton) expressed concern about TA recruitment. I certainly do not dismiss the points she raised. Of course, we are engaged in a battle in recruiting people to our forces.

That is a fact and we do not deny it. However, she might like to hear some remarks made by soldiers themselves, and I shall read out a couple of them. The first is:

> "I do not believe that anyone joins either the reserve or the regular forces without some hope of seeing operations at some time during their service."

The second is:

> "One ought not to be in the Territorial Army if one does not accept or even welcome the chance of being called up."—[*Official Report, Westminster Hall*, 24 March 2005, Vol. 419, c. 251–2.]

Those statements were made by the hon. Member for New Forest, West (Mr. Swayne).

I know of the concerns of my hon. Friend the Member for Vale of Glamorgan (John Smith) about DARA St. Athan. He has been campaigning about that for several years. As he knows, consultations are under way and I have no doubt that he will take part. I am encouraged by a south Wales newspaper headline, quoting my hon. Friend who said:

> "It's not all doom and gloom over St. Athan."

It is not, and I have no doubt that he will continue to ensure that he represents the interests of his colleagues and constituents in the forthcoming discussions.

I did not agree with many of the things that the hon. Member for North Wiltshire (Mr. Gray) said, but his contribution was thoughtful and lucid. Such contributions are important in defence debates. It was a good House of Commons speech, which considered the whole ambit of defence. I thank him for the main thrust of his remarks, although I disagreed with some of his conclusions. It was an excellent contribution to our debate. My hon. Friend the Member for North Durham (Mr. Jones) made a similar contribution and I certainly welcome his comments.

The hon. Member for Salisbury (Robert Key) mentioned the tri-service Bill. Perhaps he will serve on the Committee; if so, he will bring much wisdom and knowledge to our deliberations when we deal with the Bill, which already has several hundred clauses—and we have not finished yet.

I shall look into the points raised by the hon. Member for Colchester (Bob Russell) about accommodation and education. If necessary, I shall write to him.

The hon. Member for The Wrekin expressed concern about Donnington. I hope that he will be able to take part in the discussions with my right hon. Friend the Minister of State. That would certainly be helpful. He accused us of adopting privatisation, but the James review stated that, if the Conservatives had won the last election, they would have sold or privatised the Warship Support Agency, ABRO, DARA, the Met Office and the UK Hydrographic Office.

Mark Pritchard *rose*—

Mr. Touhig: The hon. Gentleman must forgive me, but I will not give way. I assume that he stood on the basis of that manifesto, so perhaps he could explain it to his constituents. We are doing something about the situation.

I have a lot of affection for the hon. Member for Monmouth (David T.C. Davies), but he peddled the same old Tory myth about attempts to cause grief among our services through a swathe of prosecutions. He referred to possible Northern Ireland legislation. We touched on that during questions this week, but he should know that the decision to review the 2,000 cases was taken not by the Government but by the Police Service of Northern Ireland. It was their decision, not ours. He also expressed concern about terrorism. I do not doubt that his concern is genuine; it is only a pity that he was not in the right Lobby when we were voting on the 90-day provision last week.

The hon. Member for Kettering (Mr. Hollobone) made a number of points about recruitment that I think I have answered. The hon. Member for Bournemouth, East (Mr. Ellwood) made an important contribution. He talked about recruitment and I have already touched on that. He also talked about the Bowman project, which we had to sort out because the previous Government had left it in a terrible mess.

I do not think that there is much more that I can say to the hon. Member for Blaby, as I have already said most of it. Time is running out, but I would certainly come back to him if there were more time.

The Ministry of Defence is determined to provide modern support for our forces. We value our people and we will do whatever is in our power to demonstrate that. The men and women of the armed forces of the British Isles are the finest in the world, and I am sure that the whole House can at least agree on that and join me in congratulating and supporting them

It being Six o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Michael Shields

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Alan Campbell.]*

6 pm

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I thank Mr. Speaker for selecting the case of my constituent, Michael Shields, for debate today. I bring Michael Shields's situation to the attention of the House because I am convinced that there is a grave danger that a gross injustice has taken place and that an innocent 19-year-old young man is languishing in a Bulgarian jail, serving a 15-year sentence for a crime that he did not commit and to which another man has confessed.

The solution lies in the Bulgarian judicial system, but there is a vital role for our Government to play. Michael Shields, with others, travelled to the Crystal hotel in the Golden Sands resort of Varna, Bulgaria on 23 May 2005. From there, he moved to Istanbul to watch Liverpool beat AC Milan in the European championship final on 25 May. He then returned to Varna. On 30 May, at approximately 5.30 am, in the vicinity of the Big Ben fast food café, barman Martin Georgiev was seriously assaulted. He was punched to the ground and then kicked. His assailant proceeded to drop a large rock-like stone on to his head. Only immediate surgery saved Martin Georgiev's life.

Michael Shields was taken from his hotel room, where he was sleeping. After an investigation, he was later arrested and charged with attempted murder. He received a 15-year sentence in the Varna court on 26 July 2005, and was ordered to pay compensation of 200,000 Bulgarian leva in addition. Two others received non-custodial sentences. Michael has always been adamant that he was asleep in his hotel room at the time the attack took place, and produced witnesses to testify to that fact.

On 28 July, Graham Sankey, who had been questioned but then released by the Bulgarian police before he returned to Liverpool, confessed to the crime. In a statement issued through his solicitor he stated:

"an innocent man has received blame for what I did."

To this day, Graham Sankey has not been questioned about his confession. The case is under Bulgarian jurisdiction and only the Bulgarians can initiate such a process.

I have discussed the matter with Merseyside police, who are willing to investigate. They can do so, however, only at the request of the Bulgarian authorities. No such request has been made. Michael's appeal, which was heard on 14 October, confirmed both the guilty verdict and the 15-year sentence. Michael's legal team is now considering an appeal to the Sofia court. If that does not succeed, Michael's case may be taken to the European Court of Human Rights, which could order a retrial.

Today, I ask our Ministers to urge the Bulgarian authorities to order an inquiry or a retrial into this highly disturbing case, and I do so for three major reasons: first because of serious concerns about the initial trial, including the pre-trial phase; secondly, because of the failure to question Graham Sankey following his confession to the crime; and, thirdly, because of the significant evidence submitted by a new witness. I should like to indicate the major areas of concern in those three spheres, although I stress that this is not an exhaustive list.

First, I refer to the trial and pre-trial phase. Stephen Jacobi, the eminent international human rights lawyer who is director of Fair Trials Abroad, witnessed part of the initial trial. He reports serious shortcomings, stating that the way in which identification was authenticated was "quite appalling". In the absence of forensic evidence—a major deficiency in itself—this is greatly disturbing. Guilt was determined solely on the basis of witness identification. Witnesses were able to resile from their police statements that they could not remember details of the defendants' faces. Dock identification was permitted, as though it was of real evidential worth, a practice that Stephen Jacobi reports was abandoned in the United Kingdom 50 years ago.

Evidence on how the blow to Martin Georgiev was struck was divided. All those in the bar—close colleagues of the victim—admitted that they did not see the beginning of the action, but stated that the stone was clutched to the assailant's chest and dropped from there. Those who saw the whole of the attack from outside could identify Michael Shields only from seeing him in the dock, and they said that the stone was brought down from above the assailant's head.

The court considered a highly judgmental document from the prison governor, who gave a prejudicial interpretation of Michael's motives in wishing to have his hair cut. The defence could not cross-examine the governor on that. Even before the trial began, prejudiced pre-trial publicity and the flawed identity parade gave cause for concern.

The second reason I seek an inquiry or a retrial is the bizarre situation of Graham Sankey. The Bulgarians have not questioned Graham Sankey since his confession to the crime, and neither have they asked the British police to do so, although it is within their remit to make that request. This raises major questions. The Bulgarian Ministry of Justice issued a summons for Graham Sankey and four others to attend court before the confession was made. So before the confession was made the Bulgarians did want Graham Sankey to come to court for questioning. After the confession was made, they did not want to talk to him, nor did they want anyone else to do so.

The request that the Bulgarian authorities made for Graham Sankey to attend court before he made any confession was received by the Home Office on 11 July, but was not served by the UK central authority because insufficient time was given before the court hearing on 21 and 22 July. The normal period of notice required is six weeks. Yet, inconsistently, the Bulgarian courts rejected Michael Shield's defence request for an adjournment of the appeal hearing in October so that Graham Sankey could be questioned after he had made his confession. I understand that that refusal, and indeed inconsistency, could be material to a successful hearing in the European Court of Human Rights.

The third reason for an inquiry or retrial is because a new witness, Mr. A, has recently come forward and submitted a notarised and legalised statement. He was an eye witness to the incident. He does not know either Michael Shields or Graham Sankey. He reports that the man who dropped the stone on Martin Georgiev's head was short and dark. He is certain that it was not the fair-haired Michael Shields.

When Mr. A returned to the Big Ben bar the morning after the incident, he spoke to a bar worker who had witnessed the attack. The bar worker referred to the assailant as

> "a fat lad with black hair",

and stated that this could be corroborated by around 10 people. Mr. A assumed that those witnesses would point out that Michael Shields, who is fair, was the wrong man. That is why he did not come forward as a witness at that time.

However, those in the bar who witnessed who carried out this offence did not speak out. At the time of the attack, they saw a dark-haired man commit the offence. In court, they identified the fair-haired Michael Shields. Was this indeed a change of testimony, or was it about selecting witnesses to bolster the prosecution's case? When Mr. A later read about Graham Sankey's confession, he assumed that it would be accepted. That did not happen, which is why he has now come forward. Mr. A is ready to travel to Bulgaria to testify.

At this stage, neither Graham Sankey nor the new witness has been questioned about their statements. That means that no Bulgarian court has considered all the available evidence.

This is a critical time for Bulgaria. On 25 October, the European Commission published its enhanced monitoring assessment on whether Bulgaria should be permitted to join the European Union as planned in January 2007. I note that two of the five areas of concern identified by the Commission are "justice" and "home affairs", with specific reference to the pre-trial phase. That is highly relevant to Michael Shields's situation for the reasons that I have set out.

I ask the Government to object to Bulgaria's accession to the European Union. There are good grounds for doing so. The deep disquiet over the way Michael Shields's trial has been conducted relates to the very areas of concern identified by the Commission.

This case concerns the life of a young man and that of his devastated family. It is about a potential gross injustice. The Shields family are strong and united. They have firm support in Liverpool, in the country and in Europe, where Arlene McCarthy, the Member of the European Parliament for the North West, is campaigning on Michael's behalf. The Shields family's campaign will continue until justice is done and I shall stand with them. I thank my right hon. Friend the Minister and the Foreign Secretary for meeting the Shields family when I brought them to the Foreign Office in September.

Mr. Peter Kilfoyle (Liverpool, Walton) (Lab): I have listened carefully, because Graham Sankey is my constituent. While I am equivocal about the case concerning Sankey, if only because of the inadequacy of the personality, I am overwhelmed by the case that my hon. Friend has described, which I have some knowledge of, and which demands a fair retrial for Michael Shields. Will she accept my humble support in her endeavours to ensure that he gets that retrial?

Mrs. Ellman: I thank my hon. Friend for that intervention. I accept his support, because the case that I am making is indeed for a retrial.

I thank the Minister and the Foreign Secretary for the assistance that they and their staff have given following the meeting in the Foreign Office and, indeed, before that. It has taken many forms and it is much appreciated, but more needs to be done as we address the complexities of a potential miscarriage of justice involving a British citizen imprisoned under another jurisdiction. I recognise that Ministers cannot interfere in the Bulgarian judicial process, but I ask them to exert their influence on the Bulgarian authorities and to urge them to conduct an inquiry, or to order a retrial, into what happened to Michael Shields. That influence is considerable and I have suggested how it might be exerted. It is a matter of justice.

6.13 pm

The Minister for Europe (Mr. Douglas Alexander): I congratulate my hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman) on securing a debate on the case of Michael Shields, who, as she has reminded us, has been detained in Bulgaria since May. I welcome the opportunity to set out our position clearly in relation to that case. I pay tribute to the tireless efforts that she has made and continues to make on behalf of Michael and the Shields family.

Before concentrating on the specifics of the case, it is worth noting the close ties that the United Kingdom has with Bulgaria, which is soon to be a fellow member of the European Union. Every year, 200,000 British visitors visit Bulgaria, enjoying the Black sea coastal resorts and the country's rich cultural heritage. The majority of those visits are trouble free for British visitors and it is important to recognise that the arrest of British nationals remains, I am thankful to say, a rare occurrence. The number of visitors is also set to rise with the increasing popularity of package holidays to the Bulgarian coastal resorts in summer and to the ski resorts in winter.

My hon. Friend spoke about the background of Mr. Shields's case and the events surrounding the serious injury sustained by Martin Georgiev, who will always bear the scars from this incident. I sympathise with the Shields family and will ensure that we continue to do all that we properly can to assist them.

Our consular staff were informed on 30 May of the arrest of Michael Shields and three other British nationals, Graham Sankey, Bradley Thompson and Anthony Wilson, following a stone-throwing incident in the Golden Sands resort in Varna, Bulgaria, in which a Bulgarian national was seriously injured. Our consular staff visited the detainees at the arrest ward of the investigation centre in Varna on 31 May. None of the detainees complained about their treatment by the Bulgarian authorities. If they had done so, we would have raised those concerns immediately with the local authorities. Since their arrest, our staff have been present at key subsequent court appearances.

[Mr. Douglas Alexander]

As my hon. Friend is aware, the result of Mr. Shields's appeal was released on 9 November. The judges ruled that Mr. Shields's conviction and sentence for attempted murder and hooliganism should stand, but agreed to a reduction of the civil claim amount to 120,000 leva. I understand how disappointing this must be for Mr. Shields and his family. There remains the possibility of appeal to the Cassation Court and I understand that Mr. Shields, his family and his legal team are discussing appealing to that court. My hon. Friend will understand—indeed, she confirmed as much this evening—that Ministers cannot interfere in the legal process of another sovereign country.

My hon. Friend asked what the Foreign Office can do to persuade the Bulgarian authorities to interview Mr. Sankey and to examine the evidence of a new witness. I understand that, prior to his appeal, Mr. Shields's legal team lodged a separate application to the court that requested that the court call Graham Sankey as a witness. The Appeal Court judge dismissed that request, stating that Mr. Sankey had already been removed from the list of witnesses, with the agreement of the defence. Mr. Sankey's confession was raised at the original trial, but was considered insufficient to create doubts with the court about Mr. Shields's guilt. I understand that the court questioned the confession's relevance and credibility. As my hon. Friend is aware, we are unable to interfere in the judicial processes of other countries, just as other countries are unable to interfere in our judicial processes. We have been advised by the Bulgarian authorities that new evidence will be examined only if the Cassation Court rules that the case should be returned to the Court of First Instance. That is a matter for Mr. Shields's legal team to pursue.

While we cannot interfere in the legal process, I assure my hon. Friend that we remain committed to doing all that we properly can to ensure for Mr Shields's welfare. Consular staff have assisted the Shields family with their visits on numerous occasions. We have maintained close contact with the family whenever they have been in Bulgaria and our staff have provided them with extensive consular support.

The Shields family have raised concerns over Michael's health and welfare. Our consul visited Mr. Shields on 10 November to discuss those concerns, and Mr. Shields said that he did not require any medical assistance. We will, of course, continue to monitor Mr. Shields's welfare, raising his concerns with the relevant authorities where necessary.

As I hope my right hon. Friend the Foreign Secretary and I made clear at our meeting with my hon. Friend and the Shields family on 13 September, we take Mr. Shields's case very seriously and we are committed to providing him with all appropriate consular assistance. Since that meeting, my right hon. Friend and I have both raised Mr. Shields's case with, respectively, the Bulgarian Foreign Minister and the Europe Minister.

I appreciate that this is a difficult and distressing time for the Shields family. In only a few days time, we will have a further opportunity to discuss the accession to the European Union of Romania and Bulgaria, and that will no doubt afford a further opportunity for discussion of this matter. However, my hon. Friend should be assured that we will continue to take a close interest in Mr. Shields and will continue to do all that we properly can to assist the Shields family at this difficult and distressing time. I am aware that we have already had one useful and constructive meeting on the subject in the Foreign Office and, in the light of the ongoing discussions my hon. Friend and I have had, I would be willing to consider a further meeting if that would be of assistance to her, as the elected representative, or to the Shields family, given what a difficult and distressing time this must be for them.

Question put and agreed to.

Adjourned accordingly at nineteen minutes past Six o'clock.

House of Commons

Monday 21 November 2005

The House met at half-past Two o'clock.

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

CULTURE, MEDIA AND SPORT

The Secretary of State was asked—

Tote

1. **Mr. Ben Wallace** (Lancaster and Wyre) (Con): If she will make a statement on the privatisation plans for the Tote. [29634]

The Secretary of State for Culture, Media and Sport (Tessa Jowell): The Government's objective remains to sell the Tote to a racing trust. We are working closely with the Tote, the shadow Racing Trust and the European Commission to achieve that objective.

Mr. Wallace: It has been six months since the plans to privatise the Tote were referred to the European Commission, which has decided to investigate. The suspended animation of the Tote does no one any good, least of all racing. Will the Secretary of State tell us about her contingency plans should the Commission uphold the complaint?

Tessa Jowell: I thank the hon. Gentleman for his question. We await the outcome of the Commission's investigation, and discussions will proceed to ensure stability in an uncertain time for the Tote. We are determined to sustain the benefits of the Tote for racing.

Jeff Ennis (Barnsley, East and Mexborough) (Lab): My right hon. Friend will recall that the hon. Member for Ryedale (Mr. Greenway) and I have already written to the European Competition Commissioner about this very matter in our capacity as joint chairs of the all-party racing and bloodstock group. Does my right hon. Friend agree that the onward sale of the Tote to a British racing trust at a fair price—"fair" being the operative word—is essential if British horse racing is to continue to thrive in future?

Tessa Jowell: My hon. Friend, who takes a close interest in the issue, is right. It is in the Tote's interest and, we believe, in the interests of racing that the Tote should be sold to a racing trust. The obstacle with the Commission is the issue of a fair price, which is under negotiation. I am sorry that I cannot be more forthcoming, but the Commission's investigations are under way and have not yet reached a conclusion.

Mr. Laurence Robertson (Tewkesbury) (Con): The Secretary of State talks about a fair price, but is she aware that no Government have ever put any money into the Tote at all? The Bill that was introduced to sell off the Tote had to nationalise it first, so no Government have ever put any money into the Tote. If the European Commission makes that objection, it is a spurious one. It is many years since the right hon. Member for Blackburn (Mr. Straw) was Home Secretary and announced that the Tote would be sold. In the intervening period, we have had years of uncertainty. The Tote sponsors the Cheltenham gold cup at a meeting that is worth millions of pounds to my constituency, and it does similar things throughout the country. The decision is crucial, so will the right hon. Lady do everything that she can to bring about the sale of the Tote?

Tessa Jowell: I am struck by the extent of support for the Government's position on the Tote on both sides of the House. The spirit of the former Member for Livingston, who was such a powerful advocate for the Tote, is watching over us and willing this to a conclusion. I can give the House an absolute assurance that we will do everything that we can to bring matters to a conclusion, consistent with whatever ruling the European Commission determines, but also in the interests of the Tote and, indirectly, in the interests of racing.

Historic Buildings (Halifax)

2. **Mrs. Linda Riordan** (Halifax) (Lab): If she will visit Halifax constituency to see the effects of the Government's spending on, and protection of, historic buildings in the town. [29635]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. David Lammy): Diary commitments mean that I cannot visit my hon. Friend's constituency in the near future. I will visit neighbouring constituencies in the region in the new year.

Mrs. Riordan: The Minister will know that since 1997, £10 million has been invested in the historic Shibden hall in Halifax. Is he also aware that, with the exception of Liverpool, Calderdale has more listed buildings than anywhere outside London, and that the unique Piece hall is in desperate need of major investment?

Mr. Lammy: In fact, £12 million has been invested by the Heritage Lottery Fund in Halifax in a short period, and my hon. Friend will be grateful for that money. The Heritage Lottery Fund met the community only last month to discuss how it can give even more support to initiatives in the town centre.

Mr. Gregory Campbell (East Londonderry) (DUP) *rose—*

Mr. Speaker: Order. Halifax is too far from East Londonderry for me to call the hon. Gentleman.

Digital Television (Wales)

3. **Mr. David Jones** (Clwyd, West) (Con): If she will make a statement on the timetable for digital switchover in Wales. [29636]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (James Purnell): As my right hon. Friend the Secretary of State for Culture, Media and Sport announced in September, digital switchover will happen region by region, between 2008 and 2012. For the region covered by the HTV Wales service, switchover will be in 2009.

Mr. Jones: As the Minister said, Wales will be one of the first regions to experience the digital switchover. Despite that, public awareness in Wales is extremely low. I receive repeated complaints from constituents, particularly those involved in the tourism industry, that they have very little information about what is happening. Can the Minister assure the House that he will introduce a programme of public information that will reassure my constituents?

James Purnell: Wales is the world leader in the proportion of households with digital TV, with 71 per cent.—higher than any other nation. We want to build on that. We have set up Digital UK to promote awareness of switchover around the whole country, and it is working with the Welsh Language Board and other organisations to make sure that its service is available both in Wales, including the hon. Gentleman's constituency, and in England.

Mrs. Madeleine Moon (Bridgend) (Lab): May I ask the Minister for reassurance that arrangements will be put in place to help those who, like me, find managing even the digibox extremely difficult, to help them equip their homes for the digital switchover, especially the disabled, the elderly, those with learning disabilities and people like me, who are technophobic?

James Purnell: That is a good point. Digital UK will provide a helpline, advice, leaflets and advertisements. We will also provide extra help for groups that our research has shown have the greatest technical difficulties in fitting new technology, in particular those over 75 and those with disabilities, so I can give my hon. Friend that assurance.

Hywel Williams (Caernarfon) (PC): Does the Minister accept that some people in Wales will be unable to receive digital signals even after the switchover, and that that has implications for democracy—at the time of an election, for example, for people wishing to receive information about an election campaign in Wales? What steps can the Government take to remedy that?

James Purnell: We have given a clear guarantee that the coverage of digital transmissions will be at least as great as that of the current system, and we will be working with Digital UK and the broadcasters to ensure that that is the case. Wales has a greater proportion than average of households that cannot receive TV at present, and they will be helped by the switchover.

Licensing Act

4. **Rosie Cooper** (West Lancashire) (Lab): What measures the Government are taking to ensure full use of the powers to review licensing decisions under the Licensing Act 2003. [29637]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (James Purnell): Later this week, my Department will issue specific guidance to local residents associations, small businesses and others on the processes for reviewing licensing conditions. The guidance will also cover how to make representations to licensing authorities and appeals.

Rosie Cooper: Like the hon. Member for Witney (Mr. Cameron), I broadly support the new licensing laws, but in my constituency, in, for example, Ormskirk town centre, residents are blighted by alcohol-related nuisance that causes them sleepless nights. Can my hon. Friend offer my constituents assurances that the Licensing Act will also address those problems, so that they can get a good night's sleep?

James Purnell: I can give my hon. Friend that assurance. Those problems are occurring under the current licensing framework. From this Thursday, any resident, any member of the police and local authorities will be able to ask for a review of any premises that are causing problems. From Thursday, any premises selling to people who are under age or to drunks, or holding irresponsible drinks promotions, are on notice that their licences are at risk.

Greg Clark (Tunbridge Wells) (Con): Will the Minister take into account in his review the case of the Grove bowling club in Tunbridge Wells, which has 50 members, mostly pensioners, who like to serve a drink to their members and guests? To do that used to cost a licence fee of £16 for five years. It now costs £910 for five years. Does the Minister agree with the secretary of that club, who thinks that that is a "stupendous" increase in tax?

James Purnell: We will examine that matter in the review that the hon. Gentleman mentioned. The review is independent. It is being conducted by Sir Les Elton and it will examine whether the exact detail of the fees is right. It is worth putting the matter in context: the court system subsidised the licensing system for alcohol to the tune of £25 million, and both sides of the House agreed that that was unacceptable and that the full cost of licensing administration should be borne by those who benefit from it—premises that obtain licences. There was cross-party agreement when the 2003 Act went through.

Mr. Gordon Marsden (Blackpool, South) (Lab): Will my hon. Friend pass on to Sir Les Elton and his team the thanks of small and medium-sized businesses in my constituency, which have been concerned—obviously, we await the review—about the fee regime? How much money would have been lost by small businesses and hotels if the Opposition parties' suggestion of aborting the second appointed day had been implemented?

James Purnell: It would have lost them about £2 billion over the next 10 years. The 2003 Act is an important piece of deregulation and it is interesting that, when the Conservative party was asked to stand up for deregulation, it failed to do so, which is why we were joined in our desire not to delay the 2003 Act by Action with Communities in Rural England, which represents village halls, the Local Government Association and the police.

Mr. Andrew Mackay (Bracknell) (Con): Will the Minister accept that many people who have purchased their homes near to pubs and clubs had a reasonable expectation that licensing hours would not be unduly extended? The hours have been extended in a number of cases, which has caused huge concern. If those people's fears are confirmed and the extensions blight their lives, will the Minister guarantee that it will be possible to appeal and obtain redress against such decisions?

James Purnell: The policy has been developed since 1998. As the right hon. Gentleman knows, at the moment anyone who wants to close down rogue premises will find it very difficult—only 0.2 per cent. of premises failed to have their licences renewed last year. From Thursday, if any of his constituents face that worry, it will be easier for them to challenge rogue premises and get them to close down or improve behaviour. We are changing the incentives open to landlords.

Mr. Pat McFadden (Wolverhampton, South-East) (Lab): Does the Minister agree with this comment:

> "I don't think it's sensible to shut every pub in a town at 11 o'clock and throw everyone out on to the streets at the same time. So licensing reform is sensible."?

Those are not my words, but those of the hon. Member for Witney (Mr. Cameron). Does the Minister welcome his support for licensing reform?

James Purnell: I agree with those views and we are glad that the hon. Member for Witney (Mr. Cameron) has joined us in supporting licensing reform. It is important to support the police by giving them greater powers and to treat people like grown-ups where they are drinking responsibly. The Conservative party's position is unclear. The shadow Home Secretary is against licensing reform—

Mr. Speaker: Order. The clarity of the Conservative party's position has nothing to do with the Minister.

Mr. Don Foster (Bath) (LD): In answer to the hon. Member for West Lancashire (Rosie Cooper), the Minister told the House that the views of local residents and councils were taken into account in deciding the new licences, but that is simply not true. Only today, a leading local government organisation said:

> "thousands of applications have gone through against the will of the licensing body".

Will the Minister assure us that the views of local residents and councils will be taken into account during the review? Will he also assure us that local people and councils who request a non-vexatious review will not be financially penalised for so doing?

James Purnell: I can give the hon. Gentleman that guarantee on his final point. If he contacts LACORS—Local Authorities Co-ordinators of Regulatory Services—the organisation to which I think that statement was attributed, he will find that it is putting out a statement that makes it clear that that is not its view. In two thirds of cases, applications have been resolved through negotiation and the process is about devolving powers to the local level. We are happy to work with all parties in the House to ensure that local authorities have all the powers that they need, but this is local democracy in action, and not the opposite of that.

Mr. Eric Illsley (Barnsley, Central) (Lab): May I draw my hon. Friend's attention to areas where the licensing law is working very well? In particular, two or three pubs in my constituency that had very poor records of behaviour have been refused licences under the new legislation. Will he congratulate my local authority on taking those steps?

James Purnell: I congratulate my hon. Friend's local authority on taking those steps, because it has been tough on those pubs, which, I believe, were involved in drug dealing and other offences. That example demonstrates exactly what the 2003 Act is here to do. It was introduced to crack down on irresponsible premises and let the rest of us who behave like grown-ups be treated like grown-ups.

Mrs. Theresa May (Maidenhead) (Con): A recent Home Office survey showed that an alcohol-fuelled violent crime takes place every 13 seconds. Does the Minister still believe that extended licensing hours will not lead to a rise in alcohol-related crime?

James Purnell: Our enforcement campaign over the summer resulted in a decrease in serious assaults of about 9 per cent. in the areas where it happened. We are now launching the toughest ever crackdown on alcohol-fuelled violence through the extra powers in the Act. We look forward to similar progress being made through the campaign over Christmas.

Mrs. May: I notice that the Minister did not answer my question. Last week, the Government launched a poster campaign against antisocial behaviour fuelled by alcohol. At the weekend, they announced a "one strike and you're out" policy against pubs. We now hear that they are recruiting 1,000 children to identify retailers who sell alcohol to under-age drinkers. Do not those last-minute panic measures show that the Government have finally woken up to what we have been saying all along—that their new licensing laws, 24-hour drinking and extended hours will lead to more problems for local residents living near pubs, more binge drinking and more alcohol-fuelled crime?

James Purnell: No. In fact, the Act is the reason why we can bring forward the poster campaign and the enforcement campaign. The Act introduces tougher powers to deal with alcohol-fuelled violence and that is exactly what we are doing. It is the right hon. Lady who is changing her position at the last minute, because she is refusing to support the position of the candidate whom she is backing for the leadership of the Tory party.

Olympic Games

5. **Mrs. Sharon Hodgson** (Gateshead, East and Washington, West) (Lab): What assessment she has made of the opportunities for businesses in Gateshead and Washington arising from the 2012 London Olympic games. [29638]

The Secretary of State for Culture, Media and Sport (Tessa Jowell): In excess of 500 contracts will be let in the course of preparing for the Olympics. To ensure that the economic benefits extend throughout the United Kingdom, including, I hope, to my hon. Friend's constituency, we have asked every regional development agency to develop an Olympics business plan.

Mrs. Hodgson: I will do all that I can to encourage businesses in my constituency to bid for work for the 2012 games. It would benefit my constituency if Gateshead international stadium, which is in my patch, could be used a training camp. I understand that the RDA, together with the central Olympics committee, is contemplating a clearance system to match countries with areas. Is there a timetable for that and, if so, can my right hon. Friend shed any light on it?

Tessa Jowell: I know that many hon. Members are keen to bring preparation camps to their own areas. As my hon. Friend rightly says, the local organising committee is developing plans for those. I am sure that Gateshead will, as usual, be at the forefront in offering its excellent facilities.

Mr. Eric Forth (Bromley and Chislehurst) (Con): If benefits will accrue to Gateshead and Washington in the way that the Secretary of State claims, can she assure me that the good people of that area will share equally in the cost with the benighted people of London?

Tessa Jowell: The right hon. Gentleman would benefit from reading the brief on the funding of the Olympics. Yes, the residents of Gateshead and Washington will contribute to the costs through the lottery. Because the greatest benefit will, beyond doubt, fall to London, it, in common with every other host city, will contribute through a levy on the council tax payer.

Derek Wyatt (Sittingbourne and Sheppey) (Lab): Has the British Chambers of Commerce been in touch with its counterparts in Atlanta, Sydney or Athens to get any information about how businesses in those cities were able to use the Olympics, so that we might benefit from such information?

Tessa Jowell: We are drawing on all relevant experience of hosting the Olympic games and we have been directly in touch with, for example, Atlanta and Sydney. Perhaps Sydney is the best example of the way in which careful planning of the economic benefits can bring enormous gains in tourism and other sources of income for the local economy.

Mr. Gerald Howarth (Aldershot) (Con): I am sure that the stadium in the constituency of the hon. Member for Gateshead, East and Washington, West (Mrs. Hodgson) can play a part. However, will the Secretary of State take careful note of the fact that, in Aldershot, we have the most magnificent sporting facilities? The Army has provided many of them, either at taxpayers' expense or, more likely, at the expense of the regiments, battalions and corps. Will she ensure that the Government take advantage of all those facilities, which are available in close proximity to London, so that businesses in those areas can benefit as much as the young sportsmen and women and the facilities there?

Tessa Jowell: I shall ensure that the local organising committee has its attention drawn to the hon. Gentleman's paean of praise for his constituency.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): The business opportunities that my hon. Friend the Member for Gateshead, East and Washington, West (Mrs. Hodgson) identified for the good people of Gateshead could be replicated in any of our constituencies. Does my right hon. Friend the Secretary of State agree that they could be further enhanced if we had a British Olympic football team? The football authorities have some concerns about such a project. Will she agree to meet them to hear at first hand and discuss their concerns?

Tessa Jowell: As my hon. Friend knows, the dispute is long-running and as yet unresolved. It is a matter for the local organising committee and I know that its chairman is as keen as my hon. Friend for a British football team to compete in 2012.

Hugh Robertson (Faversham and Mid-Kent) (Con): Given that the level of expectation that the hon. Member for Gateshead, East and Washington, West (Mrs. Hodgson) expressed is replicated in constituencies throughout the country, and given the requirement to do so much more about sport and the pressure on the lottery already to pay for the games, is not there a danger that we will simply run out of money? What plans do the Government have to finance all that and so much else that was promised during the bid process?

Tessa Jowell: As the hon. Gentleman knows, and in the spirit of cross-party agreement on the Olympics, we sought to share information with the Opposition parties. The budget is clear and we keep it constantly under review. Of course, circumstances can change in relation to the costs of development and so forth. However, we believe that our budget is sound.

The hon. Gentleman mentioned funding expectation. That is a fair point. Apart from the Olympic budget, £1.5 billion in the next three years will go into school sport and developing sporting talent, and more than that will go into developing sporting infrastructure. The expectation that we are creating is being met by an unprecedented investment in developing the talent of young people who dream of being athletes.

Television Licences

6. **Richard Ottaway** (Croydon, South) (Con): Whether she plans to review categories of people required to pay the TV licence fee. [29639]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (James Purnell): As indicated in the BBC charter review Green Paper, which was published in March, we believe that the current scope of licence fee concessions is about right. However, we are in the process of re-examining any anomalies in the existing concessions policy and our conclusions will be set out in a White Paper to be published early next year.

Richard Ottaway: The Department has sanctioned a fairly hard-hitting campaign to remind law-abiding students with televisions in their rooms at university or college of the need to hold a TV licence. Will the Under-Secretary explain why those detained in Her Majesty's prisons with televisions in their cells do not have to hold a television licence? He claimed to be tough on crime and the causes of crime. Will he therefore at least treat prisoners in the same way as our young people?

James Purnell: We are considering all the different concessions as part of the review for the White Paper. If the hon. Gentleman writes to me, I will be happy to consider his comments. We will make announcements in due course and at the right time, when we publish the rest of the White Paper.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): Will my hon. Friend congratulate Michael Grade, the chairman of the BBC, on ditching the repulsive "Get one or get done" licensing campaign, with its odious combination of threats and snooping, and on replacing it with a much more user-friendly licensing campaign? Will he also thank him for listening to the voices in the House of Commons on this matter?

James Purnell: I will be happy to congratulate the chairman of the BBC on that, but I believe that congratulations are also due to my right hon. Friend's Select Committee, whose members pressed the chairman to make that change in the first place.

Mr. Gregory Campbell (East Londonderry) (DUP): The Minister will be aware of the continuing increase in television licence fee evasion in parts of the United Kingdom, especially Northern Ireland. Will he carry out a review of TV Licensing to ensure that it becomes more open about the areas in which evasion occurs and outlines the action that it intends to take to ensure that the evasion ceases?

James Purnell: Evasion has fallen across the rest of the country, but I am aware that there is a problem in the hon. Gentleman's constituency and in the neighbouring areas. I am happy to write to TV Licensing about this problem and then to write to the hon. Gentleman with its views on what it intends to do about it. However, the enforcement of TV licence regulations is a matter for TV Licensing, not for the Government.

Andrew Miller (Ellesmere Port and Neston) (Lab): When my hon. Friend undertakes his review, will he look carefully at the rights of my constituents and those of my hon. Friend the Member for Wirral, South (Ben Chapman) on the west of the Wirral? No one in those areas can receive public service broadcasting, particularly the news, through the terrestrial services in English. Do not those people have rights? This is not a technical issue but one of expenditure. Perhaps the answer will lie in the digital switchover, but will the Minister ensure that those people's rights are fully met?

James Purnell: I am happy to ensure that the interests of my hon. Friend's constituents are taken fully into account in the switchover. Only by switching off the analogue signal will we be able to increase the coverage of the digital signal that will give people far more choice and access to the services that are relevant to them.

Casinos

7. **Dr. John Pugh** (Southport) (LD): Whether the amount of associated investment from the public purse required to establish a super-casino project is taken into account in deciding whether to approve such a project. [29640]

The Secretary of State for Culture, Media and Sport (Tessa Jowell): The Gambling Act 2005 allows for one regional casino, which will require a licence from the Gambling Commission and the local authority. It will be for the regional and local planning bodies to address the question of infrastructure provision and any associated costs.

Dr. Pugh: The Minister will know that, on the continent, casino operators contribute massively towards regeneration, in both capital and revenue. Here, the taxpayer is helping to assist the casinos into operation. Does the Minister know how much money the regional development agencies are proposing to spend on assisting the casino developments to become established?

Tessa Jowell: As the hon. Gentleman will know, we have in prospect proposals for one regional casino, eight large casinos and eight small casinos. The location of these casinos is being considered by the independent panel that I established, which will report later next year. One of the issues that it will consider will be the cost of provision, but ultimately it will be for local authorities to decide what, if any, conditions they wish to set on the development of a casino to offset the infrastructure costs to which the hon. Gentleman refers.

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): The Government are already making a very welcome investment in our local community to regenerate the areas that so badly need regeneration. Will my right hon. Friend liaise with her ministerial colleagues to ensure that any public money, including funding for skills retraining, is linked into the private investment from the casino developers to ensure that there is genuine regeneration in the area in which the new regional casino is to be built?

Tessa Jowell: My hon. Friend is absolutely right. The impact on regeneration—of which improving skills levels and employability is a key part—will be one of the issues to be considered by the independent panel that will frame its recommendation on location.

Mr. Malcolm Moss (North-East Cambridgeshire) (Con): Given that the decision on the location of the one super-casino has been delegated to the independent panel, does the Secretary of State think it right and proper to have held ministerial meetings with Philip Anschutz and other members of the Anschutz Entertainment Group to discuss their plans for such a casino at the millennium dome as part of their redevelopment of the site? Will all other super-casino operators be given similar high-level access, and, if so, why?

Tessa Jowell: I am interested in the hon. Gentleman's question. I am not aware of any ministerial meetings as such having been held. I attended a dinner at which Philip Anschutz was a guest. He certainly talked to me about casinos, but got absolutely no information that was not freely available in the newspapers.

Mr. John McFall (West Dunbartonshire) (Lab/Co-op): What plans, if any, does the Secretary of State have for super-casinos in Scotland? What negotiations have taken place with the Scottish Executive, and what emphasis will be placed on local authorities and communities' criteria regarding increased employment and regeneration?

Tessa Jowell: As my right hon. Friend will be aware, the independent panel is considering the location of the single regional casino, and I have made it absolutely clear that Ministers have no intention of initiating any proposals for further regional casinos. That being the case, no discussions have been entered into about regional casinos specifically with the Scottish Executive since the Bill's passage. There were certainly discussions with Scottish Ministers as was appropriate before that, but not subsequently.

National Lottery

8. **Mr. Henry Bellingham** (North-West Norfolk) (Con): How much lottery money intended for good causes is unallocated. [29641]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. David Lammy): Seven lottery distributors have unallocated funds totalling £67 million. I am very pleased that the other eight distributors have committed not just all the money held for them in the national lottery distribution fund, but a further £1.3 billion of future income.

Mr. Bellingham: What the figures do not show is that cash for key projects being financed by the lottery is taking far too long to draw down. Projects in my constituency are being delayed and people who buy lottery tickets expect that money to be spent as quickly as possible on good causes. Is it true that Her Majesty's Government have set targets and have those targets been met?

Mr. Lammy: The hon. Gentleman is right that the public want to know that money for good causes will get to the front line quickly and efficiently. Yes, there are targets. They are National Audit Office targets to which the distributors have agreed and we are pleased about that, but it is surprising that the official Opposition are not supporting us in ensuring that we take the reserve power to deal with those balances if distributors do not get on with the job.

Chris Bryant (Rhondda) (Lab): I know that it is not for the Minister to decide whether any particular project should or should not receive money from the lottery, but will the Department undertake to research the situation affecting former mining constituencies? If he looks, he will see that, although there was an improvement two or three years ago in the amount of money going to former mining constituencies, in particular for arts and sports projects, thanks to some of the work done by the Government, that has fallen off again recently. I urge him to look at that.

Mr. Lammy: I shall be happy to ask officials to look into that and to get back to my hon. Friend.

Damian Green (Ashford) (Con): The Minister will be aware that many categories of lottery bidders have found their chances hugely reduced by the Government's changes to the distribution bodies. In particular, village halls and other rural community projects in my constituency and others now find their bids much less likely to be successful. In that context, should not the Minister do something effective about the £67 million of unallocated money that he mentioned, so that those categories of bidders who have lost out because the Government do not find them fashionable have a fairer crack of the whip?

Mr. Lammy: The hon. Gentleman knows that it is not about fashion; it is about good causes. No one will suggest that the good work that has been done by the Heritage Lottery Fund has not benefited village halls in shire communities or that the good work that is going on with the Big Lottery Fund has not benefited those communities. All around the country, £17.8 billion has been spent on good causes over the lifetime of the national lottery. He should celebrate that instead of talking down the benefits.

Mr. Dennis Skinner (Bolsover) (Lab): Is the Minister aware that Bolsover has a good cause, although it does not quite fit the categories? It is an ex-mining area, which fits in with what my hon. Friend the Member for Rhondda (Chris Bryant) said. We need a swimming bath. Will he tell Sport England that, if there is any money hanging around, we will spend it straight away? By the way, will he also tell it that we do not want a super-casino? A swimming bath will do.

Mr. Lammy: That is precisely the message that we wanted to convey to the distributors, but, as always, my hon. Friend has put the case extremely well.

Mr. James Paice (South-East Cambridgeshire) (Con): I assure the Minister that Conservative Members celebrate the national lottery. After all, we introduced it.

May I repeat the point made by my hon. Friend the Member for North-West Norfolk (Mr. Bellingham)? Funds have been massively over-subscribed in the case of, for instance, applications on behalf of village halls and sports communities. Villages such as Fulbourn in my constituency now realise that the plans that they devised cannot be fulfilled because the funds have been cut. Would it not make sense for the Minister to shift money quickly from under-subscribed funds to areas in which there is clearly an unmet need?

Mr. Lammy: The hon. Gentleman will have ample opportunity to make his case during the consultation on good causes and shares that will take place over the next few months, but I am sure that Sport England would disagree with the suggestion that it is not funding sports facilities throughout the country.

9. **Mr. Adrian Bailey** (West Bromwich, West) (Lab/Co-op): What progress has been made on linking educational initiatives for young people with second world war 60th-anniversary activities through the use of lottery funding. [29643]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. David Lammy): The veterans reunited initiative is providing £49.3 million of lottery money to help commemorate the events of the second world war and allow new generations to learn from the experience of veterans, and £10 million was made available specifically to provide educational activities for young people and schools.

Mr. Bailey: In my constituency, the Tipton branch of the Royal British Legion and Alexandra high school have united to promote a number of events, including a veterans' trip to Normandy and educational visits to war-related places. The consensus is that not only has the initiative promoted harmony between the generations, but the living history has contributed to educational achievement at the school. Will the Minister assure me that, under the new regime of the Big Lottery Fund, such funding will continue?

Mr. Lammy: My hon. Friend is right. Veterans reunited has widened children's understanding of the role played by ex-servicemen in the second world war and also enabled heroes to return to the battlefields and remember that contribution. I know that he will be pleased to learn that funding will continue not just for projects involving two schools in West Bromwich, but for 23 other projects there. That will ensure that our young people understand the contribution that was made.

Michael Fabricant (Lichfield) (Con): Given that a third of young people under the age of 10 believe that we fought France in the second world war, does the Minister think that the money was wisely spent?

Mr. Lammy: The hon. Gentleman will know that the veterans reunited initiative makes an important contribution. He will also know that the work of teachers in our schools, citizenship and other aspects of public policy makes a contribution as well.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): I accept that this has been a very good programme, but will my hon. Friend consider using it as a pilot? Lottery money could support the extended school initiative, which enables children to engage in out-of-school activity between 3.30 pm and 6 pm. It could provide a wonderful opportunity to involve young people in the history of their localities.

Mr. Lammy: My hon. Friend makes an interesting point, which I shall draw to the attention of the distributors. He may wish to bring it up in his response to the consultation on good causes.

Olympic Games

10. **Kelvin Hopkins** (Luton, North) (Lab): What account will be taken of companies' international performance on workers' rights in the process of tendering and awarding of contracts for the 2012 Olympics. [29644]

The Secretary of State for Culture, Media and Sport (Tessa Jowell): Fair employment is included in the draft procurement principles for the Olympic Delivery Authority that were agreed and made available to the public in September this year. The London Development Agency is working to develop a procurement strategy for the ODA which will set out how those 10 principles will be put into practice in the context of European procurement regulations. The strategy will need to be approved both by Government and the Mayor of London in due course.

Kelvin Hopkins: I thank my right hon. Friend for her answer. She will be aware that a number of global corporations adopt unacceptable labour practices elsewhere in the world. The games provide a good opportunity to exercise leverage over those companies. We are going to enjoy a wonderful games, but does she agree that it should not be at the expense of exploited workers elsewhere in the world?

Tessa Jowell: I am sure that the whole House accepts my hon. Friend's sentiments. I remind him that the Government subscribe to the International Labour Organisation regulations as far as they refer to child labour. The Olympic games will have a tangible legacy with the new stadiums and other projects, but we hope that there will be another kind of legacy: good employment practice and good skills in one of the most deprived parts of the country.

CHURCH COMMISSIONERS

The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—

Cathedral Property

20. **Michael Fabricant** (Lichfield) (Con): If he will make a statement on the availability for sale of cathedral property to existing tenants over the next five years. [29654]

Mr. David Lammy (Tottenham): With permission, I shall answer Church Commissioners' questions on behalf of the Second Church Estates Commissioner, my hon. Friend the Member for Middlesbrough (Sir Stuart Bell).

The Church Commissioners have no statutory responsibility for the day-to-day management of cathedral property and do not therefore possess the information requested by the hon. Gentleman.

Michael Fabricant: This will be an easier one. The hon. Gentleman will know that Lichfield cathedral was completed in 1180 and is very much a part of our national heritage, as are other cathedrals, yet they receive no money from Government funding. They do receive money from tenants in cathedral closes. Can he ensure, by discussing the matter with Ministers at the Office of the Deputy Prime Minister, that cathedrals will not have their property sold off, thus reducing the amount of money received?

Mr. Lammy: I know that the hon. Gentleman has campaigned on behalf of cathedrals for some time. I think that he will know that my hon. Friend the Member for Middlesbrough has said that the Charities Bill may be a vehicle through which to look at that matter. I hope that he will join my hon. Friend in raising that issue as the Bill makes its passage through another place.

Mr. James Gray (North Wiltshire) (Con): Would the hon. Gentleman care to tell the House why it should be that, as my hon. Friend the Member for Lichfield (Michael Fabricant) said, English cathedrals receive not a single penny from the state, yet all five Scottish cathedrals are entirely supported by the state?

Mr. Lammy: Again, from discussions with the Church Commissioners, the hon. Gentleman will know that the money has increased because of what we have been able to do around reclaiming on VAT. He will also be pleased at the £23 million contribution and above that the state is making to our cathedrals.

ELECTORAL COMMISSION COMMITTEE

The hon. Member for Gosport, representing the Speaker's Committee on the Electoral Commission, was asked—

Voting Age

21. **Andrew Mackinlay** (Thurrock) (Lab): What research the commission has carried out on the likely impact of extending the franchise to 16-year-olds; and if he will make a statement. [29655]

24. **Bob Spink** (Castle Point) (Con): What recent representations the Electoral Commission has received on lowering the voting age. [29660]

Peter Viggers (Gosport): The Electoral Commission undertook a review of the voting age in 2003–04. As part of the review, it conducted an extensive public consultation exercise and received a wide range of representations. Those were summarised in the commission's report, published in April 2004. The review also drew on academic research on the likely impact of extending the franchise to 16 and 17-year-olds as well as evidence from a review of existing research and literature and a public opinion survey. The commission informs me that it continues to receive representations on the subject from time to time.

Andrew Mackinlay: Would the hon. Gentleman use his good offices to support me and others who want to press the Government to bring the matter before the House of Commons on a free vote? I recall lobbying the then Home Secretary James Callaghan in the late 1960s to lower the voting age to 18, and he decided then that it was a matter for the House of Commons as a whole and for individual Members to decide. Does the hon. Gentleman not think that, now the Electoral Commission has examined it, this matter should come before the House, so that each and every one of us can decide whether to vote for or against it? I will vote for it.

Peter Viggers: The Commission informs me that it is not convinced that a persuasive case for change has been made. Its view is that the minimum voting age should, for the time being, remain at 18. However, the Commission welcomes the prospect of parliamentary debate on the issue and it is open to the hon. Gentleman, if he wishes, to seek to move an amendment to the Electoral Administration Bill currently before the House.

Bob Spink: Did my hon. Friend see the Electoral Reform Society briefing of 25 October, which made reasoned argument to engage young people, the vast majority of whom are decent citizens, by lowering the voting age to 16? Will he listen to the hon. Member for Thurrock (Andrew Mackinlay), and will he seek to promote a free vote on this matter when the Electoral Administration Bill comes before the House?

Peter Viggers: The Commission has said that developments in citizenship education and new research information may lead to differing conclusions over time, and the Commission committed itself in 2004 to undertake a further review of the issue within five to seven years. It has also encouraged the Government to consider in the meanwhile initiating a wider review of the age of majority beyond simple electoral matters, largely because of substantial variations in present laws.

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): Is the hon. Gentleman aware that in municipal elections in Austria and Germany, 16 and 17-year-olds can actually vote? In Germany, turnout is higher among that group than it is among 18 to 35-year-olds; and in Austria, turnout of 16 and 17-year-olds is at 90 per cent. Does not that show that 16 and 17-year-olds will, when given the opportunity, actually vote; and is it not time that they were the given that opportunity in the United Kingdom?

Peter Viggers: I am aware of the hon. Lady's early-day motion on this subject, which has been signed by a significant number of hon. Members. There are very few countries with a voting age lower than 18. In Europe, four regions of Austria reduced the minimum voting for some elections from 18 to 16, but the Commission is unaware of any research into the impact of that change.

Mr. Eric Forth (Bromley and Chislehurst) (Con): Does my hon. Friend not agree that, for once, the

Commission has come up with a sensible response to what is, by any account, an utterly absurd proposition? The idea that 16-year-olds should be able to decide who governs the country is so patently absurd that I hope that my hon. Friend will not urge anyone to have a debate on that subject in this place in the foreseeable future.

Peter Viggers: I am sure that the Electoral Commission will be profoundly reassured to hear my right hon. Friend's comments.

John Bercow (Buckingham) (Con): May I put it to my hon. Friend that he ought very clearly to hear the contrary point of view? Given that 16-year-olds can smoke, drink and join the Army, why should they not have the opportunity to participate in our parliamentary democracy? May I also say to my hon. Friend that he should not be over-influenced by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) who, despite his very considerable merits, makes Victor Meldrew look like a true moderniser?

Peter Viggers: Support for lowering the voting age is, of course, more strongly held among younger than older people, but it is a fact that the majority of those over the age of 18 do not believe that a persuasive case has been made for reducing the voting age. Indeed, there is not much indication of very widespread views among 15 to 19-year-olds either. However, the Electoral Commission takes the view that it would be appropriate for it to review the matter in some six or seven years, as I said.

CHURCH COMMISSIONERS

The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—

Church Repairs

22. **Miss Anne McIntosh** (Vale of York) (Con): What the level of grant for church repairs was in each of the last three years. [29657]

Mr. David Lammy (Tottenham): I have been asked to reply on behalf of the Second Church Estates Commissioner, my hon. Friend the Member for Middlesbrough (Sir Stuart Bell).

Grants offered for repairs to places of worship under the joint scheme operated by English Heritage and the Heritage Lottery Fund amounted to £25.6 million for 2002–03, £28.3 million for 2003–04, and £24.3 million for 2004–05.

Miss McIntosh: As the Second Church Estates Commissioner would know, many of us have campaigned to have VAT on church repairs reduced. As the Chancellor of the Exchequer was unable to negotiate that in Europe, it was argued that churches would be allowed to apply for a grant, which, as the Minister has told the House, was cut last year. How can it possibly help churches to give them a reduced grant when they would have been eligible for a lower interest rate if that had been negotiated, as we had hoped, through the European Union?

Mr. Lammy: I have stood in for my hon. Friend on three occasions and the hon. Lady has raised that issue on every single occasion, so I am well aware that she has continued to campaign on it. Yes, there was a reduction last year, but I hope that she will join the Bishop of London in applauding the commitment that the Government have made for additional funds to help with public memorials, which fill so many of our churches and cathedrals. I hope she will also be happy that in my capacity as a Minister at the Department for Culture, Media and Sport, I intend to convene a forum in December to discuss English Heritage funding for cathedrals and, in particular, rural churches, with the Churches.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): It is lovely that we are going to have a forum, but I think that a little cash might be more use.

Is it not clear that mediaeval buildings, many of which form the centrepieces of our villages and towns, require not only constant maintenance but skilled and extremely expensive maintenance? English Heritage insists on high standards of special materials and skills. Please can we have some rapid action?

Mr. Lammy: My hon. Friend is right: that is why we give English Heritage a grant of £130 million and have made extra funding available this year, particularly to support skills training right across the heritage sector. Stonemasons in particular need support; we need to see the apprentices coming through. That is precisely the sort of issue that I hope to discuss with the Church community over the coming weeks and months.

Tony Baldry (Banbury) (Con): The Minister will know that the English Heritage annual audit shows that £163 million is needed just for basic repairs to churches in England alone. If he is giving £25 million a year for that, that is clearly far less than what is needed. Will the Minister therefore give thought to how much more money his Department could extract from the Treasury for parish churches, not only as places of worship, but as an essential part of rural England and our rural heritage? This is a heritage issue, and if work is not done now, churches will fall still further into disrepair.

Mr. Lammy: The hon. Gentleman will be aware that my hon. Friend the Member for Middlesbrough has said in this House on a number of occasions how grateful he is for state support. The approximately £25 million that I referred to a few moments ago is in relation to cathedral spend, but the hon. Gentleman is right that rural churches are a particular issue. The Church is in discussion about how to make best use of rural churches and about provision for their maintenance. The hon. Gentleman will also be aware of the heritage protection review that the Government have announced.

Church Secondary Schools

23. **David Taylor** (North-West Leicestershire) (Lab/Co-op): What assessment the commissioners have made of the likely impact on Church finances of the establishment of diocesan trusts to run local secondary schools. [29659]

Mr. Lammy: The commissioners have made no such assessment. I know that the Church has expressed an interest in the possibility of establishing such trusts, but it would be for dioceses to decide whether to set up a trust, and for schools to decide whether they wished to be associated with the Church in that way.

David Taylor: While I am relaxed about 25 per cent. of state primaries being Church schools, I am very concerned about the planned doubling of Church secondary schools. That could be calamitous for community cohesion, as we have seen in Northern Ireland. Can my hon. Friend the Minister assure me that Church House enthusiasts for the White Paper will be reined back, and that Anglicans will not be complicit in the metropolitan meddling of Andrew Adonis, which could end up with schools being totally segregated from the mainstream society that they are designed to serve?

Mr. Lammy: I can certainly assure my hon. Friend that I will pass on his views to the chief education officer for the Archbishops Council.

PUBLIC ACCOUNTS COMMISSION

The Chairman of the Public Accounts Commission was asked—

National Audit Office

25. **Mr. Peter Bone** (Wellingborough) (Con): How much funding will be allocated for the National Audit Office for 2006–07. [29661]

The Chairman of the Public Accounts Commission (Mr. Alan Williams): Following recent consideration of the National Audit Office's corporate plan for 2006–07 to 2008–09, the Public Accounts Commission endorsed the NAO's request for £69.9 million for 2006–07. The NAO will use those resources in support of parliamentary scrutiny of Government programmes through the financial audit of about 500 central Departments, the production of 60 major reports across public expenditure programmes and the provision of advice and support for the Public Accounts Committee and for other Select Committees. The Commission will formally approve the funding for 2006–07 when it considers the office's estimate in February 2006.

Mr. Bone: I thank the right hon. Gentleman for that reply and for the announcement of the increase of £4 million. As Members are aware, for every pound in costs to the NAO there is a saving of £8, and last year, more than £500 million was saved. Does he agree that a little more money would increase the savings greatly?

Mr. Williams: I thank the hon. Gentleman for what I think were congratulations to the NAO, and I encourage him by saying that as a result of a recent request by the Commission, the NAO has looked at the possibility of increasing the rate of return to the taxpayer from £8 for every pound to £9 for every pound and is hopeful that it will be able to achieve that in 2007, which will mean an extra saving of £70 million a year.

Mr. David Heath (Somerton and Frome) (LD): The National Audit Office does an extremely good job of audit, but can the right hon. Gentleman tell us what proportion of the expenditure is set aside for precautionary work? If I may give an example: the Government have proved themselves wholly inept in their lamentable performance in IT procurement over the years, with many programmes going over budget and many simply not working. Has the NAO been brought into the IT strategy recently released by the Cabinet Office, for instance, and will it do better in future?

Mr. Williams: The NAO has made constant recommendations in relation to Government IT projects, and has experienced considerable frustration—as has the Public Accounts Committee—at the constant failure of some Departments to recognise the recommendations, but they, like me, live in hope.

Orders of the Day

Equality Bill *[Lords]*

Order for Second Reading read.

3.32 pm

The Under-Secretary of State for Trade and Industry (Meg Munn): I beg to move, That the Bill be now read a Second time.

I am pleased to open the debate on the Bill on behalf of the Government. I know that my right hon. Friend the Secretary of State for Trade and Industry is disappointed not to be in the House, owing to unavoidable commitments connected with the UK's presidency of the European Union.

Mr. Desmond Swayne (New Forest, West) (Con): Will the hon. Lady give way?

Meg Munn: How could I refuse?

Mr. Swayne: Has the hon. Lady spotted the fact that religious equality takes up 36 clauses, whereas sexual equality has merely one? That is a shocking shortfall in a Bill about equality. Is she working on an amendment to put sexual equality on the same footing as religious equality?

John Bercow (Buckingham) (Con): My hon. Friend does not care about either.

Meg Munn: The hon. Gentleman answers for me. I ask the hon. Member for New Forest, West (Mr. Swayne) to be patient, as I will get to those aspects later. If he takes the time to read the one clause, he will find that it is about sexual orientation.

The Bill is a key element in the Government's work on equality and human rights. It puts in place a new commission for equality and human rights that will support individuals, employers, service providers and public bodies. We are also examining the root causes of inequality and how they can be tackled through a fundamental review of equality in our society. Furthermore, we are reviewing the legislative framework concerning discrimination with a view to how it should be shaped for the future. The Bill and those reviews should be viewed in the wider context of the Government's manifesto commitment to bring forward a single equality Bill later in this Parliament.

Mr. Eric Forth (Bromley and Chislehurst) (Con): Does the Minister share any of my anxieties that the creation of a huge bureaucratic quango is in danger of trampling on many of our much valued freedoms of speech or even—dare one say it—attitude? Is she not concerned that, even if enacted with all the best intentions, a Bill of this size and scope could create more problems that it will solve?

Meg Munn: I do not share the right hon. Gentleman's anxieties on that, or anything else.

Several hon. Members *rose—*

Meg Munn: I hope that hon. Members will permit me to make a little progress.

The Government have done more to promote equality and tackle discrimination than any previous Government. We have outlawed discrimination in the workplace on the grounds of sexual orientation, religion and belief, and will do so next year for age. The Government have introduced the ground-breaking duty on public authorities to promote race equality, which has been followed by duties for disability, which are on the statute book, and for gender, which are being introduced by the Bill. We established the Disability Rights Commission. We have continued to extend the rights of gay men and lesbians, with the Civil Partnership Act 2004, in an important addition to which we are introducing powers to protect against discrimination in goods and services.

Kali Mountford (Colne Valley) (Lab): My hon. Friend is right to say how much work has already been done on gender equality and for transgendered people, as with the 1999 regulations. Is she prepared to take another look at that issue to ensure that transgendered people are included in the scope of goods and services, as outlined already?

Meg Munn: I thank my hon. Friend for her intervention. A number of people have raised that issue with me. Of course the Government are entirely committed to equality for transsexual or—as some people prefer to be described—transgendered people. However, there are a number of complexities. We have put in place the discrimination law review, about which I will say a little more shortly, and we think that that is the appropriate place to deal with that issue.

Those achievements add to the record of over four decades of the House tackling discrimination, beginning with the first race legislation in the 1960s, and the Sex Discrimination Act and the Race Relations Act in the 1970s. It is, of course, 30 years this month since the Sex Discrimination Act 1975 was passed.

John Bercow: Having enthusiastically supported the Bill on Second Reading on 5 April this year, I do not feel the need to weary the House with the same contribution all over again.

Mr. Forth: My hon. Friend is on his own.

John Bercow: I may be on my own, but I happen to have the advantage of being in the right, which is not something that my right hon. Friend can boast.

May I simply tell the Minister that, in introducing the regulations to protect gay people from discrimination in the provision of services, facilities and goods, it is important that they be introduced soon, that they be comprehensive and that they do not contain get-out clauses that would provide licences for the continuing practice of prejudice?

Meg Munn: I thank the hon. Gentleman for his intervention. He makes some important points. Of course, it is absolutely right that those regulations should be subject to a good deal of consultation and that we should get those issues right. That is one of the reasons why we want to take our time and why we did not want to proceed with amendments at this point, but have accepted an order-making power in the Bill.

Chris Bryant (Rhondda) (Lab): Contrary to the mumblings among Conservative Back-Benchers, by

[Chris Bryant]

which they seem to suggest that equality does not interest them at all, many Labour Members and a few Opposition Members are very grateful to the Government for giving way on the issue of goods and services for gays and lesbians—in particular, because many people in this country are already sick and tired of the fact that their general practitioners refuse to look after them because they are homosexual. That must surely be wrong, and we are grateful to the Minister for giving way on that issue.

Meg Munn: I thank my hon. Friend for his comments. Of course such things are wrong, and they are precisely some of the issues that we hope to deal with.

Bob Spink (Castle Point) (Con): Will the Minister give way?

Meg Munn: I should like to make a little progress. I will give way soon.

We are also proud of what we have achieved in the area of human rights. The Government passed the Human Rights Act 1998—a historic step in bringing home the rights of the European convention on human rights and making them part of our domestic law.

The things that I am listing should not just be seen as combating unfairness, although that is certainly worth doing. Living in a country that values equality and human rights benefits everyone; it helps us to develop a better society. Equality is not a minority pursuit—although it appears to be among Conservative Members. We all have a stake in a successful society. For instance, if everyone is given the chance to participate in economic success on their own account or in a co-operative environment, wealth is created. Our country and our communities need the talents and the energy that each person has to give. Without those talents and energy, particularly if they are held back by bigotry and hatred, we are all diminished.

Mr. Henry Bellingham (North-West Norfolk) (Con): Does the Minister agree that hard work needs to be fairly rewarded? Will she have a look at the gender pay gap? Am I right in thinking that there is still a 16 per cent. difference between male and female salaries at the Department of Trade and Industry?

Meg Munn: The hon. Gentleman raises a point that I shall address later when we deal with the gender duty.

Many people in our society still do not have a fair chance in life. Prejudice and disadvantage continue to blight the prospects of far too many. We live in a world in which there are many identities, cultures and faiths, in which the patterns of family life are changing and in which changing demographic patterns raise important issues about the rights of older people. Those matters are not remote; they touch all our lives.

Simon Hughes (North Southwark and Bermondsey) (LD): As the Minister knows, Liberal Democrats welcome the Bill. Will she address a group of people who have not been mentioned in her speech: couples—one man, one woman—who have chosen not to marry, but have remained together for years as a partnership? Will such partnerships be recognised by the Government either through the Bill, or in the near future?

Meg Munn: The Bill does not cover that matter. I understand that there are no plans at present to deal specifically with those circumstances.

Parents want their children to have a fair chance in life, whatever their race and gender, and whether or not they are disabled or gay. We all grow old and want to do so with dignity and respect.

Mr. Paul Burstow (Sutton and Cheam) (LD): I, too, welcome the Bill. The Minister touched on the discrimination that older people can often face in terms not only of their rights to employment, but of their access to goods and services. The Bill will not extend protection on goods and services to older people. Will she give us some sense of the urgency that the Government attach to extending such protection to older people and a timetable for achieving that?

Meg Munn: Issues of age are pervasive. Provisions on age in many aspects of our legislation affect not only older people, but younger people. We are examining the matter as part of the discrimination law review and intend to bring forward a Green Paper early next year. That will enable us to have proper consultation on such matters, which will lead to a single equality Act. I will say a little more about that later.

Tony Baldry (Banbury) (Con): I basically welcome the Bill, but I hope that the Minister can solve a mystery. She referred to the substantial review that the Government are undertaking on equality and discrimination legislation. I do not understand why they are not waiting for the outcome of the review before bringing forward substantive legislation. They seem to be putting the cart before the horse.

Meg Munn: I thought that I was being asked to solve a mystery, but it is a bit simpler than that. The work that is going on to establish the commission will indeed take some time, as will work to examine the range of issues with which we expect the commission to deal. By bringing forward the Bill now, we can begin to move towards having the commission in place near the end of 2007.

Angela Eagle (Wallasey) (Lab): Will the Minister ignore the siren—if majority—voices that are coming, interestingly, from Conservative Back Benchers, although they did not appear when we had this debate just before the general election?

John Bercow: We were very sound then.

Angela Eagle: We were sound all round, so I am sorry that we seem to have regressed, at least in some parts of the House. Will the Minister give us an indication of how quickly the single equality Act, which will put the last pieces of the jigsaw into place, will come before the House? Some of us are anxious for it to appear as quickly as humanly possible.

Meg Munn: I thank my hon. Friend for her intervention. I am very happy to ignore certain sounds from certain Benches. Obviously, we want to make as much progress as we can in moving towards the very important single equality Act, which is a manifesto commitment for this Parliament. I am not in a position to give a great deal more detail at the moment, but I will say more about the processes as I continue; and on that note, Mr. Speaker, I intend to make some progress.

Parents want their children to have a fair chance in life. Looking to the future, young minority ethnic workers will account for more than half the increase in the working-age population over the next decade. More than two thirds of additional jobs expected to be created over the same period are likely to be filled by women.

The Government are addressing those profound changes in society in many ways, including through the three elements of our equality and human rights programme. First, the new commission for equality and human rights will be a champion for equality and human rights, using its influence and expertise to deliver real and lasting change. Secondly, there is the equalities review led by Trevor Phillips, who is currently chair of the Commission for Racial Equality. We need better to understand the long term and underlying barriers to opportunity so that we can identify the most effective ways to improve outcomes for individuals. Thirdly, the discrimination law review will develop proposals for a simpler, fairer legal framework while taking full account of the need of employers and service providers.

The two reviews are part of the essential work that is needed to deliver on our manifesto commitment to bring forward a single equality act in this Parliament. It is essential to get the new commission in place quickly.

David T.C. Davies (Monmouth) (Con): Will the hon. Lady give way?

Meg Munn: I need to make some progress.

The commission for equality and human rights will make a difference. It will act as a champion and influencer, putting equality and human rights on the agenda across society, and helping to ensure that fair treatment becomes the norm everywhere.

David T.C. Davies: Will the hon. Lady give way?

Philip Davies (Shipley) (Con): Will the hon. Lady give way?

Meg Munn: I will give way shortly, but I need first to make more progress.

The commission will reach out to all sections of society, through a duty to consult on its strategic plan. It will be relevant to all—no more pigeon-holing people by one characteristic—underlining the fact that equality is important for us all, not just for particular groups.

David T.C. Davies: Will the hon. Lady give way?

Philip Davies: Will the hon. Lady give way?

Mr. Andrew Robathan (Blaby) (Con): Will the hon. Lady give way?

Meg Munn: In a moment. The commission will work for individuals, providing advice and support on all discrimination issues. It will map Britain's progress towards equality and human rights through a duty to produce a "state of the nation" report. It will look at the hard evidence of what has been achieved and what more needs to be done. It will help make communities better places to live in through its good-relations work, to build trust and reduce tension between different groups.

Mr. Robathan: Will the hon. Lady give way?

Joan Ruddock (Lewisham, Deptford) (Lab): Will my hon. Friend give way?

Meg Munn: I will give way to my hon. Friend.

Joan Ruddock: I very much welcome the Bill, but does my hon. Friend agree that it is important that under clause 10, on good relations, there is no hierarchy of inequality and that, indeed, there is equality of resources going to the different strands? Will she therefore look again at clause 10 (4), where there is a clear indication that particular regard should be given to "race, religion or belief"? That is of great concern to many of the other strands—we understand why there is such a provision, but it looks like a hierarchy and there is concern about the allocation of resources.

Meg Munn: I thank my hon. Friend for her question. The Government believe that it is enormously important to carry forward the innovative work in that area of the Commission for Racial Equality.

David T.C. Davies: Will the hon. Lady give way?

Meg Munn: Will the hon. Gentleman please wait while I answer the previous intervention?

We want to ensure that that work is carried forward, and we believe that it is enormously important that that be given some priority. Nevertheless, the purpose of a new commission that will work across a range of issues is not to identify particular budgets for particular areas. As I said, people do not have just one identity or one characteristic. For example, we know that white working-class boys currently do not do well in education, and that might well be an issue that the commission will want to consider. So in that respect, there is not a hierarchy, although there is provision for the duty to which my hon. Friend referred.

Mr. Robathan: Will the hon. Lady give way?

Meg Munn: I will give way to the hon. Gentleman; he has been very persistent.

Mr. Robathan: I confess that I have not followed the passage of the Bill through the House of Lords as closely as I should have done, so will the Minister help me? She says that the Bill will make things simpler, but will she also explain how much money will be saved for taxpayers and from the lessening of bureaucracy as a result of one body taking in three commissions?

Meg Munn: The hon. Gentleman raises the important issue of the commissions coming together. Even though there are three existing commissions, some areas

[Meg Munn]

currently have no institutional support; for example, there is no such support for human rights, sexual orientation, religion and belief, or age. Moreover, and as I just pointed out, white working-class boys do not necessarily figure so far as the existing commissions are concerned. This is a question of equality, which is why we are bringing the commissions together. The overall budget will increase—*[Interruption.]* It will increase because we are taking on additional responsibilities, which we believe is the right thing to do. Our consultations show that this is the correct way to proceed.

Several hon. Members *rose—*

Meg Munn: I shall make a little more progress before taking more interventions. I am very pleased that there is such a lot of interest in this issue.

The new commission will give Britain a body dedicated to supporting and protecting human rights for the first time. It will have specific powers and duties to advance a human rights culture based on respect for individual rights and the worth of each person.

Annette Brooke (Mid-Dorset and North Poole) (LD): Will the Minister give way?

Meg Munn: If the hon. Lady will be patient, I want to make a little more progress.

Bringing equality and human rights together will help us to provide better protection for the most vulnerable in our society, such as elderly people in care homes. The commission will encourage compliance and good practice by public authorities with obligations under the Human Rights Act 1998, thereby helping to make fair and decent treatment the norm.

Mr. Gerald Howarth (Aldershot) (Con): Will the Minister give way?

Meg Munn: I want to make some progress.

Such efforts will help to bring human rights out of the courtroom and into the fabric of public services.

Several hon. Members *rose—*

Meg Munn: I give way to the hon. Member for Mid-Dorset and North Poole (Annette Brooke).

Annette Brooke: I thank the Minister for giving way. Will she consider including in the Bill an explicit reference to children, and does she agree that without such a reference, there is a danger that any such organisation might ignore children's needs and rights, or give them insufficient attention?

Meg Munn: I do not agree. Children are people and this Bill is for all people. It is important that they be considered along with everybody else, so I would resist including a specific reference to children. It is enormously important that clear guidelines and procedures be established for the commission's working with the children's commissioners. We expect that to be achieved through memorandums of understanding.

Several hon. Members *rose—*

Meg Munn: I give way to my hon. Friend the Member for Amber Valley (Judy Mallaber).

Judy Mallaber (Amber Valley) (Lab): Given that, to judge by past experience, the commission will put a considerable amount of effort into dealing with employment issues, and given that one concern is dispute resolution, we will need the commission to include people with experience of such issues. Will my hon. Friend therefore consider extending to the new commission the existing commissions' practice of having experienced people from both sides of industry? Such people also have wide experience of discrimination and prejudice issues. I hope that she will continue that practice—an idea for which the Bill does not currently provide.

Meg Munn: My hon. Friend raises an issue of detail, and I should be grateful if she held on to that thought until I come to the relevant part of my speech, as I am about to do. First, I give way to the hon. Member for Aldershot (Mr. Howarth).

Mr. Gerald Howarth: I am extremely grateful to the Minister for giving way. I have to say that, as a white, Anglo-Saxon, Anglo-Scot, middle-class male heterosexual, I feel that we are increasingly becoming the persecuted who might be in need of protection. The Bill is nothing if not the ultimate manifesto in political correctness. She said that it will apply to public authorities. Can she explain why, for some obscure reason, this place, the other place, the Security Service and the authorities of both Houses are exempt from all this absurdity? Does that not undermine the whole case for this absurd and ridiculous Bill, which should be consigned to the dustbin now?

Meg Munn: I am enjoying this more than I expected to; the Conservatives' arguments are indeed interesting. The Bill's application to public authorities is a matter of detail and if the hon. Gentleman, to whom I was extraordinarily polite, can hold on to his question, we can consider it a little later.

I now turn to the detail of the Bill. It comes to this House following thorough scrutiny in the other place. During that process, the Government showed that they were willing to listen to proposals for improving the Bill, and to amend it accordingly. I have already mentioned a key example—the inclusion of a new part 3, which provides a power to make regulations prohibiting discrimination on grounds of sexual orientation. Other important improvements include strengthening the independence of the new commission; integrating more closely the commission's duties and functions in relation to disabled people with its duties and functions in relation to other groups; and bringing provisions in part 2 on religion and belief more closely into line with existing legislation. Part 1 establishes the commission for equality and human rights and defines its purposes and functions, including its enforcement powers. It will build on the achievements of the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission, which have worked tirelessly to keep equality issues high on the policy agenda. Through their work, they have made real and practical differences to people' lives.

Harry Cohen (Leyton and Wanstead) (Lab): Is the Minister aware of the criticism of Lord Ouseley in the other place, who says that it would be possible for the commission to be an all-male, all-white body? That is most unlikely, but the Government should address that structural problem. The Minister said that she wanted to advance existing race equality work, but is that not best done by a race equality committee and a race equality commissioner?

Meg Munn: Again, my hon. Friend has anticipated something that I shall deal with shortly.

The Commission's general duty set out in clause 3 sums up our equality and human rights vision—to encourage and support the development of a society where everyone can achieve their potential unlimited by prejudice and discrimination, where there is respect for the dignity and worth of every individual, and where there is mutual respect between groups based on the understanding and valuing of diversity and on shared respect for equality and human rights.

David T.C. Davies *rose—*

Philip Davies *rose—*

Meg Munn: I will give way to the hon. Member for Shipley (Philip Davies).

Philip Davies: Will the Minister comment on the fact that in the past 10 years the Commission for Racial Equality has faced about 20 claims of racial discrimination from its employees, some of which have been settled out of court with taxpayers' money? Does she think that that record justifies using even more taxpayers' money to bolster that organisation?

Meg Munn: The hon. Gentleman should read the Bill's provisions more closely.

Clauses 1 to 7, together with schedule 1, establish the new commission and set out provisions concerning its constitution, membership, planning, consulting and reporting arrangements, as well as other internal machinery. Schedule 1 provides for at least one commissioner to be a disabled person, and for a disability committee to oversee the commission's disability-specific work. The disability committee, which will be subject to a review under the Bill, will build on the work of the Disability Rights Commission and will reflect the unique aspects of disability law including, for example, the requirement to make reasonable adjustments. The schedule also specifies that there must be commissioners with special knowledge of Scotland and Wales, and committees to steer the commission's work in Scotland and Wales. That is right for modern Britain, where the devolution settlement recognises the different social, cultural and political contexts of those countries. The Government want to allow the commission as free a hand as possible in the way in which it structures and organises its activities, which was an issue of concern in the other place.

Turning to the issue raised by my hon. Friend the Member for Leyton and Wanstead (Harry Cohen), the Bill gives the commission complete discretion to establish committees and delegate functions to them as it sees fit. It can establish committees to provide a voice for specific groups, to bring in specific expertise, or for any other purpose. It is better for the commission to make those decisions, rather than impose committees through the Bill. Clauses 8 to 12 set out the commission's duties in relation to equality and diversity, human rights, and good relations between groups, as well as its duty to monitor the law and undertake a regular equality health check for Britain.

Julie Morgan (Cardiff, North) (Lab): Is my hon. Friend aware of the sad death of Charles Smith a week ago? He was a CRE commissioner and a Gypsy who fought endlessly for equality and human rights. Will my hon. Friend ensure that Gypsies have a voice on the new commission?

Meg Munn: My hon. Friend raises an important matter. Indeed, I was aware of the gentleman's sad death and pay tribute to the work that he did.

David T.C. Davies *rose—*

Meg Munn: The appointment of commissioners needs to reflect the whole range of equality issues. Regardless of what some Opposition Members seem to believe, I repeat that equality is an issue for everyone. We need a balance of commissioners who take into account a range of issues, such as trade unions and employers. Specifying individual commissioners in the Bill might prevent the commission from covering the full range of equality issues that we want it to cover.

I will give way to the hon. Member for Monmouth (David T.C. Davies) for his persistence.

David T.C. Davies: I thank the hon. Lady. Whatever else we may say, she has certainly been generous with her time. Does she acknowledge that one of the failings of the Commission for Racial Equality has been its presumption that the only people in our society who are racist are white? Will the successor body to the CRE take action to eradicate the racism and prejudice that are clearly present among the black, Asian and Muslim communities, and also acknowledge that white people are occasionally the victims of that racism?

Meg Munn: Again, the hon. Gentleman takes me away from the specifics of the Bill.

Clause 10 places the commission under a duty to promote good relations, work to eliminate hate crime and encourage participation in society. We recognise the significance of the commission's good relations role with race and faith communities and have ensured that the commission for equality and human rights will be required to consider the particular importance of that. This reflects the need to build on the pioneering work of the Commission for Racial Equality in this area. It also

[Meg Munn]

enables us to underpin our commitment to support the important local race equality work carried out by the network of racial equality councils and others.

Sir Patrick Cormack (South Staffordshire) (Con): I am grateful to the Minister, who is indeed being generous. I hope she is now being treated equally in the Government and being paid for what she is doing. In the other place, an amendment was moved and carried by some 90 votes to remove religious harassment from the Bill—a very wise move. Can the Minister give the House an assurance that the Government will not seek to re-insert that?

Meg Munn: If the hon. Gentleman is patient, I will come to that shortly.

Clauses 13 to 19 set out the commission's general powers to publish information and give advice and guidance, arrange for research and promote compliance with the law. The commission will be able to issue statutory codes of practice and conduct general inquiries into equality and human rights issues. Clauses 20 to 32 set out the commission's enforcement powers. These are based on those of the existing commissions, with some modernisation and increased flexibility. The remainder of part 1 sets out the provisions for transition from the existing three commissions to the new one.

In part 2, clauses 43 and 44 define religion and belief, and discrimination. Clauses 45 to 54 generally set out the prohibitions on discrimination in the provision of goods, facilities, services, premises, education and public functions. General exceptions are at clauses 55 to 63, and the rest of the part deals with enforcement and other matters.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): I am grateful to my hon. Friend, who has been astonishingly understanding. Are we really to understand that public organisations such as our own are to be excluded from the Bill? It is always better to lead by example, rather than by exception.

Meg Munn: My hon. Friend makes an important point. I shall return to it shortly.

At present, case law under the Race Relations Act has seen protection against discrimination in the provision of goods, facilities and services, and in education and the provision of public functions, extended to Jews and Sikhs, but to no other faith or belief groups. This inequality of treatment is not right, and the Bill corrects it.

Part 2 was thoroughly debated in the other place, and a number of significant and helpful amendments were made. For example, in clause 44, the grounds on which discrimination can occur were clarified, and in clause 52 provisions were made against discriminatory practices. The exception for the immigration service in clause 51(f) was narrowed in response to comments from the Joint Committee on Human Rights and others. There was considerable debate, in particular, around issues connected with education. I am sure these important provisions will enjoy both the robust scrutiny and the support of the House.

John Bercow: The Minister has been extremely generous in giving way. A few moments ago, she referred to the importance of tackling hate crime. Given that there have been several instances, including a number of relatively well publicised cases, of musical lyrics urging the assassination of gay people, and that in each and every one of those cases no action has been taken, does she think that the existing law is adequate, and if not, what does she propose to do about it?

Meg Munn: The hon. Gentleman has raised an important point. It is important to deal with hate crime, wherever it occurs. Hate crimes from which people with disabilities suffer were debated in the other place, and we must tackle them, too. The Bill does not seek to do everything in relation to equality—it is a further step along the road. The discrimination law review, on which a Green Paper will be introduced early next year, will enable us to consult much more widely and begin to consider all the issues in detail with a view to introducing a single equality Bill to tackle a range of issues and bring all our discrimination law into one place, which will make it much simpler to access for individuals, organisations, companies and public authorities.

The hon. Member for South Staffordshire (Sir Patrick Cormack) raised the issue of harassment. Hon. Members know that the one point on which the Government were defeated in the other place involved an amendment that removed harassment on grounds of religion or belief from part 2, the effect of which is that the Bill no longer prohibits harassment on the grounds of religion or belief in the exercise of public functions, housing or education.

We have considered very carefully how to respond to the debates in the other place and that vote. We remain convinced that it is important to act against harassment on the grounds of a person's religion or belief, particularly in the provision of public functions and the other areas that I have mentioned. We are committed to the development of sensible proposals to combat harassment in its different manifestations across the range of equality strands. However, the strength of feeling in the other place, the current work of the discrimination law review in fundamentally examining issues of inequality and discrimination, and the subsequent opportunity to reintroduce the provision before Parliament in a single equality Bill have persuaded us not to seek to reintroduce those provisions in this House at this time. We will continue to consider the detail as part of the discrimination law review before making further proposals. I hope that the House will join me in recognising the principle that it is important to act against harassment on grounds of religion and belief, as many people do not feel that the current arrangements adequately protect them.

Bob Spink: Will the Minister explain why the Protection from Harassment Act 1997 does not provide a sound basis for dealing with those issues?

Meg Munn: The hon. Gentleman has introduced a level of detail to which I am unable to respond at this point, but I will try to obtain a response for him.

Sir Patrick Cormack: As I raised the subject, may I thank the Minister for her response? I urge the Government to consult widely before they tackle the subject in any future Bill.

Meg Munn: I assure the hon. Gentleman that that is our intention through the discrimination law review.

Mr. Tim Boswell (Daventry) (Con): I echo the remarks of my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) on the wisdom of the course that the Government have taken, which has clearly caused genuine disagreement. In the spirit of the discrimination law review, which is being conducted in-house at this stage, will the Minister confirm that she welcomes representations from, for example, hon. Members on both sides of the House and others, which will allow those representations to be fed into the review at an early stage, because I agree that it is important that the review come up with a series of balanced and defensible findings?

Meg Munn: Of course I am always happy to receive representations that seek to take us to law that effectively does what we want in preventing harassment. The views of hon. Members and many people outside Parliament are important in these matters.

I want to deal with the question of why there are certain exclusions in discrimination law. It is sometimes necessary to ensure that legislative measures are not fettered by public duties to promote equality and that the important work of the security and intelligence agencies can continue effectively.

David T.C. Davies: Will the Minister give way?

Meg Munn: I need to proceed, because many hon. Members want to take part in the debate. I am sure that if the hon. Gentleman stays he will have an attentive audience.

I turn to the new part that was added to the Bill during Third Reading in the other place. The Government have accepted amendments to provide a power by which the Secretary of State may make regulations that prohibit sexual orientation discrimination in the provision of goods, facilities and services or in the execution of public functions. We recognised the widespread support in Parliament and beyond for these measures, and continue to be firmly committed to the provision of comprehensive rights for lesbian, gay and bisexual people. This change in the law is another important move, among many taken by this Government, towards that aim.

Part 4 contains provisions that prohibit public authorities from discriminating on grounds of sex when carrying out their public functions and place on them a duty to promote equality of opportunity between men and women when exercising their functions. That will lead to important changes and may be the biggest advance since the passage of the 1975 Act itself. It complements the duties in respect of race and disability that are already on the statute book.

Although the Bill is not intended to deal comprehensively with all equality issues or all discrimination law, it is another major step towards a society where every person has a chance to achieve their potential, not limited by prejudice and discrimination—a society that is based on the enduring values of respect, dignity and fairness, which we all share and which form the foundations of British society, and where groups and communities are able to live side by side with mutual respect and understanding, not fear, ignorance or hostility.

These are important issues that we must address if Britain is to face the challenges of the future with confidence. The Bill will help us to do that. The time is right for the Bill. The Government moved swiftly to introduce it following the election because it ran out of time in the last Parliament. There is a great deal of support for the Bill across the House and among the many groups outside the House who have a detailed interest in its provisions. Equality and human rights are important to everyone. I commend the Bill to the House.

4.12 pm

Mrs. Eleanor Laing (Epping Forest) (Con): I welcome the Minister to her first Second Reading debate in her ministerial role. She puts her points eloquently, even where I do not agree with her, and I am grateful to her for doing so. I am also grateful to her for listening patiently to many of my hon. Friends. I think that we are going to have a lively debate.

I pay tribute to the many outside bodies that we and the Government have consulted on these matters. The Equal Opportunities Commission, the Disability Rights Commission and the Commission for Racial Equality have worked hard to refine the contents of the Bill, as have the Christian Institute, Stonewall and Age Concern. We have considered their views carefully; I am sure that the Minister has done the same.

The Bill has been considerably refined and improved by many of my noble Friends and other Members in another place, particularly Baroness Miller and Baroness O'Cathain. Lord Alli and Lord Rix also made terrific contributions, all of which will inform and improve our debate.

In general, the Bill has good intentions and we support it. However, as some of my hon. Friends have pointed out, like all good intentions, the Bill must be refined and implemented in a workable fashion. When it goes into Committee—I hope hon. Members will decide that it should—we will have many detailed questions to ask and suggestions for improvements to make, and I hope that the Minister will consider them positively.

Vera Baird (Redcar) (Lab): As the Member who leads the Conservative party's support for the Bill—and who did so historically—is not the hon. Lady as upset as I am by the Neanderthal comments from Conservative Back Benchers? How does she cope with the yobs at the back?

Mr. Speaker: Order. The hon. and learned Lady must withdraw that last remark.

Vera Baird: I am sure that there is not a single yob on the Back Benches of the Conservative party.

Mr. Speaker: Withdraw the remark.

Vera Baird: I have.

Mrs. Laing: I am grateful to the hon. and learned Lady for withdrawing a question that I cannot answer.

I hope that the Minister will consider our reservations positively. Any criticism that Conservative Members make is meant to be constructive because we want the

[Mrs. Laing]

proposals to work. To command the widespread support that is necessary for that, the Bill must fulfil four specific conditions.

First, the new body—the commission for equality and human rights—must be cost-effective. I am worried about the Government's estimate of its running costs. The Minister said that they are likely to be £70 million per annum—almost 50 per cent. more than the current cost of the three bodies it would replace.

Meg Munn: Forty-three per cent.

Mrs. Laing: I withdraw the "almost 50 per cent."; let us stick with 43 per cent. The cost will be 43 per cent. greater than the current cost of the three bodies it would replace.

Bob Spink: My hon. Friend makes an excellent point but she forgets the economies of scale of combining those organisations. With economies of scale, the cost almost doubles. Why will that happen?

Mrs. Laing: I thank my hon. Friend, but of course I had not forgotten the economies of scale—I am about to deal with them. Why is there such a significant increase in cost? We all know that when the Government or any other body estimate a cost, it almost always increases in reality. I therefore suspect that when we examine the measure in two or three years, my initial 50 per cent. figure will probably be nearer the mark than 43 per cent.

Sir Patrick Cormack: My hon. Friend's comments are important, but something else is even more important. The new body should be credible and earn respect. If it is to achieve that, is not it important that it does not appear to be meddlesome on the side of those who would remove Bibles from lockers and do silly things that would bring it into disrepute?

Mrs. Laing: My hon. Friend is right—he must have read page 5 of my speech. We will get there in due course. Cost is only my first point; there are many others.

We understand that the new commission will have additional powers and duties and that a balance must therefore be struck between the economies of scale of bringing together the administration of the three bodies under one roof and expanding its remit. I strongly welcome the fact that the new body will deal with discrimination on the ground of age, sexual orientation and religion or belief as well as race, gender and disabilities, which the current bodies cover.

Angela Eagle: I thank the hon. Lady for giving way, and I hope that she will continue to be robust with the reactionary tendencies on the very back of her Back Benches. She is making a case about the increase in funding. In addition to the three strands that have traditionally formed part of the pioneering anti-discrimination legislation of the 1970s, we now have four more. Are not the increases in funding therefore entirely in order, to enable the new protections that are being extended to many of our citizens to become a reality?

Mrs. Laing: The hon. Lady makes a point about arithmetic, but none of us can prove the arithmetic until we see exactly what the new body will do, and exactly how the economies of scale will work in bringing the three existing bodies under one roof. It makes sense to bring all the aspects under one directing body, especially as many instances of discrimination relate to more than one of the six categories, and I totally support that plan. However, when we do the arithmetic, the necessary increase in funding—taking into consideration economies of scale and the expansion from three aspects to six—will surely not amount to 43 per cent.

Mr. Bellingham: Increasing the commission's remit and bringing in the additional four strands will lead to an initial increase in costs, but the new quango will need only one information technology department, one human resources department and one new public relations department. Surely that is where the savings could be made. Far from making savings, however, the commission's budget will almost double.

Mrs. Laing: Yes, I would have thought that savings could be made in those areas, and that they could be offset against the increases that will be necessary to bring in the other three strands.

John Bercow: My hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) raised a perfectly fair point about the need for the commission to establish credibility. Does my hon. Friend the Member for Epping Forest (Mrs. Laing) agree that, in its dealings with individuals and organisations, the commission should be guided by a very simple principle, namely that it should be the friend of the willing but uninitiated, and the foe of the wilfully non-compliant and incorrigibly discriminatory?

Mrs. Laing: Yes, I agree with my hon. Friend. His poetic way of expressing his view is excellent, and I hope that he will forgive me if I steal his words to use in future discussions—*[Interruption.]* The Minister seems to suggest that she might do the same.

Harry Cohen: Notwithstanding the hon. Lady's point about costs, is not there a strong case not only for a London committee, but for the commission's national base to be in London? If we do not want a situation in London similar to the one that we have seen recently in Paris, the commission will surely need to be on hand and active in London, and able to lobby Ministers here.

Mrs. Laing: I understand why the hon. Gentleman is standing up for London, and I am sure that that matter will be discussed at a later stage. If I were the Minister, I might be able to give him an answer on that point, but sadly I am not.

The Government will have to go a lot further to justify the proposed increases in the cost of the new body. This is all taxpayers' money, and it is the Government's duty, when spending it, to consider that, if that pot of money were not spent on the administration of the new commission, it could be spent on education and training, for example, which would give more opportunities to all kinds of people in all parts of the country. I am sure that we shall return to the issue of costs in our further consideration of the Bill, and I hope that the Minister and her colleagues in the Treasury will give the matter serious consideration.

The rules and regulations imposed by the Bill must not put too many burdens on business, especially on small businesses that do not have human resources departments to deal with them. I cannot emphasise this point too strongly. As my hon. Friend the Member for South Staffordshire rightly said, it is important that the new body—and all that it stands for—commands respect. If the new provisions are seen to be disproportionately bureaucratic and overbearing, all that will happen is that employers will find an excuse not to employ women, disabled people, people from ethnic minorities or gay people in the first place. Reasonable employers who have an unreasonable fear of expensive litigation will find a way round it. They will not risk having a case brought against them, so the Bill's good intentions will backfire. I do not want that to happen, so the balance must be kept reasonable.

Thirdly, the new provisions must not be seen to interfere in people's lives where such interference is unnecessary. I am pleased that my noble Friends have succeeded in removing the clause relating to harassment on grounds of religion or belief. We all want to see an end to such harassment. No one wants to see harassment on any grounds whatsoever, but the end that the Government rightly sought to achieve will not be achieved by enacting overbearing legislation that would have had unintended consequences.

In all that we do in considering the Bill, it is vital that we preserve the distinctiveness of traditional groups, organisations and institutions of any religion or belief from any part of the country, representing any sector of our society. That distinctiveness is absolutely essential. There was a danger that that might have been lost under the Bill as originally drafted. As my hon. Friend the Member for South Staffordshire said a few moments ago, displaying a subtle and peaceful symbol of a religion, be it a necklace with a cross or a seven-branch candlestick at the back of a room, or playing traditional Indian music at a gathering, must not be allowed to be interpreted as causing offence to someone of another religion. That is going too far and would make the legislation backfire. So I am pleased to hear from the Minister that the Government do not intend to reintroduce the relevant clause to the Bill, but I am also pleased that the matter will be considered at greater length under the review, because it is a complex matter that deserves deeper consideration.

Mr. Swayne: My hon. Friend is right about the complexity and the need for greater reflection, but she will notice that in relation to part 3 the harassment provisions remain within the Bill, and it is within the Minister's power to make regulations. Surely that is not acceptable.

Mrs. Laing: My hon. Friend makes a good point. In principle, it is acceptable to try to enact legislation to stop harassment, but I intend to look at the matter in great detail in Committee, because we must be careful that the provisions relating to preventing harassment do not have unintended consequences.

Will the Minister now give me an assurance that the Government will, in their further deliberations, protect the distinctive ethos of groups, organisations and institutions throughout the country? Perhaps when the Minister replies she will give that serious consideration. Every group, society or institution should be allowed to have their distinctive ethos, and we do not want, in the name of equality, to destroy distinctiveness.

Sir Patrick Cormack: Like the Minister, my hon. Friend has been extremely generous in giving way. Is she aware that reputable bodies such as the Christian Institute feel that, if we are not careful—I choose my words carefully—some of the Bill's proposals could create a situation where one has freedom from religion rather than freedom of religion and for religion?

Mrs. Laing: My hon. Friend makes another good point. I mentioned the Christian Institute and its consideration of the Bill at the beginning of my speech. Many of the unintended consequences were dealt with very well by Conservatives and others in the other place. I am sure the Minister will be pleased to hear that we will deal with the issue in more detail in Committee, when I shall bear in mind what my hon. Friend said.

I mentioned the excellent work done in the other place. I am also very pleased that the Government have accepted the amendments relating to discrimination in the provision of goods and services on grounds of sexual orientation. It is only logical to give those who might be discriminated against on such grounds the same rights as other groups, and I commend Stonewall for its reasonable arguments in that regard.

Bob Spink: Does my hon. Friend accept that there should be exceptions for religious groups?

Mrs. Laing: Of course there should always be exceptions. Laws without exceptions are not good laws.

Mr. Swayne: Will my hon. Friend give way?

Mrs. Laing: In the interests of fairness and equality, I will.

Mr. Swayne: When we consider exceptions, what is important is scrutiny of the parliamentary process. However, one clause in part 3 effectively hands over the entire legislative process to a Minister, in the form of regulation-making powers, thus denying the House the opportunity properly to scrutinise a very sensitive and technical issue.

Mrs. Laing: We shall have to look at every word of the regulations if and when the Government attempt to introduce them. We shall have to be very wary. I certainly intend to be.

My fourth point is that the Bill must not be seen a merely another vehicle for political correctness. People are fed up with political correctness. I do not want my hon. Friends the Members for New Forest, West (Mr. Swayne) and for Aldershot (Mr. Howarth), or my right hon. Friend the Member for Bromley and

[Mrs. Laing]

Chislehurst (Mr. Forth), to feel persecuted. Political correctness gets a bad name, and law made in the name of political correctness alone is bad law.

Mr. Jim Devine (Livingston) (Lab): Can the hon. Lady give a definition of political correctness?

Mrs. Laing: I possibly could, but I might have to write a book. If the hon. Gentleman will forgive me, I shall use the phrase in its usual sense for the moment.

Several hon. Members *rose—*

Mrs. Laing: I have given way a good deal. If I do not make more progress others will have to make much shorter speeches, and I am looking forward to hearing what Members on both sides of the House have to say.

As well as not being merely for the purposes of political correctness, the Bill must not become merely a charter for lawyers by creating rights and causing more litigation. A litigious society is not a harmonious society. I want the Bill to result in a harmonious society, not a litigious society.

Vera Baird *rose—*

Mrs. Laing: The hon. and learned Lady is a lawyer, and so am I, so I will give way to her.

Vera Baird: Is not the purpose of the commission to take the emphasis away from individual cases? Attempts to achieve equality can be very haphazard. Someone who is wronged must have the money and the courage to keep going—those elements must coincide—and once the case has gone to court, the outcome will not be widely published. Is not the point of the Bill to reduce litigation and generate a culture of equality?

Mrs. Laing: Yes, it is. I was about to make that point. For the sake of brevity, I will not repeat it. The hon. and learned Lady has made it well. That is the whole point. This Bill is not about creating more work for the courts. It is not merely about being politically correct, but about creating a different framework where disagreements between employer and employee or any other parties can be sorted out without resort to litigation and without going so far on the political correctness agenda that we take rights from people to whom we want to give rights. The Bill does not deserve to be interpreted as being merely politically correct, but we must fight to protect it to an extent from itself and from those who would push its provisions too far.

It is 30 years since the Sex Discrimination Act was passed and it is very disappointing that we still need to introduce more legislation to try to enforce it. I appreciate that today we are talking not only about sex discrimination but about five other strands and indeed the general issue of discrimination. I welcome that, but one would have thought that we might have made more progress than we have in 30 years. However, I do not support the campaign for equality only because it is altruistically correct, which it undoubtedly is. It is also economically imperative.

I was struck by something that the Minister said last week. I do not think that she repeated it this afternoon, so let me repeat it for her. Unusually, I am quoting her and agreeing with her. She made an extremely important point:

> "Maximising women's skills in the economy could bring economic benefits worth up to 3 per cent. of GDP, which equates to the total value of UK exports to Germany"—[*Official Report, Westminster Hall*, 10 November 2005; Vol. 439, c. 192WH.]

That is an enormous amount. At the moment, our GDP is failing by that 3 per cent. because women are not working to the full extent of their abilities. If that is the case as far as women are concerned, there can be no doubt that a similar proportion of people from ethnic minorities, gay people, older people, younger people and disabled people are contributing far less to the economy and to society than they might if only we protected them and gave them the opportunities they need.

We as a country are missing out economically as well as socially because we do not encourage all our citizens to contribute to their highest potential. That is shameful. Therefore, we should support the Bill today not just because it is altruistically correct and equality is a good thing, but because it is an economic imperative. The suffragists would not have succeeded had it not been for the changing economic circumstances after the first world war.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): Suffragettes.

Mrs. Laing: No, I do not mean suffragettes; I mean the suffragists. They would not have succeeded had it not been for the changing economic circumstances after the first world war. Equality legislation will not succeed now unless it is recognised that there is a good economic case for its success, which there is.

I hope that today's debate will open a few eyes and that the Minister will seriously consider those four concerns as the Bill progresses: costs, burdens on business, unwarranted interference in everyday lives and overplayed and unnecessary political correctness. I will raise them again in Committee.

Equality is a bit of a misnomer for what we are considering today, or at least it is shorthand for a much wider issue. We all want to see equality of opportunity for everyone, but the essence of a free society is that people are not equal because each individual is different from every other individual, and we much respect that diversity.

Sir Patrick Cormack *rose—*

Mrs. Laing: I want to finish, if my hon. Friend will forgive me.

I want to see every person in Britain today being encouraged, first, to use his or her talents and abilities to the very limit of their potential; and, secondly, being allowed to live their own lives as they wish, while respecting the right of every other citizen so to do. In trying to achieve equality, we have no wish to make everyone the same, but simply to allow everyone to be different and to encourage, understand and support that diversity. I would say that that is not much to ask of a decent and civilised society.

4.40 pm

Angela Eagle (Wallasey) (Lab): I welcome the support of the hon. Member for Epping Forest (Mrs. Laing), who spoke from the Conservative Front Bench, and, as I often do in such debates, I wish her well in dealing with her recalcitrant Back-Bench colleagues. It is good to know that at least some parts of the Conservative party understand the importance of the anti-discrimination agenda. Unfortunately, not all Conservative Members believe that discrimination is wrong and their behaviour at the start of the debate was extraordinary. That saddened me, as I had thought that progress had been made when we last debated the Second Reading of this very Bill in the dying days of the previous Parliament. On that occasion, the chorus of, how shall I call it, antediluvian chuntering and reactionary chatter on the Conservative Back Benches was absent, and it is a great pity that that element has turned up today.

Conservative Front Benchers should be supported in their attempts to change the views of their Back-Bench colleagues, but on the basis of today's evidence, the hon. Member for Epping Forest has a long way to go. I wish her well—*[Interruption.]* She supports the Bill and Labour Members welcome that. That said, she wants to starve the new commission for equality and human rights of the funds necessary for it to do its job properly, especially in respect of establishing new strands of work to enshrine equality in terms of human rights, age, sexual orientation and religious belief. That task would be a challenge for any new body and I certainly believe that the suggested funding allocation is the minimum necessary to ensure that the single commission gets off to a good start.

The Bill is most welcome and it has improved since its introduction in the dying days of the last Parliament—not only as a result of events in the other place, but when the Government realised that they could extend the scope of the Bill in certain necessary respects. The Bill sets up a new commission for equality and human rights to take forward equality work and enforce those new rights.

It is argued that extending equality protection to the majority of citizens in this country somehow sets the scene for us all to be the same, but the Bill is about protecting people from the adverse effects of overt discrimination and extending those rights from the three strands covered by the previous Labour Government to include two new strands. That is to be welcomed. It is not about uniformity or creating some false equality. It is about giving positive protection to sections of our citizenry who have never been afforded it and who have faced overt discrimination day-in, day-out of a type that has been outlawed in terms of other groups of people. Two obvious examples of that are, first, the extension of protection against discrimination in the supply of goods and services to people on grounds of their religious belief and, secondly, in respect of sexual orientation. The latter category was included as a result of the Government's decision in the other place.

In reality, that means something very simple: once this legislation is enacted, it will be illegal for people to be denied a hotel room, or access to a service such as hiring a car, simply on the grounds of their religious belief or sexual orientation. That has surely got to be right, and I do not see how any Member of this House could possibly object to it.

Mr. Swayne: Will the hon. Lady give way?

Angela Eagle: Well, an objection might be about to be made.

Mr. Swayne: I entirely agree with the provision, as the hon. Lady has just enunciated it. What I do not understand is why it is included in the Bill in respect of religion, but is to be achieved by order-making power in respect of sexual orientation. I regard that as wholly unacceptable.

Angela Eagle: This legislation is a welcome patch job, which will be put right by the single equality Bill, which I hope will be introduced soon and will add goods and services protection across legislation more coherently than at present.

The hon. Gentleman will know if he reads his history that current equality legislation is a patchwork of provisions that has been created piecemeal over the years. That is why we need the process of consolidation and entrenchment that the single equality Bill will give us when it is finally enacted. Protections will then be enshrined in legislation, as they should be. However, I welcome the decision to protect immediately against discrimination access to goods and services on the grounds of sexual orientation, as otherwise it could take two years or more for such protection to be offered. This measure is entirely appropriate in the circumstances.

Mr. Sadiq Khan (Tooting) (Lab): Is not one of the reasons for urgency in this regard the outrageous behaviour of Tory Bromley borough council, which is depriving its citizens of the right to celebrate civil partnerships? Is that not one reason why the Government have done the right thing by bringing this provision forward now, rather than by waiting for the single equality Bill?

Angela Eagle: I agree, and there are many other examples of gay people being blatantly denied access to goods and services that others take for granted. It is right that this House takes a stand, and puts a stop to that.

John Bercow: The hon. Member for Tooting (Mr. Khan) has made a perfectly fair point about Bromley borough council and I agree that its attitude is to be deplored. However, to ensure that we maximise cross-party agreement, can I make the fair point that, by contrast, Kensington and Chelsea borough council has done the decent thing?

In respect of taking this matter forward, does the hon. Lady agree that, in terms of exemptions, people should not be able to use the possession of religious belief as a cloak behind which to continue their practice of prejudice?

Angela Eagle: I certainly agree, and I am more than happy to have cross-party consensus, at least with the hon. Gentleman, on this issue. However, perhaps he

[Angela Eagle]

should talk to the hon. Member for Epping Forest. In what was otherwise a good speech, she said something that worried me a bit; when she was talking about political correctness, she said that she supported goods and services protection on the grounds of sexual orientation, but with exemptions. She did not specify the circumstances in which she thought that exemptions from that protection would be acceptable. That is clearly an issue for debate in Committee, but I would be interested to know what she thinks they are.

Mrs. Laing: I am sure that we will consider this matter at length in Committee. However, let me explain the exemption I have in mind: a small hotel with two or three rooms should not be treated in the same way in legislation as a large central London hotel with 100 rooms that is part of a hotel group. In forming legislation, we must respect those upon whom a duty lies, as well as those to whom rights are given.

Angela Eagle: I am sorry to hear the hon. Lady say that. I do not see why there should be an exemption in that case. It is hard when people are refused a hotel room simply for being a gay couple, when it is currently illegal for an ethnic minority couple to be refused a hotel room. I am sad to hear the hon. Lady's comments and I do not agree with her.

Today, Labour Members should celebrate our record on equality, not only in this Government but going back many years. On a day such as this, I think of our women pioneers.

Sir Patrick Cormack: Will the hon. Lady give way?

Angela Eagle: Quickly.

Sir Patrick Cormack: Following the point made earlier, if one forces somebody to do something that is entirely against his or her principles is not that making another victim? Is not outlawing victimisation what we are really about today?

Angela Eagle: That is an issue for Committee, but it is currently not legal to deny somebody a hotel room because they are black. We have just commemorated with sadness the passing of Rosa Parks who demonstrated that principle powerfully. I do not see why similar provisions should not apply on the grounds of sexual orientation. It is a simple matter of human rights.

I wanted to recall the Labour pioneers who did so much to bring us to this point. In political life, we rise on the shoulders of our pioneers. I think of women such as Ellen Wilkinson, otherwise known as Red Ellen or the Mighty Atom, who led the Jarrow march and was the first woman trade union official to battle for equal pay in the 1920s. When she came into the House she showed many people what a fantastic Member of Parliament she was. She worked in this sphere long before we were born.

I think of Jo Richardson, our first shadow women's Minister when we were ridiculed for even thinking that there should be such a post. She did much work in opposition to prepare the way for the agenda of change that we brought naturally to government. I think of Barbara Castle, whose Sex Discrimination Act 1975 and Equal Pay Act 1970 paved the way and showed the future, bringing us the most enlightened protection against discrimination in Europe in the 1970s.

That legislation has stood the test of time but it needs amending to become more effective so that we can move on. The gender pay gap has been cut from 31 per cent. in the 1970s to 18 per cent. That is still too high, but it is nevertheless an improvement. We need to remould our anti-discrimination and protection laws, and the Bill paves the way for us so to do by introducing preventive measures in the duty to promote gender equality. I should like those provisions extended to the private sector where the problem is much worse than in the public sector. When we look at the pay gap on a sectoral basis we find that it is 60 per cent. in the financial services industry, but less than 10 per cent. in the national health service. We need to consider how to address the problem of both the gender pay gap and the race pay gap, so that we can prevent discrimination rather than compensating people after they have suffered discrimination. My hon. Friend the Minister with responsibility for women and equality is engaged on that work and she follows a long line of doughty, famous women whom Labour hold in great respect.

Many of us attended Mo Mowlam's memorial last night. She put women and equality at the centre of achieving and solving the problems of that difficult place, Northern Ireland. We can learn many lessons from the way that anti-discrimination legislation was developed in Northern Ireland, which have resonance in this country. I think of all those women as I congratulate the Government on making the progress that we see today.

David T.C. Davies: In the hon. Lady's list of female pioneers in Parliament, has not she forgotten the outstanding achievement of Britain's first female Prime Minister, Margaret Thatcher? She did a far better job than any of the men could have done at the time.

Angela Eagle: I have a great deal of respect for Lady Thatcher, but I fear I cannot include her in my list as she did little for women's equality, except for leading by example—I give her that. In the 18 years that the Conservatives were in power, our anti-discrimination legislation was weakened and ignored and no progress was made. A Labour Government set up anti-discrimination legislation in the 1970s and we had to wait for the return of a Labour Government to take it forward.

As we see, the hon. Member for Epping Forest, who sits on the Conservative Front Bench, has a difficult job persuading some of her recalcitrant Back Benchers that they should even support the Bill. However, she does have a handbag and I wish her luck. Perhaps she needs to put a couple of bricks in it to persuade them of the way forward.

The Bill includes a public duty to promote gender equality, which will help to tackle the issues today, the 30th anniversary year of the Sex Discrimination Act 1975. That duty will help us to deal with the pay gap problem. Women working full-time still earn, on average, 18 per cent. less than men, so a woman earns 82p for every £1 that a man earns. That is considerably better than in the 1970s; but, clearly, we need to reform and remould our protective legislation to go the extra mile and close that gap still further.

The position of women who work part-time is particularly difficult because, on average, they earn 41 per cent. less than full-time male workers. As many Labour Members who have been campaigning on pensions know, only 15 per cent. of women currently qualify for the basic state pension in their own right, essentially because of the way that the pension system has been moulded—by Beveridge, originally—on a single male earner model, which simply does not reflect the shape of society or the working lives of many women.

The pay gap for ethnic minorities is extremely similar. It is clear that we are dealing with institutionalised discrimination. I do not mean, however, that loads of people want deliberately to discriminate against different groups in our society, although there are some such people, and they need to be dealt with harshly.

Philip Davies: Will the hon. Lady give way?

Angela Eagle: No. I am sorry, but there is a time limit, and I have very little time left. The hon. Gentleman will have to make his own speech.

The important thing is that we can close the pay gap by providing protection for those who are discriminated against. The positive duty to promote gender equality is extremely important, and it is obvious that that requirement will need to be extended. I am looking forward to the outcome of the findings of the women and work commission because I want to see what it says about pay audits and to find out how we can close the pay gap. We need compulsory pay audits and pay plans to ensure that we can end pay discrimination systematically over a period.

The Low Pay Commission should be given a specific remit to narrow the gender pay gap as part of its deliberations on the national minimum wage. I would support more training and development opportunities, particularly for women who work part-time. We should simplify our equal pay legislation so that it is more user-friendly. I welcome the Bill as the starter to the main course that will put the final legal structure in place—the single equality Act that is yet to come. Such an Act would deal with some of the problems of our existing anti-discrimination law, which is complex, piecemeal, sometimes mutually inconsistent, under-inclusive and needs updating.

In total, 30 Acts of Parliament, 11 codes of practice, 38 statutory instruments and 12 EU directives have a bearing on our anti-discrimination legislation. With the best will in the world and with the best employers and employees in the world, it is difficult to untangle the plate of spaghetti that that leaves. We need to ensure that we simplify, so that those who want to ensure that they do not discriminate can follow the law more easily.

I look forward to the single equality Bill and to my hon. Friend the Minister publishing the results of discrimination law review. I should like all strands of our anti-discrimination legislation to be consolidated to make it more proactive, more preventive, more effective and simpler for everyone to understand. I look forward to speaking on the Second Reading of the yet to be announced single equality Bill, which is a manifesto commitment, and welcoming it as the final piece in the jigsaw that will ensure that everyone has the right to protection from discrimination simply on the grounds of skin colour, religious beliefs, sexual orientation, age or disability. We can then be proud of what the Labour Government have done, following in the footsteps of our great pioneers, such as Barbara Castle. I look forward to that time. I congratulate my hon. Friend the Minister on introducing the Bill. I wish it a safe and speedy passage.

5 pm

Sandra Gidley (Romsey) (LD): Liberal Democrat Members welcome the Bill, although that is not to say that it is perfect by any stretch of the imagination. It was improved during its passage through the other place, and we will work together in Committee to improve it further.

A strengthened human rights remit is probably the way to tackle the problems of prejudice and discrimination generally. We have the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission, but with the three new strands, it is important that the approach to the problem becomes unified. We need a bottom-up approach, rather than a which-bit-of-legislation-can-we-use-now approach, because that will be the only way of tackling the common problem of multiple, or cross-strand, discrimination.

The Fawcett Society produced a report in January called "Powerless, poor and passed over", which examined the experiences of black and minority ethnic women. It shows that the experiences of those women are often overlooked because studies focus on either race or gender, but not both. It highlighted the lack of data on gender and ethnicity combined.

The report also found that women experiencing domestic violence often had to contact agencies 11 times before they received the help that they needed, but black and minority ethnic women had to contact agencies an average of 17 times. If we are talking about the pay gap, women of Pakistani and Bangladeshi origin earned 56 per cent. of the average salary of a white man. There are clearly many problems that must be tackled.

Mr. Brooks Newmark (Braintree) (Con): The hon. Member for Wallasey (Angela Eagle) made some excellent points by referencing statistics from the Fawcett Society. It is important to examine the pace of change of the disparity between what women and men are paid. The pay gap between full-time workers has moved by just 0.6 per cent. over the past year to 17.2 per cent.—I think that my figures are slightly more updated—and the gap between female and male part-time workers has moved by just 1.1 per cent. to 38.5 per cent. Given that rate of change, it will take 80 years, or even a century, for women to catch up with men. The point that I would like to make is—

Mr. Deputy Speaker (Sir Michael Lord): Order. The hon. Gentleman has made his point.

Sandra Gidley: Those of us who are regular attendees at questions to the Minister for Women and Equality

[Sandra Gidley]

are well aware of the statistics cited by the hon. Gentleman. Although the full-time pay gap has narrowed since the introduction of the Equal Pay Act 1970, the big problem that must be addressed is the fact that the part-time pay gap has narrowed little.

I welcome the Government's attitude towards the Bill and the spirit in which they have worked with all the stakeholders and agencies involved. Talking to people in preparation for the debate has been illuminating because most of the organisations seem fairly happy with what has been achieved so far. That makes it a challenge for Opposition Members to come up with major points of difference—*[Interruption.]* There are always some luddites in the House who do not want any change, but the Front Benches of all three parties are as one on the Bill. I hope that that spirit is allowed to prevail in Committee.

It is worth paying tribute to some of the changes that the Government allowed during the passage of the Bill through the other place. They accepted an amendment to outlaw discrimination in goods, facilities and services on the grounds of sexual orientation, and that is very welcome. However, the issue of transgender people has been raised today, and it seems inappropriate to kick that into the long grass. It would be more useful to address that during the passage of the Bill.

The Lords also improved the Bill so that the elimination of harassment is included in the gender duty. However, the Equal Opportunities Commission has raised concern that the interpretation of harassment is worryingly narrow and will leave some without protection under the law. An example of a woman working in a local authority leisure centre who is harassed by a customer has been cited. Her employer clearly has a role to play in doing all it can to prevent and deal with such a problem, but even under the proposed harassment provisions the woman would have no grounds to challenge her employer if she felt that it could have done more to prevent or deal with harassment unless she could prove that the employer would have treated a similar complaint from a male member of staff more favourably or show that it would have taken different action in similar circumstances. It seems an unintended consequence of the Bill that an employer could therefore fail in equal measure to protect its male and female staff but not be held to account for doing so. That clearly needs to ~~be~~ addressed further in Committee.

Provisions in section 73 of the Sex Discrimination Act 1975 were missing from the draft Bill, but that has been partially addressed. That power allowed the Equal Opportunities Commission to tackle persistent discrimination, but there is still some way to go, because the Bill has been amended to give the commission for equality and human rights the power to apply for an injunction if it thinks that discrimination is likely to take place. That sounds positive, but in previous cases an early court or tribunal ruling would have been made. The tribunals in particular have built up great expertise in such cases, so by limiting the power to the courts, expertise and familiarity with discrimination law currently found in tribunals could be lost. Will the Minister confirm when she sums up that additional support and training will be provided to the courts that might have to become involved in such decisions? There are also some concerns—I am not sure whether we can be reassured on this today—that discrimination cases could be less successful in the courts.

I very much welcome the fact that the Secretary of State's direction-making powers have been removed, because many stakeholders feel that that has reasserted the independence of the CEHR from Government interference, and that can only be welcome. However, all is not rosy. Some concerns have been raised and it is worth running through them, because they will form the basis of discussion in Committee.

John Bercow: Just before the hon. Lady goes on to those important budgetary issues, she will doubtless agree with me that two of the main contributory factors to the pay gap are straightforward discrimination on the one hand and occupational segregation on the other. Given the growth of market testing and competitive tendering—a phenomenon which I warmly welcome—does she agree that it is important for the Government to ensure not only that their own house is in order but that they have satisfied themselves that contractors with which they deal adopt such practices?

Sandra Gidley: The hon. Gentleman raises a very good point to which I will return. There is an educational element to gender segregation which is not covered in the Bill.

I turn to the budgetary implications. The existing budget is approximately £50 million and the new one is estimated to be £70 million. It is very difficult for us in this place to comment on whether that is the right amount. It has been interesting to hear the comments of Conservatives; every single agency that I spoke to insisted that a lot more money was needed.

David T.C. Davies: Will the hon. Lady give way?

Sandra Gidley: I want to finish my point. It would be helpful if the Government published a breakdown of how the costs were arrived at, so that Members who want to deal with the arguments made by organisations such as the Commission for Racial Equality can reach an informed opinion about, and decision on, what is a realistic level.

Concern has also been expressed about the existing agencies' input into the new body. A particular worry is how the CRE's input will be managed, bearing it in mind that it will come on board later on. While researching for this debate I discovered the alarming fact that the three main equality bodies have different pay rates. Indeed, I was somewhat horrified to find out that the EOC has the lowest pay rate, which seems perverse. It would be helpful if the Minister gave guidance on how that issue will be resolved.

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): Is not that difference down to the location of the different commissions' offices? Does not the hon. Lady accept that most London workers receive a London premium?

Sandra Gidley: That point can be taken into account only to an extent. The EOC is in Manchester, but so, I believe, is the Disability Rights Commission. The CRE is based in London, but that does not account for the entire anomaly.

There are also concerns—they have been hinted at today—about the location of the new commission. The current commissions are split between Manchester and London, with some small regional variations. Because London has the highest ethnic minority population, much of the expertise that has been built up is London-based, and the CRE is concerned that people will not necessarily want to relocate. It would be helpful if the Minister gave some hint as to whether that problem will be dealt with.

Simon Hughes: The CRE is based in my constituency, which is very welcome, but it is very important that the new commission is not seen as a metropolitan organisation that is close only to those close to the levers of power. Of course there should be a London presence, but the commission should be equally accessible to the rest of the country.

Sandra Gidley: My hon. Friend makes an excellent point, as always. The key is achieving a balance between retaining existing expertise, and ensuring that other areas of the country are not disadvantaged.

Julie Morgan: Is the hon. Lady aware that there is an EOC, a DRC and a CRE in Cardiff, in Wales? She omitted to mention that point.

Sandra Gidley: I am aware of that, but given that such responsibilities are partially devolved, and that I have limited time, I did not want to go too far down the road of considering the complete geographical picture of the United Kingdom.

Vera Baird: Will the hon. Lady give way?

Sandra Gidley: I want to make a little progress.

Another idea, which has been discussed by a number of people, is having a decision-making committee for each equality. I am not greatly supportive of that idea. As I said earlier, many discrimination cases have multiple strands. I would almost prefer the opposite to that idea, and that some reassurance be given that we will not move to a bureaucratic, council-type structure with sub-committees for each specialty. The real way to tackle the problem is a rights-based approach, as I said earlier. The Mayor of London is a keen supporter of the proposals, but they run counter to that approach, so I do not agree with him. The CRE has expressed concern about grants for local race equality work, so it would be helpful if the Minister explained how that provision will be managed during and after the transition. Understandably, the CBI has said that it does not want further enforcement powers.

Age discrimination has received less attention than other strands in the Bill. Three deficiencies in particular give rise to concern. First, we have missed the opportunity to impose a ban on age discrimination in the provision of goods, facilities and services. It would be useful to harmonise practice across the strands, as older people face discrimination in the provision of goods and services in insurance, social care, housing and hospital treatment. We need to level up protection for all groups rather than leave a hierarchy of discrimination in the Bill. Secondly, we should impose a positive duty on public bodies to promote age equality. Thirdly, a loophole in the legislation means that older people who receive care from private or voluntary sector organisations are not protected by the Human Rights Act 1998. The Government committed themselves to seek a test case to overturn the Leonard Cheshire judgment, but such a case has not yet been brought. I am not sure whether that is due to lack of opportunity or to lack of will, but the Government have undertaken to consider the issue as part of the discrimination law review. One of our overriding concerns is that positive proposals to even out inequalities across the strands appear to be kicked into the long grass with the promise of a further review or further legislation. We welcome what the Government have done, but sometimes they could do more.

The Office of the Deputy Prime Minister has expressed concern about local authority contracts and their basis in human rights. However, older people who make their own private arrangements with a care home will not be covered by the legislation. That needs to be addressed if we are to protect all the vulnerable people in our society. Discrimination against older people is much more hidden than discrimination against other groups. However, there are numerous cases in which the treatment of older people demonstrates a complete disregard for their human rights, which is another strong argument for the rights-based approach. Those cases include residents of a home being fed breakfast while seated on the toilet; the death of older women from dehydration; and care home residents not being given their weekly personal expenses. The list is endless, and my hon. Friend the Member for Sutton and Cheam (Mr. Burstow) may seek to develop that argument.

Will the Government make a commitment to act so that we can ensure that today's recipients of social care, both in care homes and in their own homes, have the rights to which they are entitled? Older and disabled people whose right to life, dignity and freedom from degrading treatment are most at risk are in reality the least protected.

We also have concerns about gender duty. The Bill places a general duty on public bodies to pay due regard to the need to eliminate unlawful discrimination and to promote equality between women and men. Can the Minister confirm that that will require public sector bodies, including councils, to take action to address the causes of the gender pay gap, which has been mentioned by a number of hon. Members? To what extent will public bodies be able to take appropriate action when contracting with the private sector? There is an increasing tendency under the Government to contract out to the private sector, to which I do not necessarily object, but there must be the same safeguards in place and the same level playing field as when only the public sector is involved.

The present proposals mean that education institutions are not covered by gender equality-specific duties, which is inconsistent with the way in which disability and race equality has been promoted in the sector. Concern has been expressed that as the measure is currently worded, there is a risk that the private functions of public bodies also may not be covered by

[Sandra Gidley]

the duty. That raises the question whether the Bill will have the desired impact. Such matters can usefully be raised in Committee.

The Commission for Racial Equality has expressed concern that the CEHR will not be under a duty to consider applications for assistance as currently provided for in section 66 of the Race Relations Act 1976. The removal of that duty represents the removal of a right, and no replacement arrangements have been made. The CRE is the primary source of funding for race discrimination cases, particularly tribunals, but funding is not the only issue. The CRE argues strongly that the knowledge and expertise that it builds up through its pre-litigation advice work gives it a greater awareness of the problems of discrimination and helps it come up with solutions.

The Minister mentioned earlier that she did not consider it useful to include explicit provision for children. On Second Reading in the other place Baroness Ashton, the Under-Secretary of State, Department for Constitutional Affairs, suggested that the Minister responsible for the Bill in the Commons should meet various Baronesses to consider how children might be explicitly included. Have such meetings occurred? Is it as a result of those meetings that the Minister has decided that there will be no explicit mention of children? When the Minister sums up, will she elaborate on the point?

In conclusion, the Bill is welcome. It is a shame that we have not had a single equality Act sooner. We on the Liberal Democrat Benches have long campaigned for that, and we welcome the possibility of building a culture of human rights across public services. I have urged that we should not kick too much into the long grass of the equalities review and the discrimination law review. Those must not be allowed to be used as a cop-out. Ultimately, if we can complete the passage of the Bill with few anomalies between the various strands and less of a hierarchy of discrimination, we will have achieved a worthwhile outcome.

5.23 pm

Liz Blackman (Erewash) (Lab): Like every other speaker, I welcome the Bill. I echo the sentiments expressed by some of my hon. Friends about the proud record of Labour in government on anti-discrimination legislation. The Bill is a logical progression. It offers a point of reference and a facility to challenge multi-strand discrimination. The commission will become a champion of people's rights. I welcome the fact that the commission's remit is significantly extended. I am always loth to repeat what other Members have said in the Chamber. The fact that their comments on the Bill have been so positive is sufficient. Obviously, I want to see the introduction of the single equality Bill sooner rather than later, because it makes sense to tie all the anti-discrimination legislation into a legal framework.

I am interested in all aspects of the Bill, but this afternoon I shall discuss the provisions relating to disability in general and autistic spectrum disorder or autism in particular. I chair the all-party group on autism, so I take a particular interest in the matter, and I seek an assurance from the Minister that disability discrimination will not be overshadowed by the other strands. I am also concerned that autism is not lost within the concept of disability.

I followed the Bill's passage through the other place with interest and was extremely pleased that their lordships made some amendments on disability. In the Bill as drafted, disability discrimination and the disabled group were excluded from a general provision on good community relations, which was amended in another place. In the first instance, the disability group was not seen as a community, which was an interesting take on that particular group, but the issue has been resolved.

The Bill initially proposed that the transition disability commissioner should have a shorter term of office than either the commissioner for equal opportunities or the commissioner for racial equality, but it has now been agreed that parity will be the order of the day.

Lord Rix raised the absence of a simplified version of the Bill, which should have been produced. I understand that a simplified version of the White Paper was produced, but it was published much later than the full version. I accept that the matter is probably due to an oversight on the part of the Government, but it is extremely important, given that disability is one of the major strands. People with disabilities should have access to the legislation that we are considering on their behalf.

The disability strand is unique, because the disability committee will be retained for at least five years with delegated powers and a sufficient share of resources to exercise those powers, which is vital to disabled people's confidence.

The noble Lords also raised the importance of retaining both the learning disabilities action group and the mental health group within the current Disability Rights Commission. Although that is not possible, Baroness Ashton of Upholland suggested that the disability commissioner should pay particular attention to those groups.

As far as I can see, no Member of the House of Lords mentioned the disability of autism. The DRC has just set up a neurodiversity autistic spectrum advice and action group—a mouthful. It has been set up very late, but is nevertheless welcome. Nobody argued for it to be included in, or at least listened to by, the new commission.

People with ASDs are not physically disabled and often do not look as though they have a disability. The condition is a developmental disability characterised by an inability or impairment in communication, socialisation and imagination. There is no cure. Some of those affected have learning disabilities and some have mental health problems, but they often fall into the gap between the two in relation to support services. Given that an estimated 500,000 people have an ASD, it must be treated as a significant and common disability with clear implications for mainstream policy and practice. It is now an exemplar in the disabled children's national service framework. Diagnosis in the young is better than it was, and support for children in pre-school and statutory education is improving.

However, we have an awfully long way to go to catch up in terms of the transition stage, supported living, employment, and support for carers. Seventy per cent.

of carers of children with autism said that they were prevented from returning to work by a lack of appropriate care facilities. Seventy-two per cent. of schools are not satisfied with their teachers' training in autism, and only 6 per cent. of people with an ASD and 12 per cent. of those with high-functioning autism and Asperger's syndrome have full-time paid jobs. According to a report by the National Autistic Society, 40 per cent. of carers were dissatisfied with the support that the person whom they care for received from social services.

The strand of disability must have recognised within it the specific strand of ASD—a significant and prevalent disability. On Second Reading in the other place, Lord Rix said:

> "I have an overriding concern that the lives of disabled people . . . will be made better by the creation of a Commission for Equality and Human Rights. The new Commission must be even more effective than the Disability Rights Commission is now, transforming the current inequalities into improved life chances".—[*Official Report, House of Lords*, 15 June 2005; Vol. 672, c. 1246.]

He was specifically concerned about those with learning disabilities and mental and physical disabilities. So am I. I need reassurance that people with disabilities will not be marginalised in a much bigger commission, and that those with ASDs will not be marginalised either.

5.33 pm

Mr. Desmond Swayne (New Forest, West) (Con): It is always an enormous pleasure to follow the hon. Member for Erewash (Liz Blackman), who brings a particular expertise and a great deal of passion to the debate.

I wish to confine myself in the main to part 2 of the Bill. The definition of religion in clause 43 states that

> "a reference to religion includes a reference to a lack of religion, and . . . a reference to belief includes a reference to lack of belief."

So all those who thought that they had no religion, or had explicitly decided to have no religion, are caught by the provisions of the Bill—they count as though they have a religion and will be treated as such. That might lend some scope to mischief-makers. Indeed, it might give some offence to those who take a position of believing in no God.

Religion is different from the other strands in the Bill. It differs from disability, race and sex because, by and large, in a free society, we still choose to adhere to a particular religion.

Although some people might find it profoundly shocking, most adherents of a religion believe it to be true. By and large, they do not treat life as a supermarket where one can choose any number of breakfast cereals from the shelves and find that they amount to the same thing. Most—not all—adherents of a religion believe passionately that their religion is true and that, of necessity, casts an aspersion on other religions. Indeed, the first commandment is:

> "Thou shalt have no other gods before me."

Our Lord said that he would be followed by false prophets and that we were not to treat them with respect or tolerance but to judge them. That does not lend itself to the general principle that is set out in clause 44.

Clause 44(1) states:

> "A person ("A") discriminates against another ("B") for the purposes of this Part if on grounds of the religion or belief of B . . . A treats B less favourably than he treats or would treat others".

That is a wide and dangerous principle to apply to religion. Religions rub together pretty well in this country, but introducing such a wide-ranging principle is dangerous. The danger relates to the zealot or the mischief maker and the provision could cause more harm than good.

Angela Eagle: Where does the hon. Gentleman's rather Old Testament view of religion leave the scope for ecumenical co-operation, of which the Pope and the Archbishop of Canterbury are great exponents?

Mr. Swayne: The hon. Lady puts her finger exactly on the point. Religions are working together and rubbing along well without the Bill. Intruding with legislation provides scope for mischief and for zealots.

The Bill's principle is so broad that the remaining clauses of part 2 properly take every aspect of what one would normally understand to be religious practice and experience out of the measure's scope. So despite its size, clause 44 applies only to a narrow provision of goods and services. That is proper, but I am worried about the structure of the Bill because so many of the exemptions are potentially only temporary.

For example, clause 49 properly removes educational establishments from the scope of the Bill. Otherwise, it would be permissible for an evangelical Christian to demand access to a madrassa. I suggest that that would be done only to make mischief. Nevertheless, why is that proper exemption fatally weakened by clause 49(3)(a), which gives the Secretary of State the power to "amend or repeal" the provision? I do not believe that it is acceptable for a self-respecting legislature to give the Secretary of State the power to undermine a provision. That is nonsense and I hope that those who serve on the Committee will strike out the paragraph.

Clause 63 is a Henry VIII clause that gives the Secretary of State the power to amend any exemption in part 2. Again, that is unacceptable given the sensitivity of the matter and the need for the exemptions.

I have several questions that I hope will be tackled in the winding-up speech or at least in subsequent correspondence. Clause 44(3)(b) states:

> "A person . . . discriminates against another . . . for the purposes of this Part if A applies to B a provision, criterion or practice . . . which puts persons of B's religion or belief at a disadvantage compared to some or all others".

Has the Minister taken any constitutional advice, given that clause 77 binds the Crown, on whether such a general principle is compatible with the coronation oath?

What is the meaning of clause 45(5), which states:

> "For the purposes of subsection (1) it is immaterial whether or not a person charges for the provision of goods, facilities or services"?

I am sure that it cannot be the case, but the provision appears to suggest that, if I, as the provider of gardening services, for example, were to mow the lawns of the church of my own denomination for free, I would also

[Mr. Swayne]

be required to provide the same service to the local mosque. I hope that the Minister will be able to explain whether that is the case.

John Bercow: I appreciate that clause 44(3)(b) might be incompatible with the coronation oath. I am not certain about that, as I am not a lawyer—I say that with some pride—but if it were, may I suggest to my hon. Friend that a constructive way forward would be for him to join me in a campaign for the disestablishment of the Church of England?

Mr. Swayne: I shall have to disappoint my hon. Friend; I shall not be following him down that route. As in so many other areas of public policy, I disagree with him profoundly on that issue.

Clauses 46 and 47 deal with premises, and I would like the Minister to explain the difference in principle between taking a lodger and running a bed and breakfast. My reading of the provisions and the exemptions is that those who take in lodgers would be exempt from the provisions of the Bill—that is, they could discriminate on the ground of religion—while those who run bed-and-breakfast establishments would not be exempt. That might not be the case; these provisions are certainly ambiguous. Religious organisations have made representations to me on that basis, however, complaining that they would not want Satanists in their bed-and-breakfast establishments. For my own part, I should have thought that taking an adherent of another religion into one's house would present an opportunity for evangelisation. That would now be entirely appropriate given that the Minister has said that the provisions on harassment are not to be reintroduced in the Bill, which is most welcome.

Clause 59 deals with religious charities. Will the Minister tell me the significance of 18 May 2005?

Sir Patrick Cormack: It is my birthday.

Mr. Swayne: I congratulate my hon. Friend; he is looking very well on it.

Why is it that, prior to that date, membership of a religious charity can be confined lawfully on the basis of adherence to a particular religion, whereas that is not the case thereafter? What is the Minister saying about religious charities? Why should no such charities be able to discriminate in respect of their membership on the ground of religion in the future, if they were able to do so in the past?

We are already aware of the politically correct march towards an increasingly barmy Britain. Every day we see in the papers examples of organisations refusing to use the term "BC", or "before Christ", and substituting "BP", meaning "before the present". We see examples of Christmas lights having to be called "celebrity lights", of councils wanting to refer to Christmas as "the workers' winter festival", and of libraries refusing to advertise the local nativity play. The most worrying example relates to social partnerships. We hear of religious organisations that undertake a social function and are paid accordingly to provide services such as a hostel or a soup run, being bullied with regard to the religious aspects of their organisations. We have the absurdity of an organisation providing a hostel being told that if it continues to say grace before meals, its public funding will be withdrawn. The perfectly proper concern of those of us who are worried about such developments is that part 2 of the Bill, in designating such organisations as public bodies, will provide an increasingly whip hand to the zealots who wish to see these developments march forward, or indeed just to the timid in local authorities who want to avoid litigation of any kind. My hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) was right when he said earlier in our proceedings that there is a very great danger that we will become free from religion rather than free to practise religion.

Sir Patrick Cormack: The absurd examples quoted by my hon. Friend are already happening. Could we not express the hope that during the Bill's passage the Minister will make it plain that she thinks that they are absurd, and that if the commission should be so stupid as to seek to endorse such bizarre practices, it would be acting unconstitutionally? I hope that by raising these matters and giving the Minister the opportunity to say how silly they are, we might have a rather better state of things in the future than we have at the moment.

Mr. Swayne: My hon. Friend is quite right. One of the advantages of Pepper *v.* Hart is that the Minister will be able to reassure the Committee on any number of such issues, and I hope that she will take the opportunity to do so. I notice that the Government sought to amend the harassment provisions that were originally in the Bill and achieved an amendment that prevented religious symbols from being taken out of hospitals and other such institutions. That was a positive development, albeit that it was obviated by the removal of the entire clause.

Barbara Keeley (Worsley) (Lab): We seem to have strayed again into the territory of political correctness. Labour Members are interested to know whether the hon. Gentleman has a definition of political correctness, which the hon. Member for Epping Forest (Mrs. Laing) was unable to give us earlier.

Mr. Swayne: The examples that I have given are eloquent testimony to what I mean and what is commonly understood by political correctness.

Part 3 of the Bill is completely unacceptable, although I accept entirely the thrust of its intention. I do not believe that people should be discriminated against at all in the provision of goods and services in respect of their sexual orientation. But to achieve that by an order-making power is quite unacceptable. There are some 36 clauses dealing with and constraining that power with respect to religious discrimination. To provide one clause and say that the Minister shall have power by regulation to make all those measures available on the basis of sexual orientation is for us, as a self-respecting legislature, simply to abandon our proper responsibility for the legislative process.

This will be a controversial issue, not least because, for so many religions, sexual orientation itself provides some difficulty. It is therefore nonsense simply to hand over the power to the Minister to make the law, without parliamentary scrutiny, the importance of which we have seen in regard to religious matters. It is also nonsense because the Minister quite rightly came to the Dispatch Box and explained why she would not seek to return the Bill to the status quo ante in respect of religious harassment. She properly set out the reasons for which it was judged to be too sensitive to proceed, explaining that more consultation was required. All those arguments apply to harassment and discrimination on grounds of sexual orientation. Yet, owing to a single phrase in clause 80—with all its implications for sexual orientation—the issue will be dealt with entirely by the Secretary of State, without the benefit of parliamentary scrutiny. That is unacceptable in any institution that continues to call itself a Parliament.

5.50 pm

Dr. Desmond Turner (Brighton, Kemptown) (Lab): I take a slightly different view from the hon. Member for New Forest, West (Mr. Swayne). He is right to say that it is unfortunate that protection against discrimination in terms of goods and services was introduced as an enabling power rather than being set out fully, as is religious and faith discrimination in part 2. Part 3 should have been equally comprehensive. Nevertheless, it is better to have a provision to deal with discrimination in regard to goods and services on grounds of sexual orientation than to have no such provision, which is what was on offer.

I congratulate the Government on having listened to what was said in the House of Lords, which is where the Bill started out with no reference to discrimination on grounds of sexual orientation. In an equality Bill, that was a grave omission, and I am very glad that that vital correction has been made. It will be appreciated by thousands of my constituents, and it represents almost the last step taken over the past eight years towards fulfilling the political agenda of the lesbian, gay, bisexual and transgender community—the removal of elements of discrimination from our law. That began with the repeal of section 28—an example of pure homophobia left to us by the last Government—and continued with equalisation of the age of consent, access to the armed forces for gays and lesbians and the Civil Partnership Act 2004. Now the Government have dealt with goods and services, the one outstanding area of discrimination and prejudice.

One issue is still to be dealt with, but the Bill is not the right vehicle. We need to deal with homophobia, and incitement to hatred on the basis of sexual orientation. I am glad that we are not faced with that complication, because it is difficult enough for us to deal with incitement to religious hatred. We need to get that straight before we approach the subject of homophobia.

Let me return to what was said by the hon. Member for New Forest, West. I agree with him that we must be careful to avoid an internal inequality. I hope that the Minister will be able to assure us that the orders for which part 3 provides will be no less rigorous than part 3 itself, and that they will be implemented at the same time as part 2. Otherwise, there would be discrimination. It worries me slightly that the Bill contains no commencement date, and I hope that the Minister will give us some idea of the Government's thinking. The Bill is, after all, an interim measure pending a single equalities Bill that will have all the bells and whistles and will represent legislative perfection. Until that Bill is before us, we need protection on the statute book, and we need it as quickly as possible.

Having listened to the hon. Member for New Forest, West, I am sure that there will be a desire for many exceptions in some quarters, especially faith-based organisations. That is to be expected. I agree with Stonewall, however, that there is no case for any exemptions under part 3.

Philip Davies: Does the hon. Gentleman accept that it sticks in the throat of some Conservative Members when the hon. Gentleman and his hon. Friends say that there should be no exceptions in measures such as this? His party made a clear exception when it excluded one sex from shortlists for parliamentary seats. It strikes some of us that the Labour party is very keen to allow exceptions from gender discrimination provisions in the selection of candidates, but does not want to allow anyone else any exceptions.

Dr. Turner: The hon. Gentleman knows full well that the Labour party's practice in regard to all-women shortlists is a measure of positive discrimination. It is not discrimination against men. We still have far more men than women in the parliamentary Labour party, and our ideal is equal numbers. I am sorry, but I do not buy that objection.

Mr. Devine: Nor do the electorate.

Dr. Turner: Indeed.

Ms Dawn Butler (Brent, South) (Lab): Is it not a well-known fact that the public would like Parliament to be more representative of society as a whole? Surely the Labour party is to be congratulated on trying to ensure, through all-women shortlists, that we have more equality on this side of the House.

Dr. Turner: My hon. Friend is right—but, as a Labour Member, I would say that.

I see no justification for any significant exemptions under part 3. I hope the Minister will assure us that, if there are any, they will be extremely limited. There is a risk that if we allow too many, protection against discrimination will be undermined.

The Bill performs a useful function. We have seen a sea change, a cultural change, since the war, especially in regard to sexual orientation. It has been refreshing to see, over the past year or so, a similar change on the green Benches opposite—at least on the front four; I cannot speak for the back row. Legislation has gone hand in hand with the change in public attitudes over the past 50 years, but it is important to underpin this cultural change with legislation.

John Bercow: I thank the hon. Gentleman for his remarks. In my case, it dates back five years, nine months and 11 days.

Dr. Turner: I can only congratulate the hon. Gentleman.

[Dr. Turner]

I welcome the Government's acceptance of the need to legislate in respect of sexual orientation. I reiterate the three main areas of concern: the provisions in part 3 should be as firm as those in part 2; exceptions under part 3 should be minimal; and the provisions should be implemented on the same date. Equality should be consistent throughout the Bill.

6 pm

Mr. Gregory Campbell (East Londonderry) (DUP): I wish to confine my remarks to a small number of issues relating to the Bill. The first is cost, to which several hon. Members alluded. I am concerned that, despite the fact that this measure should have been cost-effective, the overall cost will be about 42 per cent. greater than the combined cost of the three existing organisations.

I caution Ministers about the escalating costs of non-departmental public bodies, from which we in Northern Ireland suffer to a mega-degree. Only last week, I uncovered the fact that last year the total cost of all the non-departmental public bodies in Northern Ireland was more than £2 billion. That is one issue to which the Minister responded when she indicated the extent of the increase.

I want to dwell on part 2, which deals with religion and belief. I ask the Minister to clarify the matter beyond any doubt. Let us take the example a small bed and breakfast or guest house run by a husband and wife, the name of which clearly indicates that it is a Christian establishment—for example, the Bethany Christian guest house. I know of many such establishments in Northern Ireland, Scotland and the north of England. A confirmed, avowed homosexual activist might deliberately want to book a night there in order to be refused accommodation and take the case to court. What would be the position of such a guest house? We are talking about not a Marriott or Hilton but a small, family-run establishment with a Christian ethos.

Let us suppose that someone arrives at a guest house and sees either a New Testament on the desk or a small text above the check-in area that says, "This is God's house"—a clear sign that it is a Christian establishment. Under the Bill, who would be pursued? Would it be the person who makes the booking in the knowledge that the establishment is of a particular religious disposition, or would it be the husband and wife who have firmly held religious views that they believe preclude them from offering accommodation to someone who is deliberately trying to ensure that they fall foul of the legislation? I would be pleased if the Minister explained exactly what would happen in such a circumstance, because I have read in the press of at least two similar examples.

Mrs. Laing: I hope that the hon. Gentleman agrees that that matter should be considered in great detail in Committee and must not be forgotten.

Mr. Campbell: I thank the hon. Lady for that intervention. I hope that it will indeed be considered.

Emily Thornberry (Islington, South and Finsbury) (Lab): Does the hon. Gentleman agree that a proper Christian will understand that one can be gay and be Christian as well? If someone is to close their doors to a gay couple coming to their bed and breakfast, should not the answer simply be that they should be prosecuted, as we should not discriminate against people on the basis of their sexuality?

Mr. Campbell: I thank the hon. Lady for that intervention, but I indicated in my analogy that the person may arrive at the establishment and see a New Testament on the desk, and the person working there may be reading the part of the New Testament that precludes some of the activities to which she alludes. That is the person's view and they are entitled to hold it, but do they thereby fall foul of the legislation?

Mr. Khan: Is not there a difference between having an attitude and a view and practising that by one's behaviour? Is not this a classic example of a Bill that will lead to legislation that outlaws behaviour? I hope that, over time, it may change attitudes, but even if it does not the impact will be that people will not be treated differently because of their sexual orientation or religion.

Mr. Campbell: I think that the hon. Gentleman has to think the situation through. Let us say that the position is as I have outlined—a couple who are Christian have a sincerely held view about sexual orientation, particularly about homosexuals. Are they to be told, courtesy of the Bill, that they cannot run their guest house and hold those views, which would preclude them from giving a room to persons who are openly homosexual and who appear to want to make the booking in order that they fall foul of the legislation?

Judy Mallaber (Amber Valley) (Lab): Does the hon. Gentleman think that someone who has a sincerely held view of repugnance towards people who are gay should be allowed to flout existing Northern Ireland employment legislation preventing discrimination on grounds of sexual orientation? Does he support that legislation? Would he support people who wished to flout the law in Northern Ireland?

Mr. Campbell: The short answer is that I do support the law in Northern Ireland, but deliberately flouting the law takes us into a different realm. I am still unclear as to who would be more likely to fall foul of this legislation.

Mr. Swayne: The answer to my hon. Friend's question is that the Bill does nothing in that respect but gives the Minister the power to make regulations, which we would be denied the opportunity of discussing in a debate such as this. The Bill attempts to deal with one difficulty by properly drawing a distinction in respect of a lodger—someone living in your own house, sleeping in your own bed between your sheets—but does not make the same distinction in respect of bed and breakfasts.

Mr. Campbell: That is part of the difficulty. The issue remains unclear, and I agree that we need a definitive response.

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): The hon. Gentleman mentioned sincerely held beliefs. The whole House respects sincerely held beliefs. Does he accept that, in the recent past, people sincerely believed that black people were inferior and based their beliefs on biblical text, but this House says that it is wrong to discriminate on grounds of race? However sincerely people believe that homosexuality is repugnant, the House, through the Bill, is saying that it is wrong to discriminate on grounds of sexuality.

Mr. Campbell: It is clearly wrong to discriminate against someone because of their sexual outlook, their race or their religion, but the legislative process must prevent people from being put out of business because of their sincerely held views.

I wish to move on to the unintended consequences of the Bill. An earlier contribution lauded Northern Ireland legislation on religious and gender discrimination. There is absolutely no question but that we require such legislation in Northern Ireland and that it was intended to address a particular problem. It has addressed that problem for 20 years, but a problem has now emerged that it was never intended to address. The Human Rights Commission and the Equality Commission are now responsible for ensuring that all sections of the community can avail themselves of the relevant legislation, but they are finding it very difficult to ensure that the intent of legislation is observed. I hope that the Bill will not lead to such unintended consequences in 12 months or 10 years from now. I welcome the Bill as a whole, but I have very serious reservations about the aspects that I have outlined this evening.

6.12 pm

Julie Morgan (Cardiff, North) (Lab): I am grateful to be called to speak in this important Second Reading debate. I also took part in the Second Reading debate on 5 April in the dying days of the last Parliament before the general election and I recall that the atmosphere was different then. Then, a much more consensual approach was taken by those on the Conservative Back Benches. I have been surprised by the antagonism shown by them today, but I welcome the support of the Conservative Front Benchers.

I am proud that, after the last Second Reading debate, Labour went into the general election with a commitment to equality and human rights. Changing the law to ensure that everyone has an equal opportunity to fulfil their potential is a slow process and it is obvious that there is still a long way to go. However, I agree with other hon. Members that we have made tremendous progress since Labour came to office in 1997. My hon. Friend the Member for Brighton, Kemptown (Dr. Turner) rightly referred to the abolition of the notorious section 28, to which we could add the introduction of civil partnerships, the equalising of the age of consent, new laws on adoption, bans on discrimination in the workplace based on sexuality and the ending of the ban on gay men serving in the armed forces. They all show what progress has been made for lesbians and gay men since 1997. I am very proud that the Labour Government led the way in making those changes.

In Wales, the Assembly works closely with and funds the Stonewall Forum as part of the duty placed on the National Assembly for Wales in the Government of Wales Act 1998. Under that legislation, the Assembly has to

> "make appropriate arrangements to secure that its functions are exercised with due regard to the principle that there should be equality of opportunity for all people".

I recall that when that legislation was passed in this Parliament, we were very proud that that duty was placed on the Assembly—and it has made a tremendous difference. The setting up of Stonewall Cymru was a big step in attempting to reduce discrimination and it has achieved a great deal, including working with employers to tackle workplace discrimination. "Counted Out" was the first ever survey of lesbian, gay and bisexual people in Wales. I am very pleased that Wales has been able to lead the way in tackling some of these equality issues.

Since 1997, the position of women has certainly improved, with greater recognition by all political parties of the need for women to be involved in decision making. All the parties now recognise the need to have more women candidates, although we sometimes disagree on the best way to achieve that. I was pleased to participate in debates on equality and sex discrimination legislation, which was not opposed by any of the Opposition parties. The Welsh Assembly has equal numbers of women and men—the only legislature in the world where that applies, which is something to be very proud of. In some of the professions, women are now overtaking men—there are more women in the medical profession, for example, and more women medical students—but there is still a long way to go.

Some hon. Members have already referred to the pay gap and even with the Government's best efforts, we have not managed to close it. I too welcome the work of the women and work commission, and I am coming to believe that we shall have to move towards compulsory pay audits if we are to ascertain the exact position, not least because we will need that knowledge in order to reduce the pay gap. Women also continue to suffer from pregnancy discrimination—about 43 per cent. of calls to the Equal Opportunities Commission helpline in Wales are pregnancy and maternity-related. The Government have introduced more maternity rights for women, but pregnancy discrimination continues to exist. It is shocking in this day and age to read articles about how pregnant women still suffer in that respect and I hope that the Bill will help to improve their position.

I welcome the Bill, which has improved considerably during its passage through the other place. I welcome the fact that there will now be an end to discrimination in the provision of goods and services for lesbians and gay men. As Ben Summerskill, the director of Stonewall, has said:

> "Thankfully, signs saying 'No blacks' or 'No Irish' have become a thing of the past. It's shocking that hotels can still put up signs in 2005 saying 'No gays' and we look forward to the early implementation of the new law".

The sooner those laws are implemented, the better. One of the most shocking instances of discrimination that I know of was when a woman in Wales was refused a smear test on the basis that she was a lesbian. There was widespread publicity about that—a shocking example of the persistence of discrimination. As hon. Members have already mentioned, councillors in Bromley wanted

[Julie Morgan]

to use the law as it stands to deny gay couples the chance to celebrate their civil partnerships in the same way that heterosexual couples celebrate their weddings. That must be wrong, and I am glad that the Government are moving to outlaw that.

I also welcome the two reviews—the equality review and the discrimination law review—that will lead to a new single equality Act. In debates before the election, many of us called for that Act to be introduced before the new commission for equality and human rights was set up. I am glad, however, that the current process has started, and we should now have a good look into the fundamental causes of inequality. I accept the need to set up the commission quickly because of the new anti-discrimination strands—age, sexual orientation and religion—that are being introduced, but it is essential that we move towards a single equality Act as quickly as we can and get rid of all the existing legal anomalies. I understand why the commission is to be set up, but it would have been preferable if the single equality Act had been introduced first. In the circumstances, I hope that we will move towards that as soon as we can.

I want to make some particular comments about how the Bill will affect Wales. I am glad that there will be a Welsh commissioner and a Welsh committee, and that that committee will be a decision-making committee. I hope that it will have grant-giving, as well as decision-making powers. It is also important that those decisions about grant-giving powers are made at a local level—on the basis of real knowledge about local circumstances. As my noble Friend Baroness Gale said in the other place:

> "Everything in Wales runs from east to west. There are difficulties when one travels from north to south. If the commission in Wales is to be effective there will need to be a presence not just in Cardiff but also in north Wales and possibly west Wales."—[*Official Report, House of Lords*, 15 June 2005; Vol. 672, c. 1282.]

I hope that my hon. Friend the Minister will comment on the possibility of having regional offices in Wales.

I also hope that the Welsh Assembly will be involved in the appointment of the commission and the commissioner, and I urge early appointment of the Welsh commissioner. It is important to recognise the low capacity for advice-giving in Wales; there is only one law centre in Wales, so the commissioner must get into post soon to address such issues.

It is also important that the use of the Welsh language is recognised, and that it is understood to be a cause of discrimination. Welsh-speaking elderly people can go into hospital and be unable to receive services in Welsh. That happened to a relative of mine in Carmarthen. He was suffering from mental health problems, and he was unable to receive a service in his first language.

The particular geography of Wales needs to be recognised. As Baroness Gale said, it is important that there is a presence in north Wales. The Commission for Racial Equality has an office in north Wales, and it is important that the new commission's representation there is as strong as it is in south Wales.

The Minister mentioned the relationship between the new commission and the Children's Commissioner for Wales, and there has been some debate about whether children should be specifically mentioned as a separate group. The Children's Commissioner for Wales has now been in post for five years. One of his most important findings is that children do not think that anyone listens to them, and that they do not expect to be heard. I hope that the legislation will address discrimination against children—discrimination on the grounds of age should cover children—and that the new commission will work closely with the Children's Commissioner for Wales.

I know that the Children's Commissioner is also very concerned about the language we use when we talk about children and young people, and particularly when we talk about antisocial behaviour. He has expressed concern about how the debate on that is conducted, especially here in Westminster. I hope that a code will be worked out for how the commission relates to the Children's Commissioner for Wales.

The House of Lords is considering a Bill that will establish a commissioner for older people in Wales. That is a new post, and we are told that it is one of the first of its kind in the world. I do not know if that is true, but it is essential that a way is worked out for the commission to relate to the older person's commissioner for Wales, who is likely to be appointed next year.

The older person's commissioner will have a key role to play in addressing the issue of access to services for older people. We all know that older people are often denied the access to health services that they should have. The commissioner will be important, as that person will speak up for older people, but it is also essential that that person's activities are linked to those of the commission.

Some staff of existing bodies have expressed concern about what will happen to pay rates when the various bodies are brought together. The hon. Member for Romsey (Sandra Gidley) pointed out that the Equal Opportunities Commission rates of pay are lower than those of the other two commissions. I hope that that issue will be addressed.

I also support the call for a commissioner to represent the trade unions, because there is a tradition in the existing commission bodies of having a trade union commissioner. The trade unions probably deal with many more cases of inequality than any of the existing commissions.

I congratulate the Government on introducing the Bill. We have a long way to go to achieve what we would all call an equal society, but this is a step in the right direction. The Bill has been improved enormously in the House of Lords, and I am sure that it will continue to be improved in the House of Commons and that, in the end, we will set up a commission that we are very proud of, and which will work for those people who suffer most from discrimination in this country.

6.25 pm

Mr. Henry Bellingham (North-West Norfolk) (Con): It is a pleasure to follow the contribution of the hon. Member for Cardiff, North (Julie Morgan), who speaks on this subject with a lot of passion. I should also declare my interests, which are stated in the Register of Members' Interests.

I had the privilege of leading for the Opposition on this Bill before the general election. On 5 April, I made the Opposition opening speech, in response to the speech of the then Secretary of State for Trade and Industry, the right hon. Member for Leicester, West (Ms Hewitt). Since then, she has been awarded a remarkable promotion—she is now the Secretary of State for Health—whereas I have moved into the obscurity of the Whips Office. That might be something to do with the speech I made at that time. It received the support of my hon. Friend the Member for Buckingham (John Bercow), but I do not know if it was read by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth), and my hon. Friends the Members for Aldershot (Mr. Howarth), for New Forest, West (Mr. Swayne), for South Staffordshire (Sir Patrick Cormack), for Monmouth (David T.C. Davies), and for Blaby (Mr. Robathan)

I support the broad principles of the Bill. It must make sense to bring the different commissions together into one body, and to add the additional strands of sexual orientation, religion or belief, and age. My party has had grave reservations about the legislation on human rights, but given that no body is charged with the promotion of human rights, it must make sense for that to go to this new commission.

I would like the Minister to address clause 13 on monitoring progress. I understand that the commission will be required to publish a report within three years of the Bill coming into force, and every three years thereafter. That will be approximately once in the lifetime of a Parliament. Is that sufficient scrutiny, or does the Minister feel that the report should be produced more regularly?

John Bercow: Does my hon. Friend agree that the best forum for the exercise of scrutiny is this House? Therefore, would it be a helpful indication of the Government's good intent if the Minister were to suggest a willingness to consider an annual parliamentary debate on the progress made by the commission?

Mr. Bellingham: As always, my hon. Friend comes up with an intelligent and sensible suggestion, but surely the debate in Parliament would have more impact if it were to debate a report by the commission. That is something that we can discuss in Committee, although that is not an offer to serve at this stage.

Clause 28 refers to legal assistance, and subsection (1) enables the commission to give assistance to an individual who is the victim of discrimination or

"who is or may become party to legal proceedings".

Will the cost of that assistance come from the commission's budget, or could it be funded by the Legal Services Commission, and what will be the relationship between the two?

Clauses 36 to 38 refer to dissolution, the transfer of property, rights and liabilities, and to the Transfer of Undertakings (Protection of Employment) Regulations 1981. What about the existing commissions' ongoing cases? It is important during the transition period that the three commissions are not deterred from launching new actions, and it is equally important that existing legal actions are pursued with the usual professionalism, resources and commitment. What is the Minister's view on that, and can she perhaps suggest that at least those particular points will be taken care of?

The then Secretary of State for Trade and Industry wrote to several MPs in February, announcing the Government's equalities review, which will run in tandem with the Department of Trade and Industry's discrimination law review. The equalities review will be chaired by Trevor Phillips and will report in 2006 at the earliest. It will review all equality legislation, so is it sensible—a point made well by my hon. Friend the Member for Banbury (Tony Baldry)—to go ahead with the Bill before we see the findings of those reviews? I and my Front-Bench colleagues support the broad outlines of the Bill, but it is vital to get it right in every respect, so it would be sensible to await the findings of the review.

John Bercow: My hon. Friend is being exceedingly generous in giving way, so may I gently remind him that on 5 April he was so kind and gracious from the Front Bench as to seek my advice on that point? I was not expecting him to do so but he did. He asked: should we or should we not wait? I advised him that as the decision to bring forward the Bill setting up the commission was based on substantial existing evidence acquired before the decision to initiate the inquiries, it would indeed make sense to proceed. At that point, although *Hansard* will not record it, I think that my hon. Friend nodded.

Mr. Bellingham: I certainly did: I remember the exchange very well. However, I am concerned that we shall have to come back with further legislation at some point in the future. DTI Ministers will have to look at that point extremely carefully.

I recently held a useful meeting on disability rights and the work of the Disability Rights Commission with the West Norfolk disability information service—WNDIS—and its representatives, Mr. Jonathan Toye and Mr. Brian Reed. They expressed concern that the new commission would not have the same focus, bite and detailed expert knowledge as the existing DRC. We discussed at some length how the disability rights functions of the new commission will work. They do much important work in my constituency and, like me, feel strongly that the new commission must reflect the unique and complex nature of disability, as well as the distinctive legislative provisions on disability. I congratulate them on their work in my constituency, representing individuals and explaining to local businesses exactly what the law says, and helping people with problems in a way that is constructive and invariably sensitive to the needs of business and wealth creation while supporting people with legitimate concerns. Will the Minister comment on that?

I support the concept of a one-stop shop and the idea of bringing together the different bodies so that not only individuals but business organisations know exactly whom to approach. The CBI said:

> "The current approach is often confusing, time-consuming and does not offer adequate support for issues crossing over different equality strands. A single commission would have the advantage of being a simple 'one-stop shop' for advice on all equality issues, presenting a joined-up approach that could help rationalise support."

I support that point of view, but like the CBI I am concerned about a point that has been made eloquently from our Front-Bench colleagues and by several of my

[Mr. Bellingham]

hon. Friends. Yes, there will be substantial start-up costs for the new body; I understand that Ministers are looking at a figure of £24 million. Obviously, the transfer of undertakings—TUPE—will be expensive. New IT systems will need to be set up. Whenever a new organisation is created and various commissions and bodies are moved into a new quango, there will be requirements for updating facilities, such as moving into a new building and so on. Those are the one-off costs, but even bearing in mind the fact that, as the Minister argued, we shall be bringing into the commission additional strands and human rights responsibilities, it should not be necessary for the existing budget of £43 million a year for the combined commissions almost to double to £70 million. Some changes will be needed, but will there really be a need for so many extra staff? A large organisation need have only one IT department, rather than the existing IT departments of the various commissions. It will need only one public relations department and one human resources department. Consolidating all those facilities and departments should bring substantial savings and economies of scale. The DTI can do better than simply saying that the new body will cost more, that there will be many more staff and the budget will be almost twice as big as the combined budgets. The Minister shakes her head, but perhaps she could focus on that question in her reply.

The Minister should look at other examples of the Government creating new consolidated regulatory bodies. The Financial Services Authority's handbook now runs to more than 8,000 pages. Can it really be said that the FSA is better run and more user-friendly than its predecessor bodies such as the Investment Management Regulatory Organisation, the Life Assurance and Unit Trust Regulatory Organisation and the many other bodies that formed the FSA? The DTI can set a better example; it is after all the Department of wealth creation and of business. If the Department really wants to show business that it is serious about offering the taxpayer value for money, it should look at the costs of the new organisation and the number of staff to be employed in it.

Philip Davies: My hon. Friend is making a good point. Although the organisation may need only one HR department, does he agree that given the history of the existing bodies trying to regulate against discrimination and the number of discrimination cases brought against them by their own employees, it will probably need to be a large one?

Mr. Bellingham: My hon. Friend gives a good reason why the new body will have to be a first-class example of how to treat employees.

On the subject of the DTI setting a good example, the Minister did not really reply to my question about the gender gap in the Department. Why is there still a 16 per cent. difference between male and female salaries at the DTI? That figure is only marginally better than the national average. That is a disgrace. Why do a significant majority of DTI officials—60 per cent. in a recent survey—not agree with the statement:

"I believe that DTI recognises the diversity of its customers and adapts its policies to reach them."?

Sixty per cent. did not agree with that statement, so as my hon. Friend suggested, the DTI and organisations that come under its remit should set the best possible example of any Department.

I want to look in more detail at the provisions relating to religious discrimination and legal aid. There is no provision either in the Bill or in existing legal aid legislation for individuals or organisations to be given legal aid if they are being investigated by the commission or being sued by, or with the backing of, the commission. Nor is there any provision for a person or organisation to recover legal costs in defending themselves from investigation, or in fighting a legal claim backed by the commission. In another place, Lady O'Cathain made the point more eloquently than I could when she said that

"in a legal action over a controversial issue of religious liberties, the enormous financial and legal resources of the commission could be ranged on one side of the legal dispute, leaving a defendant on the other side with limited financial resources at a considerable disadvantage. A church or religious charity being sued would then be left passing round the offering plate to raise money to pay lawyers. In these circumstances, even a bad case could make a lot of progress. It could even succeed. The inequality of resources could result in a miscarriage of justice."—[*Official Report, House of Lords*, 9 November 2005; Vol. 675, c. 641.]

That sums up the point very well indeed, and I hope that the Minister will consider it when she replies to the debate.

We have heard several good speeches this afternoon that referred to religious discrimination. My hon. Friend the Member for New Forest, West talked about political correctness, although I shall not go down that route. However, religious groups by their very nature discriminate on religious grounds the whole time. Several colleagues have given examples of over-zealous interpretation of the existing law and the removal of public references to Christianity. Recently, the Home Office threatened to stop the funding for a carol service for the victims of crime because it was too Christian. Waveney council in East Anglia is planning to scrap grants for Christmas lights because they conflict with its core values of equality and diversity—total nonsense.

Ms Abbott: Will the hon. Gentleman give way?

Mr. Bellingham: I will not give way. I have only three and a half minutes to go before I must conclude.

Earlier this year, the University Hospitals of Leicester NHS Trust considered banning Bibles from bedside lockers to avoid offending other faiths. Torbay council removed a wooden cross from the wall of a crematorium chapel to cater for everyone in our diverse, multi-faith society. Yes, of course those organisations are acting in good faith, but what concerns me very simply is that, very soon in my judgment, any Christian organisation that receives public money could be told to drop all its religious content or lose public funding. That would be extremely unfortunate and regrettable.

Certainly, the vast majority of my colleagues in the Conservative party feel very strongly that everyone should be given fair treatment. I feel very strongly that discrimination of any kind is morally wrong. It destroys lives. It can break up families and ruin health. It can destroy wealth, because the most valuable asset of any business is obviously its employees. If they are undervalued, undermined or discriminated-against, how can they give of their best? If their lives are falling apart because their home life is a misery, how can they go to work with motivation and commitment?

We want everyone to be given every possible opportunity to reach maximum fulfilment of their lives, free of any kind of discrimination. We would not necessarily have introduced legislation in the exact form of the Bill if we had won the last election, but I believe that it has many good points, and some weaknesses. If we can address those weaknesses, we might at least have legislation that will meet not only the objectives that the Government have set for it, but the aspirations of the people who will be affected and, very importantly, of those wealth creators without whose wealth and the taxes that they pay we would not have public services in this country.

6.42 pm

Mr. Sadiq Khan (Tooting) (Lab): I thank Back-Bench Members of Her Majesty's official Opposition for the honesty and candour that they have shown in the debate today. I grateful to them for their honesty and candour because there is a danger, when watching the two Conservative party leadership contenders, that we may believe that their party is modern and pragmatic. At least we now know where they stand.

We have heard from colleagues who took part in the debate five months ago. We have heard about a calm consensus one month before a general election, and now, five months after that election, we see the Conservative party showing its true colours. I am sure that the honesty and candour exhibited by Conservative Members will be shown in Liberal Democrat "Focus" leaflets and Labour rose leaflets throughout the country over the next three or four years.

I am also grateful to the Minister with responsibility for women and equality for the way that she began the debate. I congratulate her and the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Stirling (Mrs. McGuire) on their stewardship of the Bill in recent weeks and months and on the way that they have genuinely listened to the concerns sincerely raised by stakeholders who are keen to try to improve the Bill even more. I declare an interest: in my previous life, I played a small role, along with many others, in trying get to the stage we have reached today. Frankly, it is quite exciting to be speaking as a parliamentarian in the debate on the Bill's Second Reading. I have no doubt that the Bill will lead to real improvements in the lives of ordinary residents in Tooting and all parts of the UK.

I also pay tribute to the previous Minister for Women and Equality—now the Secretary of State for Health—and her deputy, who is now the Minister for Schools, both of whom persevered over the past couple of years to get where we are today. Over that period, many solicitors, non-governmental organisations, voluntary groups and other experts have been involved along the path, and friendships have been made, broken and remade to get to this stage. Many people deserve credit for the fact that we are debating the Bill on Second Reading.

I hope that the Bill will attract support from all parts of the House, for it is not just about what Labour Governments have been doing for their citizens over the past 40 years. The first legislative example of that is the Race Relations Act 1965, which was passed 40 years ago this month. It is worth reminding ourselves that the objections now being made by Back-Bench Members of the official Opposition are not dissimilar to those made in 1965, 1968, 1970, 1971, 1976 and 2001, when Labour Governments have passed legislation to try to fight inequality and discrimination.

The Bill shows what a modern Parliament should be doing for its citizens in the 21st century: passing legislation that will improve the quality of life of the most vulnerable in our society—the elderly, the disabled and minority communities—and ending the inconsistency in anti-discrimination legislation that leads to a hierarchy of protection in equality legislation. I hope that the hierarchy of rights that we have in the UK will be ended by the single equality Act, which the new commission will help to draft. That comprehensive Act will protect all, replacing the patchwork, piecemeal approach that we have had until now.

One commission will represent all—rather than the two, three, four, five, six or seven bodies that we could have if it were not for the Bill—thus ending the ridiculous situation whereby someone who suffers from discrimination on a number of levels is forced to go to two or three commissions for help, using several Acts to get protection and being shunted from pillar to post. It will end the situation where it is lawful for a hospital or council to discriminate against a user of the services provided on the grounds of his or her religion or beliefs, or where it is apparently lawful for Conservative-run Bromley council to deny couples, citizens of the borough, the chance to celebrate civil partnerships.

I could go on to give more examples of the sort of indignities our fellow citizens face because of their age, religion, beliefs, or sexual orientation that will be made unlawful. I hope that that will lead to a change in attitudes and behaviour in this country.

Philip Davies: The hon. Gentleman talks about sexual orientation. Does he think that if a gay couple wish to get married in a church, the Church should be allowed to refuse to marry them?

Mr. Khan: I am grateful to the hon. Gentleman for that intervention because it is a good example of the scaremongering in which official Opposition Back Benchers are engaged. He refers to the Civil Partnership Act 2004, which is not about marriage. I suggest that he read that Act. I should be happy to pass to him correspondence and the Library research paper that explains what that Act is about and what the Bill is about.

For the first time, the Bill will give our citizens who face discrimination on the grounds of age, sexuality or religion a single body to champion their rights—a single body better placed to tackle double discrimination than its predecessors and better placed to provide businesses and public bodies with a single point of reference for advice and support.

The hon. Member for Epping Forest (Mrs. Laing), who led for the Opposition, gave four conditions that must be met before she could support the Bill. The first point was the body's cost-effectiveness, but she gave evidence that the body was a good idea. According to

[Mr. Khan]

her figures, GDP would increase by 3 per cent. if women were allowed to work to the full extent of their abilities. She also made the point that GDP would increase if other minorities contributed to the full. Clearly, this is a classic example of the cost-benefit analysis being satisfied, thus showing that the body makes good sense.

Meg Hillier: My hon. Friend rightly highlights a very important point. Does he agree that the 250,000 people over 50 in London who are willing, able and qualified to work, but who are not in the workplace would contribute in that respect?

Mr. Khan: Absolutely. We should consider not just people of that age, but the 1.4 million disabled people in London who will benefit from the new commission.

As is evident, I hope, from my contribution so far, I believe that the Bill is a key building block in constructing a society where all our citizens have an equal chance to achieve their potential. It is noteworthy that those Opposition Members who have intervened in the debate have been one dimensional and of one type—some would say that they are middle-aged, white Members of Parliament—while those Labour Members who have contributed represent the diverse and fantastic society in which we live.

Ms Abbott: My hon. Friend will be aware that everyone in the House—on both sides, really—supports the aims of the Bill. However, is he also aware that although there is obviously support within the black community for dealing with the hierarchy of discrimination, there is great concern about the need to ensure that the Bill and the establishment of a single commission do not mean that there will be a reduction in the ability to fight racial discrimination, which is as bitter and savage now as it was in the 1960s, when the very first race relations Act came about?

Mr. Khan: Anyone who has read press reports on the criminal case surrounding the murder of Anthony Walker will need no further evidence that there are problems in the UK regarding race. My hon. Friend makes an important point, but the Minister has given reassurances in public and private discussions that there will be no levelling down of the gains made by the Commission for Racial Equality and others over the past 30 years. We must emphasise the importance of those assurances and the fact that a concession was made to allow the CRE to carry on until 2009. The commission for equality and human rights will run in parallel with the CRE from 2007, so best practice will hopefully be taken across to the CEHR.

I hope that during her winding-up speech, or in Committee if that is more appropriate, my hon. Friend the Under-Secretary will address several of the small points that I wish to make. My hon. Friend the Minister with responsibility for women and equality mentioned the removal of the harassment protection from the Bill in the House of Lords, although civil servants, stakeholders and other experts thought the provision was necessary. Although I do not want to go into detail about technicalities now, I thank her for confirming that the discrimination law review will examine the matter again to try to determine whether there are sensible ways of reinserting the provision into legislation. She will be aware of the anomalies that exist. For example, it is possible for victims of harassment on the grounds of race to receive the protection of the law, but people who are harassed because of their religion, belief or sexual orientation will not receive protection, even after the Bill is passed.

I know that the Minister is aware of the concern that has been articulated to me by stakeholders about the narrow definition of "public authority". They are worried that that could lead to a protection gap for vulnerable people, such as elderly citizens in private care homes. In Committee, if not today, I hope that we can consider how we can close that loophole so that such discrimination does not continue even after the Bill is passed.

My third point relates to the period between 2007 and 2009, when the CRE will still be in existence and the CEHR will begin its life. I want to ensure that the CRE's expertise will not be lost while those commissions are running in parallel. Clearly, all the jobs in the CEHR might be taken up by the time that the CRE is abolished, so all the people in the CRE who have gained experience might have no job to go to. We must ensure that best practice is carried over.

I know that the Minister is aware of my fourth point from the discussions that we have had. It relates to the argument about the commission having a race committee, as there is a disability committee, and a London committee, as there is a Scotland committee and a Wales committee. I hope that she will confirm that the commission will be able to set up a London committee and a race committee at an early stage if it and the experts deem it fit. Other points that I wished to raise have been made by other hon. Members, so I will be interested to hear the response to them.

Finally, I come to arguably the most controversial part of my speech. Hon. Members might be aware that a decision on the location of the headquarters of the commission for equality and human rights is imminent—*[Interruption.]* The London mafia has arrived to give me the moral support that I need. I will not suggest at this stage that the commission should be in Tooting, although I could make a good case for that and hope that the location study will take evidence from me about where the commission should be. There are strong grounds for arguing that the commission's headquarters should be in London because of the city's unique composition, size, demographics, diversity and experience in developing and delivering equality policies.

Barbara Keeley: Will my hon. Friend give way?

Mr. Khan: I will, even though my hon. Friend does not have a London accent.

Barbara Keeley: Surely all the experience in equality has been gained in Manchester and the commission should thus be based in Manchester, or even Salford.

Mr. Khan: My hon. Friend makes a good argument for why one of the regional offices should be in Manchester—I will certainly support her if she lobbies for that.

If the commission is to be powerful and influential, I believe, as do my London colleagues and the Mayor of London—he would, would he not?—that it should be located where the majority of our decision makers are. Our diversity means that more than 300 different languages are spoken in our capital and more than 14 faiths are practised. More than 50 per cent. of Londoners are women and more than 1.4 million Londoners are disabled.

Meg Hillier: My hon. Friend makes important points. Does he agree that as 80 per cent. of black Africans in the UK live in London, the city is a centre that understands those people's needs and the discrimination from which many of those highly-qualified individuals suffer in the workplace?

Mr. Khan: I am grateful for my hon. Friend's point about the high percentage of people with African heritage in London. People from ethnic minorities make up one third of the population of the city, and 39 per cent. of all Muslims in the UK are based in London. Some 48 per cent. of all people throughout the country from ethnic minorities are in London. I could go on and on about why London should be chosen.

Emily Thornberry: Is my hon. Friend aware that the highest percentage of gay couples live in Islington, which is another reason why the commission should be in London?

Mr. Khan: I know that the Minister is being persuaded by the strength of the argument made by London Members. As I am sure that the case has been made, and because I fear a lynching from my friends in the north, I shall stop. I thank you, Mr. Speaker, for allowing me to speak in the debate.

6.57 pm

Bob Spink (Castle Point) (Con): It is a pleasure to follow the hon. Member for Tooting (Mr. Khan). I congratulate him on his bid for the commission to be based in Tooting. However, I hope that he will carry out his threat and distribute copies of what I have to say in Castle Point because I honestly believe that I speak for the people. British people believe in fair play. We instinctively support measures that prevent people from being treated unfairly, and an equality Bill thus seems perfectly reasonable.

I accept that the Bill has good intentions. I can support many of its aims, but that said, I wish to make several important points. We are still a Christian country. More than three quarters of people declared in the 2001 census that they considered themselves to be Christians. Our strong Christian heritage is a key part of our charm and strength as a nation. It has engendered our tolerance and our fight for the human rights, freedom and democracy that have helped to shape a better world.

We are not multicultural. Our culture and traditions are British with a Christian basis. That has served us and the rest of the world well over the centuries. Our Christian traditions guide how we relate to fellow men and give us a strong belief in the dignity and worth of every individual human being, regardless of background, race, sex, or who they are. Those values and traditions are sadly missing in some of the cultures that we are being driven to assimilate into our society. I need make no apology for stating that people who come to this country to live should respect our culture and our time-honoured standards.

John Bercow: Will my hon. Friend give way?

Bob Spink: My hon. Friend has intervened 10 or 12 times. We will have a detailed debate in Committee, and I hope that he will hold his interventions until that time. Many hon. Members wish to speak in the debate, some of whom will be disappointed.

The House should protect our British interests. It should not destroy our traditions of decency, but that is what the Bill could do, in the extreme, if it is not tidied up and improved.

The Bill creates a commission to enforce all laws on discrimination, including those on race, sex and disability, taking over from the existing commissions. It will also cover sexual orientation, age, and religion or belief. Part 2 creates free-standing religious discrimination rights for the first time. I hope that combining all those areas in one commission will work, but it could result in a very large and possibly oppressive bureaucratic body that has unprecedented powers and that costs a lot more than the existing arrangements.

The other place, with characteristic wisdom, expressed great concern about the original clause 3, which charged the commission with the "creation of a society" in which there is no discrimination. Who will define and interpret discrimination, and who in this unelected and unaccountable quango will make the complex and controversial decisions between the groups? Let us take the case of Travellers, for instance. Some claim that it is discriminating for a community to expect Travellers to respect the same laws and regulations that the rest of society has to respect. I disagree with that, but I will not be asked to join the commission, because I am much too un-PC, as the House will by now have gathered.

If experience is anything to go by, the commission will comprise some very PC people who push their marginal agendas on society. One has just to look at another quango—the Human Fertilisation and Embryology Authority. Its gatekeepers are drawn in a very biased manner from the pro-choice side, neglecting the pro-life stance. Thus the HFEA is grossly out of step with society, but it thinks that it knows better than ordinary people and is pushing its agenda, fast and furious, against the stream of public opinion.

John Bercow: Will my hon. Friend give way?

Bob Spink: I have explained; no.

Do we really want to hand over to an unrepresentative and unaccountable body the job of changing our society, putting our traditions and tolerant British way of life at risk? I believe that this Bill could create a backlash that will boost extremist groups in this country. We must stop that. Like so many Government initiatives, the Bill has good intentions behind it but falls foul of the law of unintended consequences. What business is it of unelected, possibly

[Bob Spink]

biased and PC bureaucrats to decide what sort of society we should live in? Why are the Government promoting that? Is it a mistake? Do they not understand the dangers, or do they have designs on our British traditions, as they have on the destruction of the other place, our police forces, our counties, our sovereignty, and now, it seems, society itself?

Mr. Newmark: Does my hon. Friend not understand that our society has changed over the years? Does he not agree that there is indeed discrimination against blacks, against Muslims and against people of all sort of races, and that we need a body to keep an eye on such bigotry in our country?

Bob Spink: I agree, of course, that we must tackle discrimination in all its evil forms. I want to do that and I think that we can do that without creating a single body made up of unelected, unaccountable bureaucrats who push their biased agendas on society. Society has changed over the years and will continue to do so, but it must change organically. It is not for some bureaucratic body to force that change through against the wishes of the people.

Meg Hillier: Will the hon. Gentleman give way?

Ms Abbott: Will the hon. Gentleman give way?

Bob Spink: No, I will not.

The other place amended clause 3 so that it reads:

"encouraging and supporting the development of a society"

but those weasel words do not resolve the problem. The Bill still tells this band of commissioners that changing our society is their responsibility. That is dangerous and it is wrong. Legislation should be about limiting the powers of state bodies. I believe that, and that is why I am on the Conservative Benches. We need smaller, less intrusive government. The clause is about giving the commission unprecedented powers over society, and my theory is that in time the commissioners will take even more powers for themselves, just as the HFEA has done and is still doing. People who already fear the nanny state will find this abhorrent. Good souls such as Littlejohn, Hitchens and other celebrity defenders of our way of life must stop the country sleepwalking into this one.

How can the commissioners reconcile the competing and conflicting interests of different groups?

Judy Mallaber: Will the hon. Gentleman give way?

Ms Abbott Will the hon. Gentleman give way?

Ms Butler: Will the hon. Gentleman give way?

Bob Spink: Evangelical Christian groups want the freedom to proclaim the gospel wherever they go, and I have no problem with that. Secularist groups cannot bear to be preached at; they find all religion abhorrent—so be it—but how will the commission decide which interests come first?

Judy Mallaber: I assume that the hon. Gentleman would accept that one English tradition that he would think very good would be that of morris men. I can guarantee that if I went to see Ripley morris men, with whom I am very friendly, I would get 100 per cent. support for a desire to end bigotry, discrimination, and so on. I am interested to hear how the hon. Gentleman intends to end bigotry, discrimination and prejudice in Castle Point, or does it not exist there?

Bob Spink: The hon. Lady makes a very fair point. We have got bigotry, we have got discrimination, and we have to tackle that. My thesis is that, given some of the problems with some of the clauses, this Bill will boost the emergence of more fundamentalism and more extremist groups and parties, which will engender a backlash in society that could be counter-productive.

Philip Davies: Will my hon. Friend give way?

Bob Spink: No, not at the moment.

Then there is the clash between homosexual rights and religion. The six main faiths still believe that homosexual practice is sinful. Homosexual rights advocates deny that there is any moral component to homosexuality, and that clash of views is irreconcilable.

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): Will my hon. Friend give way?

Bob Spink: Action by the commission would be deeply controversial. If an actively homosexual person wanted to be a youth worker in a mosque, a temple, a synagogue or a church—

John Bercow: Will my hon. Friend allow me to intervene in what is supposed to be a debate?

Mrs. Dorries: Will my hon. Friend give way?

Bob Spink *indicated assent.*

John Bercow: I am very grateful to my hon. Friend for giving way. [HON. MEMBERS: "Ladies first?"] My hon. Friend said that the United Kingdom is a Christian country. May I simply put to him in all courtesy that neither the enjoyment of religious belief nor the status of that belief in society depends in any way on discriminating against, repressing or vilifying someone of a different religious faith or a different sexual orientation? If my hon. Friend cannot grasp that, he has a bit of learning to do.

Bob Spink: My hon. Friend makes his point eloquently, of course. He should wait until we are in Committee to bring forward all those points and to argue his case. His views and mine are as reconcilable as those of homosexual rights activists and the six major religions.

Chris Bryant: Will the hon. Gentleman give way?

Bob Spink: No. The hon. Gentleman has just walked back into the Chamber, so I will desist. [HON. MEMBERS: "Give way."] Other Members wish to speak.

Under the Bill, the commission may help to take away the right of religions to insist that their teaching staff can uphold basic ethical teachings of their faith. Surely those religions should retain that right. The commission must enforce regulation 33 of the Employment Equality (Sexual Orientation) Regulations 2003. Those regulations contain exceptions for religious groups, but gay rights groups loathe those exceptions and will litigate for the narrowest possible interpretation of them.

Clause 28 empowers the proposed new commission to provide legal assistance for an individual case. That will be paid for by our constituents who, frankly, can think of better uses for their hard-earned money than promoting gay rights at the expense of our Christian traditions. Let me make it absolutely clear: this Government Bill will be a recruiting sergeant for nasty fundamentalism and extremist groups.

Several hon. Members *rose*—

Bob Spink: Clause 80 empowers the Secretary of State to legislate by statutory instrument for sexual orientation discrimination outside the workplace—for instance, in goods and services. The result will be laws that mirror the religious discrimination provisions in part 2, but what protection will there be? Will the Government allow exceptions for religious groups? There is no surprise, as the line taken by Stonewall is that exceptions will not be allowed. Of course, Angela Mason, the former director of Stonewall, which is a homosexual pressure group, now leads on this issue in the Department of Trade and Industry. I shall wait to see what the Government do on that one.

The Christian Institute said:

> "To legislate in a way which effectively forces religious believers to go against their ethical teaching would be grossly offensive."

It calls for

> "wide-ranging and robust exemptions".

Several hon. Members *rose*—

Bob Spink: If they are not included, a church could be sued over its stance on sexual morality, and a Catholic newspaper could be sued for refusing to carry a gay rights advert attacking the Vatican's teaching on homosexuality.

Several hon. Members *rose*—

Bob Spink: The Bill outlaws harassment by public authorities— *[Interruption.]*

Mr. Speaker: Order. The hon. Gentleman has indicated on several occasions that he is not going to give way, and that he wishes to continue with his speech.

Bob Spink: Thank you, Mr. Speaker. Many Members want to speak in this debate. Some of them may be disappointed, which is the main reason why I am not giving way.

I am delighted that the Government will not press for the creation of a religious harassment offence, which represented a threat to free speech comparable to that contained in the Racial and Religious Hatred Bill. The Equality Bill outlaws harassment by public authorities. Such harassment is defined as violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for a person. None of this sounds very nice and I would not advocate it, but to try to make it illegal is quite another thing. A person may feel that a council has created a hostile environment for him merely by using a church as a polling station. Indeed, this example was suggested by a Minister—Lady Scotland.

Many local authority-owned places are used for street preaching and the free expression of contentious views on religion, as Lord Lyell, the former Attorney-General, pointed out. He took the view that we need to fear not just court cases, but

> "the much wider risk of what public officials will believe it is their duty to do to restrict free speech and free activity."

He surely has a point. We all know of stories—we have heard them again today—of politically correct officials banning Christmas and Christmas lights, and withdrawing support for Christian charities. Local authorities may refuse to fund Christian hostels that say grace at meal times because of the threat posed by the harassment clause. Earlier this year, I raised in this House one such case on behalf of the very good people of Thundersley congregational church, in my constituency.

The simple fact is that there is too much legislation in this place. Few, if any, MPs were asked for this Bill during the last election, and there was a good reason why. We have better things to do with our time in this House—things that people actually want and need, and which will help to develop a better and more tolerant society that respects human rights and individual freedoms. The Bill as drafted could boost extremist groups. It could drive society against sensible and good human rights, and against the respect for the individual and the tolerance that we broadly enjoy now by common consent, as a result of our traditions and Christian heritage. Let us not put all that at risk through the badly thought-out clauses in this rambling and patchwork Bill, which is steeped in PC and will become a charter for lawyers, even though it is based on some good intentions and has some good parts.

7.13 pm

Judy Mallaber (Amber Valley) (Lab): *[Interruption.]* Follow that indeed. As I recall, it was Conservative Members who, in arguing that there was too much legislation, managed to prevent us for a long time from getting legislation to ban some of the worst excesses of those using large fireworks and bangers. I find it hard to know how to respond to the last contribution; it is tempting to do so, but it would be much too entertaining.

One point that does need challenging, however, is the continual repetition of the phrase "political correctness". My favourite phrase of the afternoon was, "The politically correct march of an increasingly barmy Britain." As a student I was taught that one needs to be able to define one's terms before scattering them all over the place. Opposition Members should define the phrase "politically correct" before scattering it around like a swearword. To do so is ridiculous and is the refuge of the ignorant and unthinking.

[Judy Mallaber]

The very estimable hon. Member for Epping Forest (Mrs. Laing) made an excellent speech, but I was disappointed when she, too, fell into using such language. Members who do so should be very sure of their ground. After a good start and a not bad ending, the hon. Member for North-West Norfolk (Mr. Bellingham) hit a purple patch that included a large number of examples of "political correctness". I remember vividly that when I lived in Haringey, black bin liners and children singing "Baa, Baa, Black Sheep" were banned. That seemed very odd, because I still had black bin liners and I knew of many children who were still singing that nursery rhyme in nurseries. So before people start scattering such terms around, they should be sure of their ground.

Meg Hillier: My hon. Friend talks about defining terms. What would she say to a lady in my constituency who told me,

> "I am being brought inside the protection of the law. It's good to know that the protection is there and that we are considered to be part of human society"?

Is that political correctness or human rights?

Judy Mallaber: It is hard to say, but that is a good point. It is important to raise and to counter such arguments, because they are being used by those who seek to undermine the Bill's good intentions.

Given that the hon. Member for Castle Point (Bob Spink) was clearly unhappy with some of the Bill's terms, it is worth reading out its intentions. The commission's functions are to support

> "the development of a society in which . . . people's ability to achieve their potential is not limited by prejudice or discrimination";

a society where

> "there is respect for and protection of each individual's human rights . . . respect for the dignity and worth of each individual";

a society where

> "each individual has an equal opportunity to participate in society, and . . . there is mutual respect between groups based on understanding and valuing of diversity and on shared respect for equality and human rights."

Philip Davies: No Member in any part of the House questions the good intentions behind the Bill. Many of us, however, are nervous about whether bodies such as those in the Bill are the most effective way of bringing about the changes that the hon. Lady would like to see. Given that in the past 10 years, approximately 20 racial discrimination cases have been brought against the CRE by its own staff, does she think that it is setting a good example in curbing racial discrimination, particularly given that taxpayers' money is being used to settle these cases out of court?

Judy Mallaber: The last Member who made a speech opposed precisely those intentions. He referred specifically to not wanting to develop a society with those goals, so one must challenge these points.

Let me give one reason why I read out part of the Bill earlier. In 1998, as a new and inexperienced MP, I nervously put my name to, and argued for, a number of amendments to the Northern Ireland Bill relating to equality and human rights. We argued that such improvements needed to be made to ensure that we implemented the radical agenda in the Good Friday agreement, and that that agenda got into the Bill. We argued about using impact assessments of the effects of particular policies, to ensure that they did not discriminate. We argued for a statutory duty on public bodies to promote equality.

As I said in my speech during that debate, we argued for those things because

> "promoting the equality agenda has helped to build bridges across community divides."

That radical agenda was put forward in the Good Friday agreement because the communities in Northern Ireland realised that it could tackle division, discrimination and prejudice. As I also said then:

> "These issues are not the stuff of drama; they are about social inclusion, the consent of the excluded and putting justice and fairness at the heart of government."—[*Official Report*, 27 July 1998; Vol. 317, c.103–4.]

Interestingly, we in this country are only just beginning to catch up with the radical legislation that was introduced in Northern Ireland at a time when many things were going on there, and people were seeking to reach agreement. The Northern Ireland Act 1998 placed a statutory obligation on public authorities to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; between men and women generally; between persons with a disability and persons without; and between persons with dependants and persons without. That was at a time when Northern Ireland was trying to deal with huge political problems, but people thought that it was important to tackle equality and discrimination issues to help to heal the divisions in that society. We are only just catching up with some of those things.

As has been said, it is the 30th anniversary of the Sex Discrimination Act 1975. We have made the greatest advance in gender equality and achieved the biggest change in sex equality laws in the 30 years since by introducing the duty to promote gender equality. The hon. Member for Epping Forest asked how far we have advanced in those 30 years, and I agree that in many ways it is frustrating that little has changed but, on the other hand, a great deal has happened. Thirty years ago, someone who argued for a minimum wage for the lowest paid, particularly women, and for a family-and-work balance so that people could combine employment responsibilities with their home life was regarded not as barmy—it was not just a matter of political correctness—but as completely mad. Society has changed, and we now realise the importance of such policies. We understand the importance of child care, which was difficult to argue for 30 years ago.

Ms Abbott: Opposition Members have argued, as they have done for 40 years, against the use of the law and institutions to fight discrimination. I beg them to look across the channel at France, which has doggedly refused to use the law and institutions, or to recognise multiculturalism, and has just experienced 12 days of rioting. The Bill is not perfect—the old CRE was not perfect—but the alternative is too frightening to contemplate.

Judy Mallaber: I agree with my hon. Friend, who puts the case very well.

The measure affects and helps everyone—it is not a Bill for just one particular group. Division, jealousies, inequalities and prejudice lead to tensions and conflict in society, prevent us from harnessing the talents and potential of all those living in our communities, and mean that we do not use their skills in society or in the economy. Hon. Members have already mentioned last week's excellent debate, which demonstrated that the maximising of women's skills is essential to the health and expansion of the UK economy.

When I tentatively and nervously tabled amendments to a sensitive Northern Ireland Bill that was enacted some years ago, I did so because my own union, Unison, had taken the lead as the first organisation to support the Good Friday agreement. It drew membership from both sides of the sectarian divide, and I saw from how it dealt with those members on a daily basis how important it was to promote equality if we were to try to heal the divisions in society.

To develop my intervention on my hon. Friend the Under-Secretary of State for Trade and Industry, the way in which my union operated in those circumstances leads me to argue strongly for continued representation on the new commission the TUC and the employers' side. The TUC has two representatives on the Equal Opportunities Commission, one on the CRE and another on the Disability Rights Commission. There is automatic union representation on similar commissions in Ireland and South Africa, and it is important that we maintain such representation here.

One reason for doing so came home to me vividly when the hon. Member for Epping Forest said that employers must not be subject to legislation that was too onerous or expensive. My hon. and learned Friend the Member for Redcar (Vera Baird) pointed out that the Bill is designed specifically to limit recourse to the law, and lays strong emphasis on conciliation and the provision of advice and information. The whole aim is to try to avoid recourse to the law. A large range of employment relations cases will arise, and the experience that both sides of industry have gained in dealing with employees and union members in their home and work life will be invaluable in mediation and conciliation. We should seek to use that experience to meet the legitimate concerns of the hon. Member for Epping Forest and other Opposition Members. I hope that the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Stirling (Mrs. McGuire), will consider seriously the proposal to continue the tradition of representation from both sides of industry on the commission.

I would like to highlight a couple of concerns expressed by the Equal Opportunities Commission. First, will the gender duty allow public sector bodies to take the action that we hope they will take? There is a fear, as has been said, that private functions of public bodies—namely, employment—are not covered by that duty. Public bodies will not necessarily be able to take action to encourage private contractors to tackle discrimination, but it is important that they should do so. Last year, the Select Committee on Trade and Industry, of which I am a member, produced a report entitled "Jobs for the girls: The effect of occupational segregation on the gender pay gap". It highlighted the tendency of men and women to work in different occupations, which is a major factor in the gender pay gap, as the evidence that we received demonstrated. I am sure that that will be confirmed by the Women and Work Commission. We need to tackle that problem.

The lack of skills that results from our failure to harness people's abilities so that they do not undertake different kinds of work has a damaging and limiting effect on the economy. It is important that public sector bodies with a duty to promote equality should be able to do so in their own work force, in other bodies with which they work and in the contracts for which they are responsible. The lack of clarity may not be intentional, but the Equal Opportunities Commission is uncertain about exactly what is covered. I am not a lawyer, so I am not sure about the exact terms that are causing concern, but I hope that the problem can be addressed.

Secondly, as has been said, we need to make sure that educational institutions are covered. They are not covered by the gender equality-specific duties on public bodies, so they do not have the full range of duties to take the action that we hope they will take. Last year, the Select Committee took evidence from the Equal Opportunities Commission for its report. The commission's surveys of year 10 pupils—14 to 15-year-olds, for people who cannot remember which year group is which—showed that

> "girls were more likely than boys to think that jobs such as plumbing could be done equally well by both sexes; 80 per cent. of girls were willing to consider a non-traditional job".

Many boys, too, are prepared to consider a non-traditional job, but that open-mindedness disappears as children grow older. Witnesses from the Learning and Skills Council suggested that

> "while younger pupils were willing to consider new ideas, by the age of 16 they were 'thinking about relationships, thinking about [their] own identity, thinking about the views of [their] peers, thinking about the views of [their] parents'".

That was brought home to me very strongly when I visited a local secondary school that is doing excellent work to promote vocational education. It makes sure that the academic kids do the vocational education and that students on the vocational pathway have the basic academic skills that employers need. The school is doing some imaginative work—perhaps I should not say so, but students are even doing repairs for the school as part of their vocational work. They are also learning brick laying and many other skills. The headmaster told me that one girl was keen to take the construction course because her dad was a builder. She had been around construction and building, but her father did not think they were appropriate for her. The pressures on girls to leave vocations that they would like to follow and the pressure that push boys away from vocations that they would like to pursue are the starting point of the occupational segregation that limits opportunities and leads to the equal pay gap. We have already heard how

[Judy Mallaber]

much the British economy could benefit if we harnessed the skills and opportunities of all those people. Our learning institutions must tackle that problem.

Ms Butler: Will my hon. Friend join me in congratulating North West London college, which has ensured that the skills gap for plumbers is filled by advertising those jobs to females?

Judy Mallaber: Indeed. Such positive examples are greatly to be welcomed. It is part of the responsibility of educational institutions to assist in redressing that gap.

The Bill is extremely important and could make a dramatic difference. I am disappointed that it does not refer specifically to Parliament, but I hope nevertheless that we will take the opportunity of examining the other scandal of our under-representation in this country. According to the Hansard Society report "Women at the Top", Britain is 51st in the worldwide table of political representation. Less than 20 per cent. of our MPs are female. In Rwanda, the figure is more than 48 per cent.; in Sweden 45 per cent. of the Government are female; and in Iraq 32 per cent. of MPs are women. The Opposition have managed to achieve only 9 per cent. Labour is keeping the percentages up, although we wish to go further. I hope the matter will be taken up. Perhaps the Conservative leadership candidates should duck the issue of boxers or briefs, and consider more seriously the representation of women.

I welcome the Bill and hope it will encourage all of us to do more and to promote greater equality in the future.

Mr. Deputy Speaker: Order. Before I call the next hon. Member to speak, a considerable number of hon. Members are still seeking to catch my eye. We have a 15-minute time limit on all speeches, but hon. Members do not have to take the full 15 minutes. If one or two were prepared to take a little less, I could call more hon. Members to speak. I think everyone would appreciate that greatly.

7.31 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): Thank you, Mr. Deputy Speaker. I shall endeavour to assist colleagues, to ensure that as many as possible get the opportunity to contribute to this important debate. One of the striking features of this debate compared with the one on the earlier version of the Bill—I read that debate—is the slight change in tone. The sounds off during this debate have been somewhat different from the debate before the election. That is interesting for what it says about where parties stand.

I make no criticism of the speech from the official Opposition Front Bench. That was a sound position, but a number of speeches from Back-Bench Conservative Members suggested that legislation and a commission were not the answer. My question to those who hold that view is, what is the alternative that ought to be proposed and argued for? I did not hear, particularly from the hon. Member for Castle Point (Bob Spink), a cogent argument for an alternative way forward, other than some description of organic change. We have perhaps been experimenting in real time with organic change on a range of equality issues that the Bill will address, and we have seen that discrimination has continued to be corrosive and to harm the interests of many in this country. That is why I strongly support the Bill.

Chris Bryant: Was the hon. Gentleman as saddened as I was by the speech from the hon. Member for Castle Point (Bob Spink), not least because many of us who know him know that he is much nicer than some of his views? He said that the Churches are unanimously opposed to homosexuality. Is not the truth that they are pretty ambiguous about homosexuality? They are much clearer about equality and their support for it.

Mr. Burstow: Absolutely, and much clearer about being tolerant. That was omitted on this occasion. I very much agree with the hon. Gentleman's comments about the normal character and demeanour of the hon. Member for Castle Point. I am sorry he is not in his place to hear me—[HON. MEMBERS: "He is."] Ah! He moved. He will have heard the point made by the hon. Member for Rhondda (Chris Bryant), and I echo much of what he said.

Much in the Bill is long overdue. There are three aspects that I shall touch on, all of which relate to age equality and age discrimination issues. First, the commission will be charged with promoting age equality and tackling age discrimination. Older people can face multiple discrimination. For example, evidence shows that older women are considerably poorer than older men, and the oldest are the poorest of all. On average, women's income in retirement is just 57 per cent. of men's, due in part to their greater caring responsibilities for children and other family members throughout their adult lives. As others have observed, this pensions gap is the product of a mid-20th century set of assumptions about family structures that no longer apply. No wonder that, as a consequence of those assumptions, a quarter of older single women live in poverty.

The recent recommendation by the National Institute for Health and Clinical Excellence—NICE—concerning the availability of disease-modifying drugs, such as Arecept for the treatment of dementia, points to ageist assumptions in the appraisal of drugs. Another example is the way in which the benefit system discriminates against older disabled people. At the age of 64, a disabled person can claim disability living allowance, which, with its mobility component, is worth up to £43 a week. However, once the person turns 65, they can no longer claim DLA if they become disabled, and are entitled only to attendance allowance, which is a less generous benefit with no mobility component.

For those who are old and disabled, the message that seems to be sent by the benefit rules is that an active life ends at 65. That is not the message that the Government want to send, and I hope that through the Bill we can explore ways of ensuring that such a message is no longer sent by the apparent divide in our benefits system when a person reaches the age of 65.

Age discrimination compounds other forms of discrimination. The challenge for the new commission will be to work across the various equality strands, tackling real-life discrimination in the round, rather than trying to shoe-horn people into one category or another. I was heartened by what the Minister said in opening the debate. I agree with my hon. Friend the Member for Romsey (Sandra Gidley) that a committee-based structure that maintains the existing silo approach to equality is not the right way forward. Although I understand the concerns expressed by some about a possible loss of focus on some of the work of the existing commissions, I strongly believe that a single commission will bring benefits to everyone.

That brings me to my second point. The commission will realise its full potential only if all equality strands enjoy parity under the law. I very much agree with the hon. Member for Tooting (Mr. Khan) about the need not to level down, but to level up in that respect. Although the Government have updated and developed the protection in law for every other strand of discrimination, they have left age discrimination behind. The best they can do is the minimum they must do: implement the EU equal rights directive in respect of employment. Even there the protection against age discrimination in employment is weaker than for any other form of discrimination in the workplace.

The law should protect older people against discrimination in the provision of goods, facilities and services. The Lords have already extended the law to include sexual orientation, albeit through regulations, as we heard. The positive duty on public authorities should apply to all strands. It has already been widened in the Lords to include gender. It should be widened to include age as well, as it does in Northern Ireland. Such a positive duty also exists in Scotland and Wales, so why are older people in England treated less favourably?

The impression given is that in England the elderly are second-class citizens, compared with their neighbours. Why must we wait for the conclusions of the law review? Why can we not find ways through the Bill to provide the means—the paving stones—to give older people equivalent rights in this regard? The danger must surely be that we will end up with a single commission hamstrung by the need to discriminate between the different strands, working within a confusing and complex set of legal protections that result in unequal quality—a hierarchy of equality, as was said earlier, which is enshrined in the Bill in clause 10(4).

My third and final point relates to the human rights dimension, which is such an important part of the Bill. The Human Rights Act 1998 asserts the equal dignity and worth of each and every one of us, but does that really apply to all of us? The answer is clearly no. Thanks to the way the courts have interpreted the meaning of "public authorities" under section 6 of the Act, when one crosses the threshold of a privately run care home, one enters a twilight zone, where an out of sight, out of mind culture of abuse can become the accepted norm. Care homes are places where human rights can be denied. There is what the British Institute of Human Rights calls a "protection gap", into which older vulnerable people can fall.

Mr. Boswell: Does the hon. Gentleman agree that that situation is all the more offensive given that many residents of those homes are present by virtue of public money and public support?

Mr. Burstow: I am coming on to that point and agree with the hon. Gentleman that the situation is more offensive in those respects.

When older people are neglected or mistreated in a care home, when medication is used as a chemical straitjacket, when relatives are told that they cannot visit because they ask awkward questions, when a married couple are separated and sent to different care homes against their wishes and when an older person is evicted from a care home, they are rarely seen as human rights issues. Such matters are often seen as poor practice or poor standards—yes, standards matter but first and foremost, they are violations of a person's human rights, which relates to the rights-based approach discussed by my hon. Friend the Member for Romsey. Twice yearly inspections by the Commission for Social Care Inspection are not the answer to violations of older people's rights and dignity. Plans are afoot to introduce an even lighter-touch inspection regime in the future, so the inspection regime will not deliver the protection of human rights.

If one crosses the threshold of a private care home, the Human Rights Act 1998 does not apply, and a person receiving services from a private body does not benefit from the protection of the 1998 Act, which was a point established in the Leonard Cheshire Foundation case.

Meg Hillier: The hon. Gentleman has made some interesting points about care in institutions. On a slightly wider point, if a worker registers with a private agency, performs badly and is asked to leave, they can register with another agency and, provided that they do not have a disciplinary record, continue to work with people. Does the hon. Gentleman agree that the issue goes wider than rights in care homes?

Mr. Burstow: I could not agree more with the hon. Lady. Another Bill is coming before the House to widen the protection of vulnerable adults list in order properly to safeguard others within the system. I think that that change is a result of the recommendations of the Bichard inquiry, and I hope that the legislation goes on to the statute book at the earliest opportunity.

Returning to the Leonard Cheshire Foundation case, we must deal with the restrictive interpretation of the 1998 Act. On Second Reading of Human Rights Bill, the Lord Chancellor described the Government's intention:

> "We also decided that we should apply the Bill to a wide rather than a narrow range of public authorities, so as to provide as much protection as possible to those who claim that their rights have been infringed."—[*Official Report, House of Lords*, 3 November 1997; Vol. 582, c. 1232.]

The problem is that that is not happening in practice. In the care homes sector, which particularly concerns me, nine out of 10 care homes are operated in the private sector, but two thirds of the people who live in those homes are paid for by local councils. Despite the legal duty on public authorities under the National Assistance Act 1948, the 1998 Act does not apply because privately run care homes are not public authorities for the purposes of the legislation. Self-funders pay for themselves and are never assessed by the local authority. They face an even greater potential risk because there is not even the possibility of a vigilant local authority using its contracting muscle to safeguard their dignity and welfare.

Two years ago, the Joint Committee on Human Rights concluded that the courts should interpret the 1998 Act more widely and agreed with the proposition

[Mr. Burstow]

that that could be done by intervening as a third party in a test case. The problem is that we are still waiting for an appropriate case to come along in order to make the Government correct the law. How much longer must older people in care homes in the private sector wait before that action is taken? It is not acceptable that some of the most vulnerable in our community are waiting for the Government to step in. I therefore hope that during the passage of the Bill some way can be found to enable legislation to be amended so that that anomaly, which the courts have brought into being, can be put right and older people can be given the protection that they deserve, whether they are in a council-run or a private sector care home. I hope that the Minister will provide reassurance on those points.

The Bill is long overdue and rightly brings together all the strands of discrimination, because discrimination does not occur in a silo. Discrimination does not often occur purely on the basis of gender, sexual orientation or any other matter, and many of us have experienced multiple discrimination, which is why we need an agency that can examine such matters together. I hope that the existence of such an organisation is not too far in the future and that the right legislation will provide a comprehensive equality framework, too.

7.44 pm

Mr. David Kidney (Stafford) (Lab): The hon. Member for Sutton and Cheam (Mr. Burstow) consistently speaks up for older people, and I join him in pressing for strong laws to stop discrimination against older people and for a strong commission to enforce those laws.

I congratulate the Under-Secretary, my hon. Friend the Member for Sheffield, Heeley (Meg Munn), on her fine first performance in charge of a Bill at the Dispatch Box and my hon. Friend the Member for Wallasey (Angela Eagle), who has spent a very long time campaigning tirelessly and skilfully for a single equality Bill, which draws ever closer.

Since the Human Rights Act 1998 was enacted, I have been convinced of the need for a single commission, which I envisage bringing to bear great expertise, a wide range of powers and, crucially, an influence that will help us to eradicate discrimination in our society. The Bill brings about that single commission for equality and human rights, and the two reviews will lead to a single equality law. I was also pleased when the Joint Committee on Human Rights recommended in 2003 that the Government create an integrated commission for equality and human rights.

To my mind, fairness, equal opportunities and dignity are essential values for a successful society, and in those terms measures of success include social cohesion, enterprise, co-operation and wealth creation. We have seen ground-breaking steps in the past: the UK set up the Equal Opportunities Commission in 1975, the Commission for Racial Equality in 1976 and the Disability Rights Commission in 1999—all those achievements occurred under Labour Governments. However, that approach means that some areas of discrimination and some groups of citizens receive attention, while others do not. It has also led to great complexity—reams of Acts of Parliament, statutory instruments, codes of practice, codes of guidance and, more recently, European legislation.

It is better to have one commission that adopts a holistic approach to equality and human rights issues and one equality law, which will come next, to provide a coherent and understandable single reference point. A commission for equality and human rights will go beyond individual casework. Crucially, it will act strategically to provide advice and information, and it will be capable of conducting inquiries and investigations. It will support test cases, but it will also seek to work by non-judicial means, such as establishing agreements to enforce compliance without going to court. It should stop unlawful behaviour and promote good relations between individual groups.

To take one obvious area that requires a new, stronger approach, we have had legislation on equal pay since 1970, but the pay gap persists—we heard the figures earlier in the debate. We must take new powers and adopt new approaches to eradicate the pay gap between men and women. The approach is not anti-business, and, indeed, most businesses will welcome a single commission and a single equality law. Earlier, we heard a quote from the CBI, which welcomes the establishment of the single commission. The single commission can help businesses to adopt fair practices in the workplace, avoid tribunal cases and, hopefully, recognise the benefits of a diverse work force.

The European employment directive requires the introduction of national legislation to eradicate ageism by the end of 2006. It seems that such legislation will be introduced next year, and the powers under the legislation will be given to the commission to enforce the rights of older people to a place at work. Too few companies act like B&Q in volunteering to employ a diverse work force and accepting older people as valuable members of it. The commission will ensure that more employers behave responsibly and experience greater economic success as a result. It will also take responsibility for enforcing the new rights for older people in employment and training, which is why Age Concern warmly welcomes the Bill.

Age discrimination does not relate only to older people, because, as the Minister said earlier, children, too, may be subject to age discrimination. Children do not have votes or political organisations such as political parties, trade unions and the CBI to represent them, so it is particularly important that Parliament has regard to their rights and needs—for example, the need for protection. It is arguable that the Bill provides implicit coverage of issues relating to children and young persons, but the coverage is certainly not explicit. For example, clause 9(2)(a) defines human rights as specifically including rights under the European convention on human rights, but only in paragraph (b) does it say that the commission can also exercise its functions in respect of "other human rights". On Third Reading in the other place, Baroness Ashton said that the phrase "other human rights" would include rights under the UN convention on the rights of the child, which this country signed up to in 1991.

Clause 10 defines groups or classes of persons who share a common attribute. The definition could include a group defined by age such as children and young persons under the age of 18. That could be used to challenge measures that are having a particularly adverse effect on children and young persons, thus arguably discriminating against them because they are children.

Perhaps children's and young persons' rights will be covered by the Bill and the commission will help our country to become more child-friendly, tolerant and inclusive. However, children do not get a fair deal out of the existing laws and commissions. According to the Children's Rights Alliance for England, an examination of the most recent annual reports of the existing equality bodies shows that babies, children and young persons feature very little in their work as people in their own right, despite comprising one fifth of the population. The Minister could argue that children are implicitly covered in the legislation for each of those bodies, yet in practice their work shows that children's and young persons' equality issues are largely overlooked.

Is it not therefore better to make it clear in the Bill that children and young persons will have their rights under the UN convention on the rights of the child enforced and that they will be a group having the benefits of the commission's work? An additional benefit of that approach is that we can clarify in law the respective roles of the commission and the various children's commissioners around the United Kingdom. Some of those commissioners, like the commission, have rights and abilities to give information and advice, to carry out research, to carry out education and training, to take up individual cases, to make assessments and to carry out investigations. There is clearly some overlap between their rights and those of the commission. The Minister says that a memorandum of understanding will sort out how they relate to each other, but those rights and that interaction can be resolved in an Act of Parliament.

We have already had great successes in children's issues during my time in Parliament, with the Children (Leaving Care) Act 2000, the "Every child matters" agenda, and the Children Act 2004. There has been good progress so far; now, let us get the Bill right to augment the good work that has been done. We have made progress from the Human Rights Act 1998 through consultation, the White Paper and now this Bill, with more to come—the two reviews and the single equality law. We are promoting a fairer, more inclusive Britain. A strong, independent commission will challenge discrimination across society and for the first time promote human rights. It will be a champion of diversity, and as such a welcome addition to the architecture of a modern nation determined to harness the talents of all our citizens.

7.53 pm

Mr. David Burrowes (Enfield, Southgate) (Con): I am grateful for the chance to follow the hon. Member for Stafford (Mr. Kidney), who made some considered and detailed remarks.

The Bill is no doubt very well intentioned. I certainly wish to sign up to the aspirations of clause 3 in the respect for human rights, dignity and worth of individuals and equal opportunities and mutual respect that it seeks to uphold and promote. I am pleased that the Government have said that they do not intend to put the original religious harassment provisions back into the Bill.

I pay tribute to the work of those in the other place, particularly Baroness O'Cathain, whose efforts exposed the loose drafting of the original Bill, which could have been used to try to outlaw all kinds of expressions of legitimate religious faith.

Other issues of religious liberty are at stake in the Bill and need to be considered. I wish particularly to deal with the detail of its implementation. Part 3 is entitled, "Discrimination on grounds of sexual orientation". One would certainly wish to sign up to the general principle of wanting to avoid discrimination on grounds of sexual orientation. However, I am concerned that proper protections should be in place as regards the implementation of that part of the Bill. The amendments that the Government accepted in the other place at least countenanced the possibility of religious protections. Clause 80(3)(e) provides for the possibility of regulations under part 2 but does not require them. I respectfully suggest that that requires careful consideration, and indeed amendment, in Committee.

Without clauses 56 to 59, the religious discrimination provisions of the Bill would outlaw many ordinary legitimate activities of religious groups. In the same way, without specific religious protections the provisions on sexual orientation discrimination could have the same effect. I am concerned that those groups should be free to uphold their doctrinal beliefs and to retain the integrity of their religious ethos and their freedom of association.

Meg Hillier: I think that all Members of this House believe in religious freedom, but we also believe in fairness and equality. Why should the hon. Gentleman be treated differently from someone of a different orientation from himself, or any of us, for that matter? There is no reason in religion to treat people differently.

Mr. Burrowes: I do not seek to distinguish between people's beliefs, nor between the views of the hon. Lady and another hon. Member. Nevertheless, it is a fact that many churches will not allow into membership a person who, for example, is sexually active outside marriage.

Without proper protections, any new laws on sexual orientation could lead to a church being taken to court for refusing membership and associated activities to, for example, a practising homosexual. Some hon. Members may well feel that that is unacceptable and have no sympathy at all with such churches, but it is a fact that many would adopt that practice. They should not have a view imposed on them that would compromise their beliefs. They do many good things in our communities. They are heavily involved in voluntary activities, providing help and support to many of those who are excluded by statutory agencies. They assist many of the most vulnerable people. They help all within our communities regardless of religion, sexual morality or anything else. There is one such centre in my constituency—the Trinity-at-Bowes centre in the Bowes area. It has opened its doors to all people of different religions and cultures, regardless of views but providing help for the most vulnerable.

We need to be careful to allow those churches to carry on their legitimate activities and practices and to give them the proper protections. Many of them do more to fulfil the principles of clause 3—mutual respect to others, providing equal opportunity, dignity and worth to each individual—than any commission will ever do. Hon. Members may talk about diversity, but why must those groups face sanction for their non-conformity with a certain view of sexual morality? When they

[Mr. Burrowes]

choose their own members, we should protect their freedom of association and not allow them to be at risk of legal action from undue complaints.

Angela Eagle: I am having some difficulty in following the hon. Gentleman's argument. Is he equating sexual orientation with sexual morality?

Mr. Burrowes: No, I am not. I am grateful to the hon. Lady for allowing me to clarify the point. The ethos and religious belief of some churches may be involved with morality or a view on sexual orientation, with the practical effect that in terms of membership and associated activities they take a view on sexual activity outside marriage and homosexuality. However one defines that, it is the reality for some religious groups.

I respectfully ask for that point to be considered, because several churches will worry that there will be a proscription of their activities and practice that could properly be dealt with in a sensitive and appropriate way similar to that in part 2, which gives appropriate protections.

Angela Eagle: Is the hon. Gentleman telling us that he does not conflate sexual orientation and sexual morality, but that it is okay for others to do so?

Mr. Burrowes: I am putting the case for some churches. My view is immaterial. Some churches properly practise in all good faith the approach that I outlined.

Meg Hillier: I spoke recently to a middle-aged lesbian couple in my constituency. One of them said to a roomful of people, "I'm a good woman. I just want a simple life. People care too much about sex. What does it matter what I do in the privacy of my bedroom." What would the hon. Gentleman say to her?

Mr. Burrowes: With respect, that is not greatly relevant to the Bill. The issue is not what one individual thinks of another but the activities of some churches, which are defined by a statement of faith and their ethos. They legitimately carry out their activities and determine membership on the basis of their statement of faith and ethos. They are concerned that, without proper protections, the Bill could proscribe their activities.

Let me move on to a separate point that my hon. Friend the Member for North-West Norfolk (Mr. Bellingham) helpfully raised—Baroness O'Cathain raised it in another place—about the commission's power to back a legal action brought by an individual, and the use of its powers in judicial review, investigation and enforcement. It is important that we have a proper approach and that we recognise that legal action over, for example, religious liberty may mean that, on one side, we have the substantial financial and legal resources of the commission and, on the other, a defendant with limited resources who may be disadvantaged. There could be proceedings against a church or religious charity that would be left struggling to find the money to pay for lawyers. That inequality of resources could result in a miscarriage of justice.

In the other place, the Under-Secretary of State for Constitutional Affairs responded by effectively saying that bad cases could never succeed. She shows a great deal of faith in the system—I suppose that she would, given that she is an Under-Secretary in the Department for Constitutional Affairs—but perhaps, after 11 years as a solicitor, I can be more sceptical about the system and its practical effects. Without proper resources and proper advice, many a litigant's claim would be less likely to succeed.

The commission's intervention in an individual legal action could turn it into a David-and-Goliath battle. Ironically, the human rights legislation needs to be carefully examined to ascertain whether the equality-of-arms principle is fulfilled in the instance that we are considering. I hope that the Government will reconsider, especially about some form of assistance for those on the receiving end of legal actions that the commission back. Perhaps assistance should be strictly limited to non-profit-making organisations or, indeed, means-tested.

The Under-Secretary in the other place sought to allay fears about proper assistance for representation by relying on the Access to Justice Act 1999, which provides scope for assistance when public funding is not normally available. However, in practice, that is an exceptional route to follow. It is not often allowed by the Legal Services Commission. I respectfully suggest that the Government should consider explicit provision for legal assistance and funding for those who are on the receiving end of legal action by the commission.

John Bercow: It is a truism that a small organisation that is up against a large organisation will always, relatively speaking, be at a disadvantage, not least financially. However, we normally accept that organisations have to operate within the law as decreed by Parliament. Does not my hon. Friend accept that it would be perfectly proper for a small organisation of the sort that he describes to opt to purchase legal insurance against the eventuality that he envisages?

Mr. Burrowes: That is only one option and we should ask whether it is appropriate always to burden those charities or organisations with the obligation to obtain insurance and whether there should be an option of public funding assistance, given that the commission would receive such assistance for presenting the case. I accept that legal insurance is one option to consider, but I am worried about whether charities, which are already bound under several regulations, burdens and expenses, should be obliged to follow the legal insurance route.

I ask the Government to consider especially the point about representation and assistance.

8.4 pm

Vera Baird (Redcar) (Lab): If I may partially exclude the previous speaker, some extraordinarily reactionary speeches have been made from the deep, dark backwoods of the Tory Benches. Sometimes, I felt like Captain Kirk looking out from the Starship Enterprise at a newly discovered planet and saying, "There's life there, Scotty, but not as we know it."

I welcome the advent of the commission and the vision that underpins the Bill. Clearly, the commission's purpose is to drive forward all equalities and human rights so that they are embedded in our culture, the concrete of our society and the matrix of our lives. All sensible people should welcome that and the Government are to be commended. If there are any excessive notes of bureaucracy, as some have suggested, they will be tackled in Committee.

Apart from decency, there is an important business case for the quest for equality, especially in the workplace. Without equality, we will not be as productive as we could be. Productivity requires everybody's talents to be harnessed to the full. That requires no discrimination against any sector or individual to limit that universal potential.

Some Conservative Members have described the Bill as dealing with a marginal issue or marginal people. By 2010, 80 per cent. of the work force will be in one or other of the strands that the commission covers. That means that only 20 per cent. of the work force will be white, male, able bodied and under 45—and they will not be under 45 for long. It is extraordinary that such a huge chunk of the population has had no protection until today. We are considering a big issue, not one about margins.

The subject is not only large and important but complex. Inequality is not as simple as we believed in the first place. Women who are single pensioners, Pakistani, Bangladeshi, disabled or lone parents are far more likely to be poor and excluded than men in those categories, whereas women in some industries, for example, the law, probably have equality with men these days. That shows the need for a much more complex approach to overcoming discrimination. It is not simply about gender.

From another angle, a black older woman often would not know why she had not got a job, simply that she had been discriminated against. She would not know whether the reason was race, age or gender and she should be able to get support from one organisation that understands those complexities and also takes on human rights, which are integral to all the issues.

Let us consider domestic abuse. It is mainly against women, so there is a gender element, but it is a deep violation of an individual's human rights. Children's rights and forced marriage also show that there is a big overlap between equalities and human rights generally. It is therefore key that the commission is united and key that human rights are involved. Again, I congratulate the Government on the Bill.

I have some medium-sized criticisms of the otherwise pearlescent perfection of the commission but I can deal with them quickly because others have mentioned them. Before I discuss them, let me make one point for the Opposition and the media who talk about the Government as if they were perpetually leading an onslaught against human rights, civil liberties, equalities and freedoms. I ask them to examine the advance that the Bill will make. The Human Rights Act 1998 made the initial change so that human rights could be enforced here without having to go through our multi-tiered court system and off to Strasbourg. That means that human rights more deeply imbue our law and awareness than they would have done if the only way to enforce them continued to be a wildly expensive, long-term process with an occasional case reaching a remote court in Strasbourg. The Government accepted that they should surround themselves with those value-based guidelines in a strong form while they struggled—with terrorism today and who knows what tomorrow. They wrestle now with their duty simultaneously to protect the article 2 right to life of their citizens, free from threat, and the article 5 rights of the people who appear to pose the threat. The Government brought those rights home and made those values part of our law.

Today the Government go much further in tasking the commission to drive forward those values and equalities through our society and culture. These are not the actions of an oppressive Government.

There remain among the excellent proposals in the Bill some causes for real concern, however. The hierarchy of equality has been referred to already, so let me merely nod and pass that matter by. Discrimination in regard to the provision of goods and services will not be outlawed for people of age, nor will there be a public duty to promote age equality. So age is already two points down; it has already suffered twice, and it will suffer again in relation to the matter raised by the hon. Member for Sutton and Cheam (Mr. Burstow). The definition of a public authority is over-narrow, and only public authorities are obliged to comply with human rights legislation directly. Only public authorities will be subject to the duties that the commission can impose on people.

Public authorities are very narrowly defined, and that will damage the position of many people. The case mentioned by the hon. Member for Sutton and Cheam involved a Leonard Cheshire home, and it was decided as long ago as 2002. It was the intention under the Human Rights Act 1998 that an organisation should be regarded as a public authority if it was carrying out public functions. That is very straightforward, and a Leonard Cheshire home clearly carries out the functions that a council would otherwise have to provide. However, the court allocated the status of public authority on a very different, rather esoteric and much narrower basis. Ninety per cent. of care homes and 70 per cent. of the domiciliary services in old people's homes are run by private suppliers, and they will not be covered by the Bill because they will be excluded by that definition.

I know that the Government are aware of this matter, and I know that there is a three-pronged approach to putting it right. The first involves looking for a suitable case, presumably so that the Attorney-General can intervene to advocate going back to the original definition. It is not the Government's fault that there has been no such case, as the hon. Member for Sutton and Cheam seemed to suggest, but we do not know when such a case will arise. The second possibility involves local authorities entering into contracts to protect old people's human rights. That was suggested in the course of the case in 2002, but there is still no guidance to that effect for local authorities. The problem with that solution is that it would be enforceable only by the local authority against the home, and not by an individual against the home. The third possibility would be to include the issue in the discrimination law review.

This issue will bite harshly on people of age, but, because we are committed to using private suppliers to supply innumerable public services—I make no criticism of that—it will also affect a far wider group of recipients. Examples include the increased use of private

[Vera Baird]

finance initiatives, the large-scale voluntary transfer of council houses, the private provision of services by diagnostic and treatment centres, and the privatisation of back-office services in local authorities and of highway maintenance. Many other aspects of our public services are also delivered by private sector organisations, and it is debatable which of them, if any, would qualify as a public authority under that very narrow definition.

So the Bill will give rights with one hand, and take them away with the other—as a result of transfers from the public sector to the private sector—so long as that narrow definition of a public authority subsists. What, I ask—rhetorically, of course—is there to prevent the inclusion in the Bill of a clause stating that we reaffirm the public functions basis of the definition of a public authority, and that we declare the case of Heather *v.* Leonard Cheshire Homes to be of no effect? There seems to be no reason why that could not be done. It is a fourth possible solution, and it has the advantage that it could be done now. I invite the Minister to comment on that when she replies to the debate.

Clause 10, which was mentioned earlier by my hon. Friend the Member for Lewisham, Deptford (Joan Ruddock), will require the commission for equality and human rights to work towards community cohesion and to promote good relations across all seven of the equality strands. However, subsection (4) states:

> "In determining what action to take in pursuance of this section the Commission shall have particular regard to the importance of exercising the powers conferred by this Part in relation to groups defined by reference to race, religion or belief."

My hon. Friend the Member for Wallasey (Angela Eagle) said that the Bill was a taster, and that she relished the prospect of the main course of a single equalities Act in which all equalities will be equal, but I believe that the Bill will entrench a hierarchy of equalities now.

The inequality contained in clause 10(4) would give a premium to groups defined by reference to race, religion or belief, and it would affect the allocation of differential resources. There has never been a satisfactory explanation for the rationale behind the Equal Opportunities Commission working on only half the budget of the Commission for Racial Equality. As drafted, clause 10(4) is bound to disadvantage all the equality strands that are not defined by reference to race, religion or belief, in the allocation of resources.

The Bill requires the commission to set its priorities in consultation with the community, but clause 10(4) would effectively remove that right completely and undermine the commission's independence by setting in stone in the Bill something that might be a current political priority but which would remove the commission's freedom of movement. I recognise that the rationale behind clause 10 is that the potential for interracial or inter-faith conflict that exists at the moment is a problem and I do not want to minimise the need for the commission to promote good relations in those areas. However, I do not believe that they should be singled out and given permanent priority in law, when there are also significant levels of conflict in other areas. People are made very unhappy, they are harassed and even killed by racial and religious strife, but two women a week are killed by a violent partner or former partner. Just under half of all women experience domestic violence, sexual assault or stalking. Forty-eight per cent. of east London gay people suffer from homophobic crime, and 23 per cent. of adults with learning disabilities have experienced physical abuse.

Let me say gently that there has sometimes been conflict between the sexual orientation and women's rights sectors and some religions and beliefs. Of course, doctrines are a matter for them, but when it comes to the impact of the Bill on the wider community, why should women's equality have a lower priority than the protection of faith? It should not. It should have equal priority, and I suggest that it should be expressed as equal in the Bill. I suggest further that human rights are a useful tool for mediating in situations in which there is a conflict between equal equalities.

To give priority to a particular strand would be to undermine part of the purpose of the commission. I suggest therefore that clause 10(4) should be amended to provide that the commission should have due regard to the importance of exercising the powers conferred in this part of the Bill in relation to all seven communities defined in subsection (2). That would be fairer, and it would be equal. That is what the Bill is about.

8.17 pm

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): I should like to begin by expressing my support for the Bill. The words of the Minister were right and the time is right. However, I have some issues with the detail of the Bill, which I shall come to in a moment. First, I want to discuss some of the comments that have been made—mainly by Conservative Members, I have to say—on the religious aspects of the provisions. As a practising Christian, I have to say that the vast majority of Christians attach no stigma to sexual orientation.

My hon. Friend the Member for Castle Point (Bob Spink) talked about this British society—I cannot remember his exact words—and I would refer him to the Old Testament, which talks about sojourners in foreign lands. The sojourners we have had in our land have given us a multi-ethnic, multicultural, rich and diverse society, and it is they who need the protection of the Bill, because sometimes, as a result of malice or ignorance, situations have arisen that require more robust legislation.

Kitty Ussher (Burnley) (Lab): I welcome the hon. Lady's comments, but will she explain why, throughout the entire 18 years in which her party was in power, no progress whatever was made on this agenda? Indeed, things almost went backwards with the introduction of section 28.

Mrs. Dorries: I am sure that Labour Members had plenty of opportunities to ask those questions while my party was in power. As a new Member who has been here only since May, I cannot comment on what happened before, but I am sure that the Labour party provided very effective opposition to challenge the Government of the time.

Mr. David Evennett (Bexleyheath and Crayford) (Con): The Disability Discrimination Act 1995 was enacted during that period of Conservative Government.

Mrs. Dorries: I thank my hon. Friend for informing me of that point.

I support the Bill's holistic approach in establishing an overarching commission that takes in the functions of the three independent commissions. However, perhaps because I am a northerner, or was a business woman, I am concerned about the finances. The new commission will cost £24 million to establish and a further £70 million a year to run. The hon. Member for Wallasey (Angela Eagle) said that the Opposition want to starve the commission of funds, but that is not the case. As a business woman, if one of my managers had come to me and said that they had a new process that would take in three existing processes, I would have expected a cost-saving justification for that. Given that taxpayers' money is involved here, it is amazing that this will cost 43 per cent. more to run, and I have not yet seen the justification for that. We know that extra strands will be taken in, but there should also be economy of scale. I take on board the points made about human resources and various other functions within the costings, but it still does not make sense. If one overarching commission is to take on [illegible] responsibility of three, with a few additional strands, an additional 43 per cent. cost cannot be justified. I look forward to the Minister's comments on that. I understand the extended scope, but it is hard to make sense of the figures that have been forward. A sensible approach would be for the Minister to look again at the costs and perhaps use that additional funding for additional strands, or put it towards the cost of the single equality Bill, about which the hon. Member for Wallasey also spoke.

I shall try to be brief so that other hon. Members may speak. I want to draw attention to a parallel between the education White Paper and the Bill. Anyone who has studied the White Paper will, like me, be concerned about over-centralisation. However, the White Paper has the safety net of common sense, which is provided by the involvement of a host of professionals in its delivery, in conjunction with parents, teachers, children and governors. That will result in a natural erring towards common sense, and a natural moving away from bureaucracy. However, as my hon. Friend the Member for New Forest, West (Mr. Swayne) said, in the Bill much is centralised in the Minister. The hon. Member for East Londonderry (Mr. Campbell) referred to the guest house, which may be a Christian guest house, the people who might be staying there and the issues that arise from that. I want the Bill to work because it is needed and it needs credibility to do so, but when it is over-centralised, and when such issues arise, they will be given priority.

Vera Baird: I had not understood that the commission would be over-centralised. I shall be disappointed if the Minister does not tell me that it will have regional offices. We are certainly hoping for one for the north-east. I would not say that we expect it in Redcar, but we have put a bid in.

Mrs. Dorries: Perhaps the Minister will say whether there will be regional offices.

Angela Eagle: There are.

Mrs. Dorries: That does not actually mean that the legislation will not be over-centralised in its administration throughout those regional offices.

Some who called for the Bill do not have the same agenda as the House or Opposition Members. They will want to use it for their own means and ends. I hope that the Minister will ensure that such people will not be able to do so. If the Bill is too rigid and too politicised it could be exploited by such people. I urge the Government to be wary of over-centralisation.

I have a genuine query for the Minister. Part 4 of the Bill places a duty on public authorities to promote equality of opportunity between men and women. How will that impact upon candidate selection for all political parties? I should genuinely like to know whether the legislation affects what is already in place.

Discrimination is in itself abhorrent. It is unjust, unfair and it should be unlawful. It destroys confidence, blights lives and denies people opportunity. In a civilised society, discrimination in whatever form should simply not exist.

I am opposed to legislation for the sake of it, but the Bill is necessary and well intentioned in today's society. We must hope that the Government will ensure that their good intentions are not abused by those who will try to use the Bill to meet their own ends.

8.25 pm

Barbara Keeley (Worsley) (Lab): I welcome the Bill. I, too, am proud of the work of Labour Governments over 30 years and, as we heard, of even earlier decades, in bringing forward legislation to promote and ensure equality and diversity. I also welcome the establishment of the commission for equality and human rights, which I naturally hope will be based in Manchester, or even nearby Salford. *[Interruption.]* Worsley would be good. We have heard arguments for London, so it is worth making a few points about Manchester's case.

The Equal Opportunities Commission has obviously long flourished in Manchester. I hope that we can get away from believing that we can work on policy only here in the metropolis. For our party conferences and policy making we move around the country, and, of course, all the groups that need to be consulted on issues also live in Greater Manchester, so I hope that people will not be too swayed or diverted by arguments in favour of London as a location.

The Equal Opportunities Commission tells us that achieving equality for men and women requires taking account of more than gender, and my hon. and learned Friend the Member for Redcar (Vera Baird) said earlier that among older people, people with a disability and Pakistani and Bangladeshi ethnic groups, the women are more likely to be poor and excluded than men, and that is a key fact. But we also know that white working-class boys perform less well in their standard assessment tests and GCSEs than white working-class girls, and boys from other ethnic backgrounds. When I was responsible for an education service in local government I was concerned about such statistics. I felt that too little was known and too little work was being done on such issues. That is why it is welcome that the Bill introduces the equalities review and the discrimination law review.

Mr. Stewart Jackson (Peterborough) (Con): How does the hon. Lady account for the figures in my constituency where I have the largest Muslim community of any Conservative Member where the

[Mr. Stewart Jackson]

highest educational attainment is among Pakistani Muslim, mainly Kashmiri, girls at all levels from 11 to 18?

Barbara Keeley: That is what I was talking about. I was saying that in many cases now, some of the ethnic minority groupings are doing better than white working-class boys. When we investigate discrimination, we need to look across the piece and try to find reasons for that. That is why the equalities review is such a good move. It will be able to investigate all the social, cultural and economic factors that limit or deny people the opportunities to make the best of their abilities. It is important that we gain that understanding of the long-term cases of disadvantage that need to be addressed in public policy. When I was responsible for education in local government, I was never clear what specifically we could do for those white working-class boys to improve things for them.

I want to touch on three aspects of the new commission. I want to talk briefly about women and then move on to carers and human rights. The new provisions to prohibit discrimination and to create a general duty to promote gender equality are welcome. The public sector is a major employer of women. Of public sector workers, 64 per cent. are women. In my constituency, the largest employers are the two local authorities, Salford and Wigan, and the NHS.

We know that the gender gap has closed considerably over the past 30 years. As some of my hon. Friends mentioned earlier, women now earn 83p for every £1 earned by men, compared with only 70p 30 years ago. However, there is still more to be done. I want the pay gap between women and men to be closed even more. Apart from that being the right thing to do, it makes sense for the economy. My hon. Friend the Minister cited figures demonstrating that raising women's skills to the level of men's would add 3 per cent. to our gross domestic product. Although the gender pay gap is only 10 per cent. among full-time staff in the public sector, it is 21 per cent. in the private sector, so there is still much to be done.

I believe that there are still too few women in senior management positions in the public sector, in which there is a concentration of women in such roles as teaching and social work. When I was a councillor, we appointed our first woman chief executive, but she was one of very few to attain that senior post in the north-west. One of my two local authorities, Wigan, has just appointed a woman chief executive, Joyce Redfearn. That constitutes a step forward in that part of the north-west, but it is still the case that only a fifth of local authorities employ women in such senior positions. The health service is doing a little better: 28 per cent. of its chief executives are women. I hope that the public-sector duty to promote gender equality will help authorities to take steps, in their role as employers, to improve the current position.

Mrs. Dorries: As was pointed out to me, the Government have been in power for eight and a half years. They have had that time in which to try to improve the position.

Barbara Keeley: I think the hon. Lady would agree that it probably takes more than eight and a half years to work one's way up to becoming chief executive of a local authority. It takes most people a few years to reach the top of an organisation—probably more than just eight years. I think that more responsibility falls on a party that was in government for 18 years.

As my hon. Friend the Member for Amber Valley (Judy Mallaber) pointed out, welcome work is already being done on occupational segregation to find out why men and women are concentrated in different jobs. Work is also being done on female access to what have historically been seen as male jobs. It is important for us to understand concepts such as that of the glass ceiling, of which we have heard so much and which prevents women from making progress, and that of the sticky floor—a new one on me—which stops women from moving up from the jobs that pay least. It is equally important to understand both those concepts.

I want to say something about how caring affects ability to work. Employers should recognise that their employees are juggling caring responsibilities with work. Having such responsibilities, especially for a child or an adult with a disability—or indeed an elderly relative—affects the ability of both men and women to work. Employment rates for men and, in particular, women carers are likely to be lower than those for other people of the same working age. Seventy per cent. of men between 30 and 44 caring for a disabled son or daughter are in work, while fewer than 50 per cent. of women carers in the same age group are in work. The peak age for caring is between 45 and 64—women may return to caring even if they have been working—and one adult in four in that age group has caring responsibilities. Again, that applies more to women: 27 per cent. will be caring for someone with a long-term health condition between the ages of 45 and 64, compared to 19 per cent. of men.

For many carers, overall employment rates are lower. The greater the caring commitment, the more likely it is that carers will have to work part time. Given the wider pay gap among part-time workers, that means that carers juggling caring and work suffer double discrimination, and most of them are women.

Alison Seabeck (Plymouth, Devonport) (Lab): May I say something about the support given to carers and others who are discriminated against by employers, because of their caring duties or for other reasons? Perhaps my hon. Friend, like me, has been lobbied by the Equal Opportunities Commission, which fears that its powers under section 73 of the Sex Discrimination Act 1975 are not being transferred in the Bill—specifically, its power to represent people confronted by discrimination of this nature. If so, no doubt she will ask the Minister to respond later.

Barbara Keeley: My hon. Friend must be clairvoyant. I was coming to that point.

Issues involving parenting, caring and work are complex. They affect many of our constituents, so they should concern us all. A question that is still being asked is whether the duty to promote equality between women and men will ensure that caring responsibilities are recognised by public bodies with duties applying to their employment practices and the way in which they design their services. I understand that the Equality

Commission for Northern Ireland deals with caring as a separate strand, and has a positive duty relating to public bodies, including the promotion of equality

"between persons with dependants and those without".

Caring is often not even visible to employers. Many carers do not like to ask for time off, or indeed for flexibility, but the Bill will allow them to do so. Many currently feel that caring is not seen as a reason for time off in their workplaces. Like my hon. Friend the Member for Plymouth, Devonport (Alison Seabeck), I hope that the Committee will consider whether the duty to promote equality could be extended, and whether caring responsibilities could become an extra and, perhaps, a particularly important strand of the commission's work.

It is welcome that the new single statutory commission has human rights in its title. We should celebrate that. With that institutional support, the work on equality and human rights can be linked. As we know, discrimination and lack of equality waste the potential of individuals and represent a loss to our nation, which we can now quantify in terms of GDP.

In the past 30 years, we have made steady but at times slow progress on reducing inequality and attacking discrimination, although much more progress has been made under Labour Governments than under Conservative Governments. As Labour Members have said, it has been disturbing to hear the views of what is becoming known as the dinosaur tendency. As my hon. Friend the Member for Amber Valley said, Members should be clear about their terms. I understand that the reason why bibles have been removed from patients' lockers in NHS hospitals is to prevent cross-infection. If a patient in the NHS wants a bible, the idea is that they ask for one. They are then provided with one that has been properly disinfected following use by other patients. Therefore, it has nothing to do with political correctness. That has been quoted twice by Opposition Members. It is rather silly that they do that type of thing. In contrast, my hon. Friend the Member for Wallasey (Angela Eagle) gave an excellent exposition of the work of Labour's women pioneers over the past century.

Since 1997, we have abolished section 28 and introduced civil partnerships. Today, many of my hon. Friends have emphasised the importance of ending discrimination on grounds of sexual orientation in the provision of goods and services. Like them, I welcome the fact that our Government have accepted amendments to the Bill in the other place which allow the Secretary of State to make regulations that prohibit discrimination on the grounds of sexual orientation. We are indeed glad that there is widespread support for these measures in Parliament and beyond and I add my support to that.

Looking forward, measures are proposed to outlaw age discrimination in the workplace, and the women and work commission will report early next year. Like many hon. Members, particularly those on the Labour Benches, I welcome the Bill, which is the biggest step forward for the law on equality for many years and creates a body, wherever it is located—I hope that it will be in the north-west—that will integrate the three pillars of equality, diversity and human rights and work to promote good relations.

8.37 pm

Mrs. Maria Miller (Basingstoke) (Con): Mr. Deputy Speaker, I thank you for the opportunity to speak in the debate. It is particularly pleasing to follow the hon. Member for Worsley (Barbara Keeley), who has talked about many important issues with regard to working women. The majority of women in my constituency are working women. Indeed, I am one myself. The issues that she raised are also important for my constituents.

The Bill has benefited greatly from extensive debate in the House of Lords both on Second Reading and on Report. That helped to clarify some important issues before the debate today. As my hon. Friend the Member for Epping Forest (Mrs. Laing) said, the Bill has many good intentions but I agree that it is in need of some refinement.

The issue of equality touches all our lives. I want to see a society where each individual is given the opportunity to reach their full potential and where no people are left behind as a result of their gender, ethnicity, religious beliefs, sexuality or age. I want to see that not only because it is morally right but because as a country we cannot afford to approach things in any other way.

In the debate in the House of Lords, the Lord Chancellor pointed out that one of the basic foundations of the Bill is ensuring that everyone can participate in this country's economy. We have to do all that we can to enhance the competitiveness of our country, particularly after eight years of this Government, who have done much to undermine Britain's competitiveness.

Streamlining the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission into one commission for equality and human rights will, I hope, provide a framework for a simpler, more easily accessible and consistent approach. Indeed, many businesses have welcomed the Bill, unsurprisingly, as employment has become one of the largest and most litigated bodies of discrimination law. Anything that promises to support the call for a simpler framework will receive the support of business now and in the future. Indeed, the commission for equality and human rights will provide the opportunity to achieve that.

Small and medium-sized firms all too often do not have the capacity to employ special advisers on these matters so they need support and help. A great many businesses in my constituency fall into that category: they want to do the right thing, but do not always have the specialised knowledge to hand to be able to do so. I believe that the commission has the potential to become, as other hon. Members mentioned earlier today, a one-stop shop of advice and support for businesses on all matters of discrimination. The commission for equality and human rights should see itself as promoting good practice in business, offering—to use the Government's term—a joined-up approach to reduce the spiralling amount of litigation and hopefully not add to it. That is the key.

The Government have said that the Bill will not impose more regulatory burdens on employers, so good practice will be the primary route for driving change. I will be listening for an assurance in the Minister's winding-up speech that the Government still adopt that

[Mrs. Maria Miller]

position. The commission must not become merely a regulator and an enforcer, as it can do so much more than that. If it does become only that, it will alienate business and set back the causes that we seek to support today, such as reaching out to small businesses as a priority.

As I said earlier, we cannot afford as a country to take any other approach. Ensuring that everyone can participate to their utmost in our country's economy is vital for our future success and nowhere more with respect to older members of our community—a group that has not received much comment in today's debate, although a couple of hon. Members have picked up the point lately. I welcome the fact that the Bill recognises the need to support older people against discrimination. I understand that new regulations are due to come in next year to outlaw age discrimination in the workplace, but more could be done to prepare the way for that legislative change. As I am sure hon. Members will be pleased to note, life expectancy for men in Britain has risen by five years to 76 since 1981 and by 10 years since the 1940s. My grandfather is in his mid-90s. Women regularly live beyond 80 nowadays, yet many remain active and want to continue to work in their communities, but are often stopped in their tracks by the ageism that permeates many aspects of our society.

I would like to look at a couple of examples within the Bill and keep my comments short in order to allow other Members to contribute to the debate. Before I do so, I want to refer to a particular example from my constituency. I was contacted by one of my local parish councils in Basingstoke—Silchester parish council—which wanted to employ two local residents to collect litter. Both residents had been given a clean bill of health by their doctors: they were able bodied, but in their mid-70s. Employment levels in north Hampshire are, as hon. Members may be aware, very high, making it quite difficult to recruit people, and there were no other applicants for those jobs.

The parish was unable to employ those applicants because, on account of the age of the people concerned, it was unable to obtain the necessary insurance. That left the beautiful parish of Silchester—it certainly is beautiful—without the litter pickers that it needed and left the two constituents without the employment that they wanted, purely as a result of their age.

Legislation alone cannot change attitudes and I applaud the work done by organisations such as Age Concern and Help the Aged, which have championed the rights of older people over many years, but we need to join them in doing all we can to encourage full participation—both in our communities and in the economy—of all who are able and not let advancing years stand in the way of those who want to participate.

Could the Bill do more to support older people? I think that some would argue that it could, as illustrated by my example of Silchester parish council where older members of our community found it difficult to find employment because an insurance company would not provide insurance. The Bill specifically prohibits discrimination in the provision of goods, facilities and services on the grounds of sexual orientation, but it will not provide protection to older residents in my constituency in employment rights. I await the raft of letters I am sure to receive if this issue is not addressed. The Minister said earlier that it could be addressed as part of the discrimination law review, but why not address it now in the Bill?

The Bill could be used to better support older people, as well as to harmonise the discrimination law. I am concerned that the Bill will not do all that it could to support older people and, indeed, could create more inconsistencies in equality law. How would that help to ensure that we give everyone the opportunity to realise their potential? Some hon. Members have referred to the hierarchy of equality, but it should perhaps be called the hierarchy of inequality. The legislation is patchwork and fragmented, as the Bill reveals, and that is worthy of more discussion, perhaps in Committee.

It is not difficult to find examples of inconsistency and lack of support for older people in the Bill. It makes provision for public bodies to promote gender equality—which I do support—but the Government have not taken this obvious opportunity to harmonise legislation even further and include a duty to promote age equality. They could even simplify matters for all of us and create a general duty to promote equality across all the strands to be covered by the commission. Again, the losers will be older people. I am deeply concerned by the lack of support in the Bill for those who may have contributed much to our society and wish to contribute more. Legislation lags behind. As in many areas of politics, older people's voices are simply not heard, perhaps—in the case of the Bill— because they are lost in the crowd. I hope that the Minister can reassure me that that is not the case.

Mr. Stewart Jackson: At the last election, our party's manifesto encouraged older people to play a greater role in caring for their younger relations and, in so doing, improve child care. If necessary, we suggested that a fiscal encouragement could be provided. That would get older people involved and improve child care—killing two birds with one stone.

Mrs. Miller: I thank my hon. Friend for that timely intervention. I am certainly grateful to my family for providing the sort of care he mentions, which enables me to do my job. I endorse the party's policy on that issue and we should do all that we can to keep older people involved in the economy and encourage them, wherever possible, to get involved in caring for their grandchildren and other children in the family.

The first regulations on age discrimination, in employment and training, come into force in October 2006 and the new commission will have an important role in enforcing equality in that area. At the moment, older people have no legal protection against ageism and no statutory body to turn to. However, the new Commission will not take up the role of supporting older people until 12 months after the new regulations are in place, if I read the documents correctly. I hope that the Minister will tell us how we can ensure the right advice and support for businesses and those affected by the legislation in the intervening period.

I have said that I welcome the Bill and the support that it could give to business in a difficult and complex area, but it could do much more to support and protect older people. Now is the time to acknowledge that. As I said in my opening remarks, I want to see that not only because it is morally right, but because this country cannot afford to take any other approach. To put that in context, I remind the House that the cost of low employment among those aged 50 and over—there may even be some hon. Members in that category in the Chamber tonight—has been put at 2 per cent. of GDP. We should also note that 62 per cent. of men and 45 per cent. of women in that age group are in work—figures significantly below those for younger people.

I look forward to the Minister's response on those issues. I hope that she agrees that the Bill misses an opportunity to support older members of society. I am sure that in future the single discrimination Act, which has been much talked about today, and further regulations for protecting older people in the workplace will have a great effect, but we can start now by doing more in the Bill to support older people both in my constituency and throughout the country. We need to show that group that we take their problems seriously, too.

8.50 pm

Ms Celia Barlow (Hove) (Lab): May I start by expressing my wholehearted support for the Bill? A single commission for equality and human rights will not only tackle discrimination against a broad range of groups in society but establish a framework for human rights for all our citizens, and should be commended.

Laws combating discrimination are covered by 35 Acts of Parliament, 52 statutory instruments, 13 codes of practice, three codes of guidance and 16 European Union directives and recommendations. The commission will unify those measures. It will provide the leadership of a single body to fight discrimination and to seek to guarantee human rights for all the citizens of our country.

The Bill will extend effective protection to people who daily face discrimination, often pervasive and demeaning, of the kind that most of us hear about frequently during our surgeries. Too often, our constituents, in seeking redress, are bombarded by a bewildering maze of regulations and laws. The Bill will not only simplify people's understanding of the protection offered to them, but will support them in seeking effective remedies in the face of discrimination. Furthermore, individuals, companies large and small, authorities and charities will all benefit from a straightforward approach to equality. The Bill paves the way for such measures.

The Bill is being greeted with particular enthusiasm in my constituency of Hove and Portslade. Members who have ventured a seaside trip recently will know just how much the city of Brighton and Hove has become a byword for the kind of progressive tolerance and welcome to individuality that lie at the heart of the Government's vision for Britain, although sadly not on the Opposition Back Benches.

I pay tribute to the many organisations that celebrate diversity and seek to tackle intolerance in my constituency. One such organisation, Pride in Brighton and Hove, hosts the largest celebration of diversity in Europe and works year-round to combat homophobia wherever it exists. Stonewall has also fought tirelessly to combat intolerance and to promote the benefits of a diverse society, contributing greatly to the national debate on equality and fighting effectively for inclusion of anti-discrimination legislation for the gay and lesbian community in the Bill.

John Bercow: I entirely endorse what the hon. Lady has just said about the merits and successes of Stonewall. Would she care to take this opportunity to congratulate its distinguished former chief executive, Angela Mason, who went on to serve in government and continues to do so, and to pay tribute to the current chief executive, Ben Summerskill and his able understudy, Alan Wardle? All three are superb campaigners.

Ms Barlow: I thank the hon. Gentleman for bringing those individuals to the attention of the House. They have done a huge amount to promote equality and, indeed, have worked on the Bill with my hon. Friends.

I am also delighted to be able to salute the hard work of Lord Alli. As we know, last week in the other place, the Government accepted an amendment to the proposals that would guarantee the right to non-discrimination for a significant group of my constituents. Lord Alli was instrumental in framing an amendment that expresses the continuing desire of our Government to free this country from centuries of discrimination.

With the inclusion of the amendment outlawing discrimination when providing goods and services to gays and lesbians, the Bill will mean that, as those citizens go about their lives, they will no longer have to suffer the daily, dull, yet remorseless indignities of casual discrimination. It has been many years since the infamous signs "No Irish, No blacks" have appeared in the windows of rooms for rent, as they did in Notting Hill in the late 1950s, but until the Bill becomes law, such a sign expressing the same prejudice against lesbians and gays is perfectly legal.

We should not be complacent by assuming that such discriminatory acts do not occur in this country today. Recently, two lesbians from Brighton and Hove were refused service in a cafe after a walk along the beautiful south downs. They were turned away with the words "We don't serve your sort here." Stonewall has documented cases where a newspaper editor has refused to print, on so-called ethical grounds, an advert targeting the gay community to encourage participation in a community-wide social group.

When the first couples confirm their commitment to each other in civil partnerships next month, they should be able to set out on their lives together enjoying a honeymoon free from the fear of prejudice. That shows the importance of that amendment and of the Bill's swift arrival on to the statute books. For until these measures become law, there will remain no statutory protection against discrimination for Britain's lesbian, gay and bisexual population in terms of goods and services. I support the request of my hon. Friend the Member for Brighton, Kemptown (Dr. Turner), who has asked the Minister to ensure that all these measures are introduced at the same time.

I applaud the Bill's far-reaching protection for people of religion. Like the hon. Member for Sutton and Cheam (Mr. Burstow), I regret that the full force of the legislation has not been extended to older people. I hope

[Ms Barlow]

that the House will agree that to exclude the gay and lesbian community would have sent a wholly unacceptable message to the country. I take issue with the hon. Member for New Forest, West (Mr. Swayne): I have full confidence that the Minister will deal with the issue competently.

Despite the evidence of growing tolerance and acceptance of lesbian and gay relationships by mainstream society, we must not become complacent. We must not fool ourselves into thinking that homophobic bigotry is a spent force in our society, for it is not. The murder of a young man, Jody Dobrowski, was motivated by a hatred of gay people. Sadly, that is not a tale from a century ago; it occurred in this city, this year. It was a singularly horrific occurrence that dominated the country's headlines.

For many of our nation's 3.4 million lesbian, gay, bisexual and transgender people, however, the petty humiliation and perhaps more subtle discrimination that occurs almost daily has greatest effect on their ability fully to enjoy the benefits of life in modern Britain, for example, joining a social or sports club. Many of my colleagues and I would not think twice before inquiring about special family discounts for clubs and societies, but, for gay and lesbian couples, those situations can become a time of embarrassment and even humiliation. Those daily events, which go almost unnoticed to most of us, can often be painful reminders to others that society is unwelcoming and that those involved are perceived as outsiders.

I am mindful that many of my colleagues want to speak, so I shall briefly quote the comments that Lord Alli made on this very subject in the other place:

> "lesbians and gay men are routinely insulted by being refused double rooms in hotels and guest houses. Such discrimination is already rightly unlawful, should hotel proprietors refuse rooms to black and Asian couples. That such discrimination is still lawful can only reinforce discrimination against the lesbian and gay community in wider society."—[*Official Report, House of Lords,* 19 October 2005; Vol. 674, c. 867.]

The amendment to the Bill that protects lesbian, gay and bisexual people from discrimination for goods and services will give the Government an enabling power to bring such protection to the statute books. I should be grateful if the Minister would give an assurance today that that will be done with swift efficiency to reflect the Government's undoubted desire for greater equality in modern Britain. There is no reason why that could not happen virtually immediately, so I urge the Minister not to allow the measures to get bogged down in undue consultation and bureaucracy.

I note, as did the Equal Opportunities Commission, that transgender people are not covered by the Bill. I echo the hon. Member for Romsey (Sandra Gidley) in saying that I hope that the Minister will try to rectify the omission and assure us that anti-discrimination measures will be offered to the transgender community, too. If such people were not covered, it would send an excluding and discriminatory message. We shall need to support that group in keeping to the intention of the legislation.

Ensuring that there is not discrimination is the key to the Bill's success. The argument for establishing a framework for protection from discrimination has been won, and my constituents have shown consistent support for such measures. I congratulate the Government on bringing these reasoned and progressive measures before the House and on accepting the amendment that will offer anti-discrimination measures to the lesbian and gay community.

9.1 pm

James Brokenshire (Hornchurch) (Con): I am grateful for the opportunity to speak in the debate. I welcome the Bill and its aspirations of promoting not only a just, decent and tolerant society, but the concept of opportunity for all, whatever background people come from, and whatever their creed, colour, religion, or faith. I associate myself with such opportunity in society.

I welcomed the comments of the hon. Member for Hove (Ms Barlow) about the need to focus on the assumption that the problems of homophobia and racism have gone away. I know from my constituency that that is unfortunately not the case. In the earlier part of the year, a Jewish cemetery in my constituency was desecrated, vandalised and covered in graffiti. That brought home to me the fact that a lack of understanding and a great deal of intolerance and fear remain in our society. Homophobia is a problem, and people can be assaulted, abused and ultimately killed because of their sexuality, or for following their creed or religion.

Those problems are bound up in the direction that a society takes. The Bill in itself tries to address the underlying problems, given that the actions that I have highlighted already have a criminal sanction. We must continue to focus on the cause of such actions and the issues that lie behind them, so I welcome the thrust of the Bill.

I also welcome the logic of trying to bring together the various strands that the Bill tries to address, whether that discrimination is on the basis of ethnicity, disability, age, or religion. Trying to pigeonhole such complex matters into individual organisations and addressing them with a disparate body of case law does not promote the vision that I want for this country: a much more tolerant and understanding society for us all to live in.

We must face up to several challenges when bringing together those various strands. We need to ensure that the necessary skills and qualifications exist in the commission for equality and human rights because the wide issue about which we are talking is extremely complex. We will also need to focus on how the body addresses its many challenges. I welcomed the fact that the Minister said that the structure of the commission would be such that funding would not be pigeonholed for different aspects of its work. Such an approach must be adopted.

Clause 3 sets out the basis and scope of the commission's work, which is, by its very nature, extremely broad. I am concerned that that breadth will lead to a lack of focus and that it will be unable to achieve what it needs to achieve. The commission needs an independent role, but it is interesting that the strategic plan of targets by which it will seek to measure its work will be delivered merely to the Secretary of State, whereas the code of practice that it will adopt will be subject to a much greater degree of parliamentary scrutiny and involvement of the Secretary of State.

Although I accept the need for independence and for the commission to take a robust approach, clause 3 in essence contains political aspirations and ideals. The commission should have such a role and responsibility, but in examining provisions on the way that it draws up its action plan and three-yearly reviews, we must acknowledge the need for scrutiny to ensure that it focuses on the complex objectives that have been set for it. We must ensure that we have the opportunity to scrutinise its roles and how it is proceeding. The lack of that in the Bill could on one hand be said to be a strength, but on the other a weakness.

There is also a need to ensure that we do not end up with a bureaucratic structure. I hear the comments of the Minister and other hon. Members, but the structure is in danger of becoming bureaucratic and lacking focus. There is vagueness in the intentions of clause 3 and the definition of human rights. The Bill says that human rights will be those under the European convention, but it could mean other human rights. As the hon. Member for Stafford (Mr. Kidney) said, it could mean the rights of the child. That is very interesting, but that lack of focus and certainty about the commission's role may ultimately mean that it cannot fulfil its function.

The use of resources has been debated and numbers have been bandied across the Chamber. It is interesting to note that the Equal Opportunities Commission and various other stakeholders have said that the money to be provided is not enough. When one considers the breadth of the work, it is possible to envisage how money could be fired off in different directions. That underpins my argument that greater focus and clarity are needed in the direction and scope of the organisation's work.

Comments about political correctness have been interesting to note. In some way, I endorse those made from the Conservative Benches. One function of the commission is to try to stop litigation and to encourage a culture in which there is not always the need for a litigious approach. However, we are entering a dangerous period. We have a society that might be described as very defensive, so we need a law to tell us what we can do, as opposed to the rule of law under which we could do something unless some enactment prevented us from doing it.

I respect and understand the need to create a just and tolerant society, but I do not want us to go down the track where we feel that our actions need to be sanctioned in order for us to feel comfortable about them. Gold-plating and the approach in the Bill might result in local authorities and other legitimate organisations, which might be faith-based, feeling constrained in their actions—not because of the way that they act, but because they fear litigation and that they might be doing something that has not been sanctioned, which will be costly and time-consuming in the courts.

I welcome the Bill, but a lot more needs to be done in terms of the operation of the commission that it seeks to establish, and the culture and climate that it seeks to foster. We must ensure that it positively promotes a tolerant and just society, not a society in which people are always looking over their shoulder and looking for comfort in law. It must enable people to act normally, and in a way that we in this House regard as acceptable.

9.10 pm

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): One consequence of speaking at this point in the debate is that my comments will necessarily be briefer than I had originally intended, as many Members have eloquently covered many of the points I hoped to make. I stress, however, that my comments will be no less heartfelt for that.

I want to begin by picking up on some of the points made by the hon. Member for Epping Forest (Mrs. Laing). She said that she regretted the fact that, 30 years after the Sex Discrimination Act 1975, we are still debating equality issues in this House. That is a very important point, and it is slightly depressing to think that I was not born when the Race Relations Act 1965 was enacted, and that I was at primary school when the 1975 Act was enacted. Here I am, now a mother myself, seeing this very important Bill come through—a Bill that means a great deal to me personally, and to my constituents, friends and family. It will make a big difference to the future focus of our society. It will enshrine in law, in a single Equality Act, all the things that decent, right-thinking human beings want in terms of how their fellow human beings should be treated.

My hon. Friend the Member for Tooting (Mr. Khan) eloquently outlined the issues relating to the argument for a single Equality Bill, so I will not go into those, but I want to pick up on the comments of the hon. Member for Castle Point (Bob Spink), who talked about Britishness. He should come to Hackney, South and Shoreditch, where he would see Britishness manifested in a way that he would not recognise, but which my constituents embrace enthusiastically. Some 54 people attended my last surgery, a week ago. Many of them came to see me about their immigration status and its progress through the Home Office. As commonly happens during surgeries and when I knock on doors in my constituency, a number of them talked to me enthusiastically about becoming British citizens, especially those who had just received leave to remain. Be they from Ghana, Nigeria, Somalia or eastern Europe, many such people are keen to be British. That does not chime with the "Britishness" examples given by the hon. Member for Castle Point.

Although other Members have highlighted the Government's achievements in this area, it is worth reminding ourselves, at the tail-end of this debate, of some of them. Only recently have civil partnerships been put on the statute book, thereby providing such people with equal security within the law. Our having legislated for the full civil rights of disabled people is an issue close to me personally. I am a carer for a disabled adult, and I see the massive difference that such legislation has made to her. For the first time in her life, last Christmas she was able to get on a bus in a wheelchair, thanks to the Disability Discrimination Act 1995 coming into force. Those who talk nostalgically about London buses, or who criticise drop-kerbs and other "petty" changes that they do not take seriously, should remember that these changes make a daily difference to people's lives. That is what such legislation has meant, and we will see other such examples in this single Equality Bill.

I want to talk briefly about some issues that are particularly important to my constituents. Measures in train to outlaw age discrimination in the workplace are

[Meg Hillier]

a very welcome development. In an intervention, I highlighted the fact that there are some 250,000 people in London aged over 50 who are willing, able and qualified to work, but who are not in employment. That represents the biggest pool of underused skills and experience available to the London economy, so it is vital that we progress the legislation as fast as possible.

Another major concern in my constituency is the pay gap between men and women, which other hon. Members have outlined eloquently. Many of my constituents in Hackney, South and Shoreditch work in low-paid, manual or service jobs, some of which, particularly in the caring professions, are dominated by women, as is the case nationally. The women and work commission, which is due to report next year, will make an important contribution to that debate. It will, I hope, make a huge difference to my constituents, although I accept that we have a mountain to climb. I pay tribute to my hon. Friend the Minister for Women and Equality for her long-standing campaign on that issue.

The equalities review is important. Hackney has been one of the poorest boroughs in London for more than 100 years. The people may change, but some of the problems, discrimination and inequalities that they face remain the same. I highlighted a case in an intervention, but it bears repeating as it is just one example of many that I could cite in my constituency. Why are Africans who come to this country, particularly from west Africa—who are highly qualified, often with second or even third degrees—under-employed or even unemployed? Surely, we have learned lessons from the people who arrived in our country and faced discrimination in the 1950s and 1960s and, indeed both before and since then. I look forward to the outcome of the review chaired by Trevor Phillips. I hope that we will begin to see a difference and perhaps make a step change in future legislation. The discrimination law review will also lead to improvements.

John Bercow: The hon. Lady has made a powerful point, but does she accept that probably tens of thousands of asylum seekers are scientists, engineers, doctors and dentists, but are prevented from using their skills to earn a living and benefit the country?

Meg Hillier: I do not know whether the hon. Gentleman followed my career when I was a member of the London Assembly, but there was a great deal of consensus among the four parties about the need to harness the valuable skills of migrants, including asylum seekers, for our community. However, that is a debate for another time.

I believe passionately in the need for protection from discrimination on the grounds of sexuality in the provision of goods and services. As many Members have highlighted, gays and lesbians can still be turned away from hotels and suffer discrimination in medical care. Those are antiquated practices in the 21st century. People should be treated equally, and they should not suffer discrimination on the grounds of sexual orientation. The issue matters a great deal to a number of my constituents. My local Labour party has expressed support for the relevant provisions in the Bill, and I am delighted that my hon. Friend the Minister has worked with Members in the other place to accept an amendment to deal with the issue. However, I urge her to ensure that the measure is progressed quickly, so that gay and lesbian people are not left behind in the Bill and are given equality as promptly as other people. I was talking to a lesbian couple in my constituency, both of them churchgoers who are keen to live their life as they choose. They talked about the measure, and one of them said:

> "This won't stop homophobia but it's good to feel that I'm being brought inside the protection of the law."

That is a basic human right. The fact that someone can walk down the street and suffer discrimination because of their religion or sexual orientation, and the fact that they can be refused services are things that we should not tolerate in the 21st century. I am delighted that there is support on both sides of the House for the measure, but I am dismayed that some hon. Members do not fully support that view.

I am delighted that the Government have listened. I hope that my hon. Friend the Deputy Minister for Women and Equality will look to progress the measure at speed.

There is also an economic argument for tolerance. Richard Florida, the American academic, has written about tolerance and diversity as two key elements of creative business growth. Creative businesses in my constituency and in a large area to the west of London and outside London are one of the fastest growing employment sectors. The Bill contributes to tolerance. Compared with the position eight or 10 years ago, people's rights in this country have moved so far forward that it is sometimes difficult to remember what it was like and to appreciate the rate of progress. I commend my hon. Friend the Minister for her work on that, and I am delighted that the House supports the Bill.

9.20 pm

Hywel Williams (Caernarfon) (PC): Plaid Cymru and the Scottish National party welcome the Bill with some reservations, but we have been great supporters of the provisions on race. As some hon. Members know, my predecessor was a great supporter of disability legislation. We are equally enthusiastic about the provisions on religion, sexual orientation and particularly age. In that regard I have in mind the Bill going through another place to establish a commissioner for older people in Wales. I hope that we in Wales have a progressive record on such matters.

We welcome the intention to address equality issues in an integrated way, bringing in uniformity and equality and, as the hon. and learned Member for Redcar (Vera Baird) said, evening up standards and seeking equality of provision. Equality law is contained in many Acts. The Stonewall brief for this debate notes that there are equality issues in 35 Acts, 52 statutory instruments, 13 codes of practice and 16 EU directives. Sooner, I hope, rather than later, we will move to a single equality Act in respect of the matters addressed in the Bill. For that reason we welcome the advent of the equality review and hope it will quickly lead to legislation.

As I said, we have at least four particular concerns—first, the nature of the Welsh and Scottish bodies to be set up by the commission; secondly, the reporting and accountability of those Welsh and Scottish committees to the Welsh Assembly and the Scottish Parliament; thirdly, the arrangements in respect of the commissioners working in Wales for children and for older people, and the relationship between them and the commission; and, fourthly, particularly in the case of Wales and perhaps also Scotland, matters relating to indigenous languages—in my case, the Welsh language.

The commission will set up a Welsh committee. We welcome the fact that it will be a decision-making committee. As schedule 1 notes, it will have real power, and I hope it will also have the money to make that power work for it. It will advise the National Assembly for Wales and report to the Assembly, and similarly in Scotland. The commission member for Wales will be appointed with the consent of the National Assembly for Wales, and the Secretary of State for Trade and Industry will have to consult the National Assembly for Wales on some of the codes of practice. All these provisions are to be welcomed.

I refer the Minister to paragraphs 30(1)(a) and 30(2)(a) of schedule 1, relating to advice to the devolved Governments as regards enactments and changes in law that affect Wales only. There are similar provisions affecting Scotland only. I point out that the legislative position in Wales is not the same as it is in Scotland—at present at least. Will the Minister tell me in what circumstances the advisory functions would be carried out in Wales for matters that affect Wales only?

How will the children's commissioners in England, Scotland and, in particular, Wales compliment the work of the new commission and the new commissioner in Wales? I understand that the Government want to agree memorandums of understanding to ensure joined-up working. When will those memorandums of understanding be agreed and what priority will be given to them? In Wales, will the memoranda of understanding be drawn up with the Wales committee of the new commission or with the commission itself? Such detailed matters will be discussed in Committee or on Report, I presume.

Mr. Roger Williams (Brecon and Radnorshire) (LD): I welcome the introduction of memorandums of understanding between the commissioners, because they will be important in making the system work in Wales. Does the hon. Gentleman agree that the introduction of anti-discrimination legislation against ageism is important in Wales, where the employment rate among 55 to 59-year-old males is 41 per cent., compared with a figure of at least 71 per cent. in the east of England?

Hywel Williams: I agree with the hon. Gentleman, who has anticipated my next remarks. Another unique point about Wales is that we will have a commissioner for older people, and similar considerations to those that I have discussed will apply to how the commission works with them.

The last report that I received indicates that the Children's Commissioner for Wales has taken 600 cases, which represents a great amount of work and a great amount of experience. I seek an assurance that the commission will be able to take account of the experience that the Children's Commissioner for Wales has built up.

Finally, I shall turn to Welsh language issues, which the Bill does not address—probably rightly. Welsh language equality issues have not generally been seen as equality issues, although they have been seen in lots of other ways, but there is some profit to be had in considering those points from a rights-based standpoint. It is useful for us to examine how the commission will work in Wales in respect of the Welsh language, because there is currently such confusion about the role of the Welsh Language Board, the nature and timing of any change to its functions, which will be brought into the Welsh Assembly Government, and the regulatory function of the new office of the dyfarnwr—the adjudicator—which will retain the residual statutory powers of the Welsh Language Board to review Welsh language schemes.

I have drawn those matters to the Minister's attention because the Welsh Language Act 1993 states that Welsh and English are to be treated on the basis of equality, which is the magic word. That provision is subject to the qualification that equality is to be applied only where it is reasonable, appropriate and practical, so it is not total equality. The Bill discusses equality, but it does not address language equality in Wales, although it might have done so. Perhaps future legislation will address the matter, because if the Wales Bill, which will come before this House, is enacted, it will allow the Welsh Assembly to pass legislation or Orders in Council.

As I have said, it is unsurprising that Welsh language issues have not been addressed on a rights basis in the past. In some ways, Welsh is not a minority language—it has legal status and such languages are referred to elsewhere as proper languages. It is not an equal language or the majority language, but it is the proper language for Wales, and thus similar to some of the languages used on the Iberian peninsula.

In closing, I shall raise the practical question of providing goods, facilities and services. Provision through the medium of Welsh has not been addressed properly in the past, which has led to some people who want goods, facilities and services through the medium of Welsh not being able to access them. That matter must be addressed, perhaps not in this Bill, but certainly in any further legislation that the Welsh Assembly Government or the Welsh Assembly might wish to pass in the future.

9.29 pm

Mr. Tim Boswell (Daventry) (Con): It is pleasure to follow the hon. Member for Caernarfon (Hywel Williams) because, as I think that he is aware, my wife is also from the Principality, although she does not speak Welsh. His remarks reminded me of the historical perspective. We are now almost neutral as to people's linguistic choice, but those in the Principality have felt, and occasionally were, oppressed on account of their nationality. Perhaps it is a sign of where we need to be getting that that discrimination would generally be unthinkable nowadays.

This has been an interesting and sometimes rather revealing debate. Upwards of 20 Back Benchers have spoken, and it would probably be invidious of me to single any of them out. The Minister might like to refer to some Labour Members. On my side, I am grateful to my hon. Friend the Member for North-West Norfolk

[Mr. Tim Boswell]

(Mr. Bellingham), who is an expert in this area. On Second Reading, he spoke from the Front Bench but now speaks from the Back Benches. Conversely, on that occasion I spoke from the Back Benches, and now here I am on the Front Bench. I am particularly grateful to the neophytes—my hon. Friends the Member for Mid-Bedfordshire (Mrs. Dorries), for Hornchurch (James Brokenshire) and for Basingstoke (Mrs. Miller). They all made effective and balanced contributions, although some were heard somewhat at a distance and reported to me. Generally it has been a remarkably broad and useful debate—for the Ministers also, I hope.

For the avoidance of any doubt, I repeat that Conservatives welcome the Bill. I do not, on the whole, pursue policies of inconsistency. Having re-read my Second Reading speech from the Back Benches on 5 April, I do not resile from a word of it. I believe that the Bill and the discussion around it is an important signal of intent as regards the attitudes of this place towards minorities.

Meg Hillier: Several of us have tried to elicit a definition of political correctness from the Conservative point of view. Can the hon. Gentleman oblige?

Mr. Boswell: I am extremely grateful to the hon. Lady. I was coming to that, but I will spare her the wait. She referred, very modestly, to having been born after the introduction of some of the original legislation. I am so old that the first Prime Minister I remember, and in certain respects would even commend, was a certain Clem Attlee, who, when asked to define an elephant, said that it would be difficult to define but on the whole you knew one when you saw one. As a one-nation politician—I do not claim that approach exclusively for my party, although I wish I could—I am comfortable with the way in which the debate is going.

I have some working experience of the three existing equality bodies, and I would not find it easy to recognise some of the caricatures. It is an error to think that just because a person or an institution does not do the whole job they are useless. Of course there will be mistakes, but broadly their record has been as a force for good, and I commend and thank them for that.

Having said that, I am struck by the remarkable degree of dualism about several areas of the argument. From a one-nation viewpoint, I have no difficulty at all with the general duty in clause 3—that is what most of us are in politics for. I may have a little more doubt as to whether it can legally be deliverable in that form, but that is a separate issue. However, it is beyond doubt that beyond those great themes a huge amount of legal background music has to be played into what is a rather long and complicated Bill.

Although the Chamber is beginning to fill now, I detect that problems remain about many issues on the social frontier and they are not confined to one party. There is interest and enthusiasm among aficionados and experts but neglect elsewhere. We sometimes need to engage the people outside, who are not listening. Inevitably, that leads me back to the remark of the hon. Member for Hackney, South and Shoreditch (Meg Hillier) about political correctness. The new commission will have to resist it and take a lead in encouraging the notion to resist it. That requires an active communication strategy to explain what the new commission does and why.

It is important that as many people as possible have some ownership of the argument about discrimination. Business especially, though not exclusively, needs convincing that there is an opportunity and that it has an entirely proper role alongside the statutory organs in delivering an equality agenda. The commission will not function well unless it carries confidence. I never cease to make the business case in the House for diversity and equality awareness.

Mr. Andrew Turner (Isle of Wight) (Con): My hon. Friend says that business needs to line up alongside the statutory organisations in supporting equality. Does he find it surprising that the civil service continues to discriminate on the basis of age for recruitment and retirement when many businesses have long ceased to do that?

Mr. Boswell: I agree. That is an example of something that needs to change.

To be fair to the Minister—I do not mind that because she presented her case with some passion and charm—I believe that Ministers have listened to advice, not least from Government discrimination bodies and others, in establishing the commission. The current Bill is much better than the measure that we considered in April and the White Paper that preceded it. I mean no disrespect to the former Deputy Minister for Equality, the right hon. Member for Redditch (Jacqui Smith), who has now joined us and did a lot of work on the matter. Legislation, like wine, is better if it has matured than if it is rushed and consumed prematurely.

I am glad that the Government have been wise enough to drop religious harassment because of the criticism that they received on the ground of legal difficulty in another place. It may be sensible to revert to the matter but it needs careful consideration.

As some of my colleagues have done, I want to flag up genuine concern about the cost of the commission. When the Institute for Public Policy Research presented its original scoping proposals for a single commission, some of the equality bodies were worried that there might be an increase in cost. They believed that they would have to do the whole job for less. It has normally been the case that, when Ministers put several institutions into a single regulatory body—one of my hon. Friends referred to the Financial Services Authority—they claim that it will save money but it does not. In the case that we are considering, Ministers are coming out openly and saying that the commission will cost another 40 per cent. Goodness knows what the cost will ultimately be. Some of the debate compounded that with Christmas-tree politics, which adds on further nice things to do. That must be resisted; cost must be carefully probed and controlled.

Let me revert for the last time to political correctness. I emphasise that the commission has an important role in ensuring that that is resisted. There must be no argument for saying that the commission is playing into that. It should also positively dissuade others from doing that. I know from my work in health and safety that it is often not a commission that plays into political correctness.

Judy Mallaber: Will the hon. Gentleman make a commitment on behalf of the Conservatives that, every time they come up with an example of alleged political correctness, they check their facts to ensure that it is not merely one of the many myths that are put about and that make all-too-lovely newspaper headlines?

Mr. Boswell: The hon. Lady will understand that I can be responsible for what I say, but I am not sure that I can be responsible for what my colleagues say.

Mr. Swayne: Will my hon. Friend give way?

Mr. Boswell: No, I will not. I cannot be responsible for my hon. Friends, let alone for Labour Members, but we will all do our best. Let us be straight about this; let us find out what is involved and let us understand that if the commission encourages or condones such attitudes, it will devalue its own work. That is not something that I want it to do.

I believe that the great majority of people in this country want to see fairness of treatment and respect for the rights of others as well as of themselves. I also believe that the moral centre of this country is somewhere above the lowest level of the comment in the tabloid newspapers, which consistently underestimate people's decency. They are wrong to do that.

It has been observed that there is unfinished business in other parts of the Bill. There is much more work to be done on producing a single concept, as a result of the gradual, incremental way in which the law on disability and other discrimination has come together. That is why I welcome the review, and the Minister's readiness to open it to outside engagement. There will undoubtedly be a need for a new, single equality Act, but it is better to take a little more time to get that right. I emphasise to the Minister the importance not only of legal form but of equality of redress, so that all the different parts of the Bill work to ensure that people who have a problem can get it raised. The commission will have a role to play in that regard. The relationship with human rights was mentioned in relation to publicly financed private institutions and service providers such as care homes. Many other detailed points were raised, but I do not have time to rehearse them now.

As for the effects of the Bill, the worst possible scenario would be for the Government to believe that the establishment of the commission were an end in itself—I am not saying that they do—or some kind of sophisticated displacement activity, rather than the means to address real inequality of opportunity in society. I very much welcome the review under Trevor Phillips. Members on both sides of the House have rightly referred to the continuing gender pay gap, and to the engagement of disabled people and ethnic minorities in employment. These issues will not go away, and we should talk about them. We should not blame the equality bodies because perfection has not been achieved; but continue to work towards reducing the gaps.

France was mentioned earlier, and all these issues should be viewed without complacency or schadenfreude by Labour Members. A good Parliament should be alert to changing social conditions and try to steer them in the right direction. That is why it is important that the commission should have a role involving monitoring and speaking out. It is, incidentally, possible to cut the costs of monitoring by outsourcing some of those tasks to academia, for example. They do not all have to be done in-house. When Trevor Phillips gets up and expresses his extremely important and challenging views on ethnic inclusion in the United Kingdom, it is right that such people, who take the lead on these issues, should be able to speak out and open up the debate, even if we do not agree with their every last word. That forms part of the national debate. It is not necessarily an expensive activity and I hope that the commission will be able to play a part in it.

Today's debate has shown that we all have a duty to have regard to the condition of the people, and a special duty towards those who are less well placed to voice their concerns. Frankly, most of us will get our own way, one way or another, but there are plenty of people who will not. In our own interests as much as those of anyone else, we need to open our society to the potential of all our citizens, and to remove any roadblocks to their progress and welfare, both as individuals and as groups of individuals. The Bill and the commission will stand or fall on whether they really help to achieve those shared objectives. I support the Bill because I expect and hope that it will help—not on its own, but over time and with the good will of the people—to achieve some of those goals for us.

9.44 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mrs. Anne McGuire): It is a pleasure to follow the hon. Member for Daventry (Mr. Boswell), who on these issues always makes a thoughtful contribution to the House. I also thank the many hon. Members who have contributed to today's debate, including my hon. Friends the Members for Amber Valley (Judy Mallaber), for Wallasey (Angela Eagle), for Cardiff, North (Julie Morgan), for Erewash (Liz Blackman)—these quaint English names are sometimes beyond my good Scot's tongue—for Brighton, Kemptown (Dr. Turner) and for Stafford (Mr. Kidney) and my hon. and learned Friend the Member for Redcar (Vera Baird). I also congratulate the many new Members who have contributed to today's debate, including my hon. Friends the Members for Worsley (Barbara Keeley), for Tooting (Mr. Khan), for Hove (Ms Barlow) and for Hackney, South and Shoreditch (Meg Hillier), and those on the Opposition Benches.

I also thank the official Opposition for their support for the Bill, the Liberal Democrats, the Democratic Unionists—who I think support the Bill—and Plaid Cymru, who I trust speak for all the nationalists in the House. We are in the gratifying situation that on this day in 2005 we have almost unanimous agreement on some of the major equality issues. That is to be applauded, because some of us remember the time before the Race Relations Act 1976, the Disability Discrimination Act 1995 and the equal opportunities legislation, when there was not always consensus in the House on how to tackle discrimination.

[Mrs. Anne McGuire]

This is an ambitious Bill, as many contributors to the debate today have said, and we have had a wide-ranging and supportive debate that appropriately reflects the Bill's objectives and underlines how it will affect the lives of so many diverse individuals and groups represented in our communities. Some of the examples that have been raised today are indicative of that. I am grateful for the points that have been made and I shall come to them in a moment.

The Bill is the latest step in the development of our equality and human rights framework. It builds on sound legislative changes that have already been made to challenge race discrimination in public bodies, to better protect people at work from discrimination and to strengthen the rights of disabled people when accessing services and the public sector. It builds on the excellent work done by the three existing equality commissions and the many other organisations working to make Britain a better place for all. As the Minister with responsibility for disabled people, I applaud and recognise the fact that the Disability Rights Commission is five years old this year. Ten or 15 years ago, disabled people throughout the United Kingdom never thought it possible that we would have such a commission to champion their cause and to challenge on their behalf.

The law has moved on, with regulations tackling workplace discrimination on grounds of religion and belief, and sexual orientation. There will soon be similar regulations to tackle age discrimination. But there are no institutions in place to enforce those regulations. There is no institution providing advice or promoting human rights. So the time is right for a single commission for equality and human rights, ensuring greater impact, greater relevance, greater ease of access and greater coherence.

The Bill also extends the legislation against discrimination on the grounds of a person's religion or belief. For the first time, it provides protection and reassurance for many in the provision of goods, facilities and services and other important areas.

Part 2 corrects an anomaly in the law. Through developments under the Race Relations Act, Jews and Sikhs are already protected against discrimination in the provision of goods, facilities and services, the management and disposal of premises and the provision of education—protection that is not available to any other faith or belief. The Bill deals with that anomaly.

It is generally accepted, that the Bill has been improved by the addition of part 3, which contains the power to make regulations prohibiting discrimination on grounds of sexual orientation. It is an example of the Government's response to support in Parliament and elsewhere. We are honouring our long-standing commitment to gender equality by introducing the most significant measure in 30 years in the form of a new public duty.

The Bill is not intended to do everything, but it forms part of our overall strategy for action on equality. I think it was my hon. Friend the Member for Wallasey who said, using a telling phrase, that this was the starter before the main course. Work is continuing on the other two prongs. The equality review is considering the underlying causes of continuing inequalities, while the discrimination law review is considering the development of a more consistent and coherent legal framework throughout discrimination law. I ask Members who may be disappointed by some of the perceived gaps in the Bill to bear in mind the importance of getting changes right before including them in legislation.

Opposition Members in particular mentioned cost. The £70 million budget planned for the commission represents a 43 per cent. increase on the existing commissions' budgets, but it also reflects an objective assessment of what the CEHR will need, based on work to identify its activities and services and the resources required to support them. Others raised the issue of regional presences. One reason for our wish to fund the commission properly is the need to ensure that there is a strong regional presence. Combining the various bodies will produce efficiency savings, but they will be ploughed into front-line services. There will not be an open-ended cheque book which no one will ever scrutinise. The budget is specifically for the work that the House will ask the commission to do, and, as I have said, any savings will be ploughed back into the front line.

Mrs. Laing: Will the Minister undertake to report to the House each year on how much the CEHR has cost and why the cost has risen or, indeed, fallen? Keeping costs down will be very important.

Mrs. McGuire: As the hon. Lady well knows, Ministers come to the House each year to explain their budget commitments and how the budgets are spent. I assume that this will be part of our normal accountability to Parliament.

The business community was mentioned by both the hon. Lady and the hon. Member for Basingstoke (Mrs. Miller). Representatives of the CBI and the Small Business Council participated in the CEHR taskforce, helped to draw up the White Paper and advised on consultation responses, and are represented on the CEHR steering group, which is advising on the establishment of the new commission. In fact, business wants a single equalities body: it wants all advice and guidance on all areas of discrimination and human rights law to be in one place. I hope that that gives some comfort to those who fear that businesses feel that they are being over-regulated. They are actually being very supported.

The hon. Members for Romsey (Sandra Gidley) and for Sutton and Cheam (Mr. Burstow), my hon. and learned Friend the Member for Redcar and, again, the hon. Member for Basingstoke mentioned age discrimination. It is clearly wrong at both ends of the spectrum—and the House should recognise that it happens to younger as well as older people. Developing ways to tackle age discrimination in an effective, properly targeted manner is, however, complicated and that is why we have asked the discrimination law review team to examine ways in which we can solve some of the major issues. It is fair to say that Age Concern, Help the Aged and other organisations representing older people support that approach, rather than putting measures into the Bill and perhaps not getting it right at this time.

I wanted to deal with the issue of children. Of course children are people and they will be covered by the CEHR. As the hon. Member for Caernarfon (Hywel Williams) highlighted, there will be memorandums of understanding with the commissioners in both Wales and Scotland. It is important that we recognise the nuances of devolution in relation to that element.

Hywel Williams: Will the Minister ensure that there is full discussion with the Welsh Assembly on the appointment of members to sit on the Welsh committee?

Mrs. McGuire: I can assure the House that there are already discussions taking place with both the Welsh Assembly Government and the Scottish Executive on those issues.

On regional arrangements, I hope that I have already dealt with that under the issue of cost. It was raised by my hon. Friend the Member for Cardiff, North and by my hon. and learned Friend the Member for Redcar. We have listened intently to all the representations from across the country as to where the commission's headquarters should be sited. We have noted them all and the location study will report in due course.

My hon. and learned Friend the Member for Redcar made an important point when she asked why we had not gone down a fourth way and provided a legislative solution to the problem of the meaning of "public authority" in the Human Rights Act 1998. We must be sure that any legislative alteration to the meaning of public authority in the Act will not have an adverse impact on other discrimination legislation, such as that on the public duty to promote equality. It is for that reason that we have asked the discrimination law review team specifically to consider that issue. We expect to issue a consultation paper calling for arguments and evidence on that subject early next year.

I will deal quickly with some of the more specific issues that were raised. I give my hon. Friend the Member for Erewash the assurances that she was seeking in terms of the disability strand. I also pick up on some, not all, of the contribution of the hon. Member for New Forest, West (Mr. Swayne). There is a cut-off date of 18 May to allow boy scouts and girl guides to continue to make the promise. We did not want to create a loophole where future groups could get around discrimination laws by requiring potential members to make a statement such as, "I believe in all faiths but Islam" or "I believe in all faiths except Christianity." It is to deal with a potential loophole.

I hope now to give the hon. Member for North-West Norfolk (Mr. Bellingham) some pre-Christmas cheer and to send him away with a smile and spring in his step, which I reckon is a pretty formidable task. The Home Office is not withdrawing funding from the carol service that he mentioned. In fact, it has agreed to pay up to £2,000 towards the cost of the memorial service for four consecutive years.

This is an important Bill that has gained widespread support in this House. It is a good Bill and I hope that the House will endorse it.

Question put and agreed to.

Bill read a Second time.

EQUALITY BILL *[LORDS]* (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Standing Order No.83A (6)(Programme motions).

That the following provisions shall apply to the Equality Bill [Lords]:

Committal

1. The Bill shall be committed to a Standing Committee.

Proceedings in Standing Committee

2. Proceedings in the Standing Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 8th December.

3. The Standing Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the day on which proceedings on consideration are commenced.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further message from the Lords) may be programmed.—*[Mr. Dhanda.]*

The House divided: Ayes 292, Noes 42.

Division No. 103] **[9.59 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Benton, Mr. Joe
Bercow, John
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Breed, Mr. Colin
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Burstow, Mr. Paul
Butler, Ms Dawn
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cooper, Rosie
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.

Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
Gardiner, Barry
George, Andrew
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gidley, Sandra
Gilroy, Linda
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Harman, rh Ms Harriet
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Henderson, Mr. Doug
Hendrick, Mr. Mark
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Howarth, David
Howarth, rh Mr. George
Hughes, rh Beverley
Hughes, Simon
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Kemp, Mr. Fraser
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Ladyman, Dr. Stephen
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
MacDougall, Mr. John
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meale, Mr. Alan
Michael, rh Alun
Miliband, rh Mr. David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pound, Stephen
Prescott, rh Mr. John
Price, Adam
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robinson, Mr. Geoffrey
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Teather, Sarah
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Williams, Mrs. Betty
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Gillian Merron and
Mr. Alan Campbell

NOES

Boswell, Mr. Tim
Brazier, Mr. Julian
Brokenshire, James
Burrowes, Mr. David
Campbell, Mr. Gregory
Clifton-Brown, Mr. Geoffrey
Davies, David T.C. *(Monmouth)*
Dorries, Mrs. Nadine
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Goodwill, Mr. Robert
Grieve, Mr. Dominic
Hammond, Stephen
Harper, Mr. Mark
Hendry, Charles
Hollobone, Mr. Philip
Hurd, Mr. Nick
Laing, Mrs. Eleanor
Lewis, Dr. Julian
McCrea, Dr. William
McIntosh, Miss Anne
Miller, Mrs. Maria
Moss, Mr. Malcolm
Murrison, Dr. Andrew
O'Brien, Mr. Stephen
Pritchard, Mark
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Selous, Andrew
Spink, Bob
Stanley, rh Sir John
Stuart, Mr. Graham
Swayne, Mr. Desmond
Taylor, Mr. Ian
Viggers, Peter
Wallace, Mr. Ben
Watkinson, Angela
Whittingdale, Mr. John

Tellers for the Noes:
Mr. Eric Forth and
Mr. Andrew Turner

Question accordingly agreed to.

EQUALITY BILL *[LORDS]* [MONEY]

Queen's recommendation having been signified—

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a)(Money resolutions and ways and means resolutions in connection with bills).

That for the purposes of any Act resulting from the Equality Bill [Lords] it is expedient to authorise the payment out of money provided by Parliament of—

(1) expenditure incurred under the Act by the Secretary of State, and

(2) any increase attributable to the Act in sums payable out of money so provided

under another enactment.—[*Mr. Dhanda.*]

Question agreed to.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation).

MAGISTRATES' COURTS

That the draft Family Procedure (Modification of Enactments) Order 2005, which was laid before this House on 12th October, be approved.—[*Mr. Dhanda.*]

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation).

FAMILY PROCEEDINGS

That the draft Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) Order 2005, which was laid before this House on 12th October, be approved.—[*Mr. Dhanda.*]

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation).

ACCESS TO JUSTICE

That the Revised Funding Code prepared by the Legal Services Commission, a copy of which was laid before this House on 19th October, be approved.—[*Mr. Dhanda.*]

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation).

NORTHERN IRELAND

That the draft Employment (Miscellaneous Provisions) (Northern Ireland) Order 2005, which was laid before this House on 24th October, be approved.—[*Mr. Dhanda.*]

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation).

EUROPEAN COMMUNITIES

That the draft European Communities (Definition of Treaties) (WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty) Order 2005, which was laid before this House on 13th October, be approved.—[*Mr. Dhanda.*]

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation).

FOOD

That the draft Healthy Start Scheme and Welfare Food (Amendment) Regulations 2005, which were laid before this House on 3rd November, be approved.—[*Mr. Dhanda.*]

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation).

CRIMINAL LAW

That the draft Criminal Justice Act 2003 (Commencement No. 12 and Transitory Provisions) Order 2005, which was laid before this House on 27th October, be approved.—[*Mr. Dhanda.*]

Mr. Speaker: I think the Ayes have it.

Hon. Members: No.

Division deferred till Wednesday 23 November, pursuant to Standing Order No. 41A (Deferred divisions).

COMMITTEES

ENVIRONMENTAL AUDIT

Ordered,

That David Lepper be discharged from the Environmental Audit Committee and Mrs Linda Riordan be added.—[*Rosemary McKenna, on behalf of the Committee of Selection.*]

WELSH AFFAIRS

Ordered,

That Mrs Betty Williams be discharged from the Welsh Affairs Committee and Jessica Morden be added.—[*Rosemary McKenna, on behalf of the Committee of Selection.*]

Transport (South-West)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Dhanda.]*

10.15 pm

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op): My constituency is strategically located at the centre of the far south-west on the border of Devon and Cornwall. Plymouth is the south-west region's second city, with a population of 240,000 people. In my previous debate on urban renaissance in Plymouth, I spoke of our plans to accommodate—indeed, to welcome—substantial population growth over the next 20 years, taking us to 300,000 or even 350,000 people. Such growth, matched by increased economic activity and housing provision, will allow Plymouth to achieve a level of performance and quality of life appropriate to its size. It will also play a key part in addressing local and regional disparities in our economy and standing of living. Disparities between the east and west ends of our region are the greatest of any region in England. Plymouth recognises the need for a rapid improvement in transport performance in this context.

The city council has submitted a bid for intervention funding from the Office of the Deputy Prime Minister to meet support from a partner authority for further acceleration of its performance improvement. Evidence of Plymouth's commitment to transport issues and its ability to deliver when investment is available includes the A386 major transport scheme, an impressive performance on road safety—Plymouth has already reached the national 2010 targets for accident reduction and recently published a child road safety audit to indicate how further improvements can be made—and the Morice Town home zone, which is in the constituency my hon. Friend the Member for Plymouth, Devonport (Alison Seabeck) and is a national example for reducing crime, road accidents and through traffic.

Given good project management and the success of the partnering contract with the main contractor, the city council is meeting its targets for the delivery of the A386 major scheme within budget and on time. The council has recommended to the Department for Transport additional complementary elements to the major scheme to deliver stretched outcomes without increasing the funding contribution from the DFT of £11.25 million. Although the city council understands that the Department for Transport is not currently in a position to confirm whether savings from the capital programme can be released to fund additional elements, it hopes that the DFT will be able to make a positive response to its recommendation at the earliest opportunity.

Plymouth's second local transport plan focused on increasing bus patronage, which has been declining faster than national levels in recent years. A number of projects that are nearing completion should assist in building bus patronage. The investment to achieve that has been welcome, and I hope the Minister will agree that good use is being made of it. Nevertheless, I point out that Plymouth received lower transport allocations than other cities of similar size under the first local transport plan, when our aspirations were perhaps a little lower than they are now. Although our performance two years ago was poor, the council has now placed transport high on the city's agenda, and the annual performance score has risen from a low of 42 per cent. to 64 per cent. now.

Plymouth has not submitted a bid for this round of the transport innovation funding, as its strategy needs to be developed further in that respect, particularly to explore opportunities to work jointly with its neighbours in the sub-region, but the Government can expect a major scheme bid to be identified in the second LTP submission next March and further funding bids through both the transport innovation fund and other domestic and European funding streams, supported by increasing private sector involvement. It is vital that central Government are prepared to increase their investment in transport infrastructure for Plymouth to enable sustainable economic and housing growth in the far south-west and to send a clear message of confidence to the market.

I now to turn to the importance of transport links and connectivity to the rest of the UK. Research commissioned by SWERDA—the South West of England Regional Development Agency—from the university of the West of England and Bath university has shown that increased journey times and journey costs, coupled with the isolation from complementary businesses, causes productivity to reduce by as much as 4 per cent. per hour, compared with businesses located in the south-east, owing to added journey times from London. A normal road journey from Plymouth to London takes four hours 15 minutes, and the journey from further down in Cornwall in Penzance takes a good two hours more.

Following announcements made in 2001 on the combined ODPM and Department of Trade and Industry approach to regional policy, a consultation was launched at the time of the 2004 pre-Budget report called "Devolving Decision Making." It gave a commitment to a public service agreement target to

> "make sustainable improvements in the economic performance of all English Regions and over the long term to reduce the persistent gap in growth rates between the regions, defining measures to improve performance and reporting progress against these measures by 2006".

The consultation on funding allocations comprises transport, housing and economic development funding streams, and the Government are requesting advice by the end of July 2006.

I know that the regional assembly and the regional development agency are working on the regional spatial and economic strategies. They must achieve a challenging balancing act if they are to ensure that their priorities for investment tackle congestion on road and rail and resolve bottlenecks so that our economy performs in a way that reduces the economic disparities that I have mentioned.

I do not intend to try to put before the Minister the content of the advice on transport that is emerging from the process. My goal tonight is to give him and his colleagues a picture of the critical importance of recognising the needs of Plymouth, Devon and Cornwall and the scale of the challenge facing businesses, planners and public services. I also want to explain why such issues have been—and remain—at the top of the agenda for business organisations such as the Devon and Cornwall business council and the Plymouth chamber of commerce for as long as I can remember. I shall consider each of the important land-based transport modes, some current challenges and the light that they cast on the importance of the decisions that lie ahead.

On roads, the Minister will know of the disappointment about the decision to prioritise investment on dualling the A303-A358 instead of the A303 west of Ilminster through to Exeter. Ensuring that there is resilience and reliability by developing two fully strategic arteries to address the challenges for the west of Devon, Plymouth and Cornwall could be properly achieved only by dualling the A303 to Exeter. I suspect that the Secretary of State was unwilling to back the overwhelming wishes of the Devon and Cornwall business community because only a slender majority of the assembly was in favour. There was a strategic failure to recognise the importance of reliable road travel when addressing regional disparities. I am sorry to criticise a body that I believe strives on most occasions to fulfil a strategic role well through what is an important and increasingly indispensable job. The decision enhances the position of Taunton and the surrounding areas, which already have comparatively good connectivity by rail and road outside the region, but does little to address the productivity deficit to which I referred earlier.

The past six to nine months have demonstrated clearly why the decision was bad. Roadworks on the M5, the A38 and the A303 at Marsh have caused delays and increased journey times, which has caused considerable frustration and concern to people and businesses in Devon and Cornwall. The quality of stakeholder consultation has been poor. The time scale of the four-mile works on the A38 around Buckfastleigh, for which no night-time work is planned, means that there will be a 26-week period during which the carriageway will be restricted, which has caused particular concern. I know that DCBC and Plymouth chamber of commerce have made robust representations about that. I hope that the Minister will consider whether night-time work could be allowed after the completion of a bridge section—that section is adjacent to a settlement, so we all understand that it deserves consideration—and especially before the 2006 tourist season begins. I would welcome him taking an interest in ensuring that future consultation is of a better quality, especially in the light of what I am about to say about our rail services in the near term.

Road investment to remove bottlenecks is important and welcome, but there is worry that the overall pot of money proposed for the south-west will not be enough, especially if the enhancement of the A303 by tunnelling at Stonehenge, which will be an expensive project, must be paid for from that pot. I repeat a plea that I made earlier this year: we must ensure that that investment is taken from national resources because the work will enhance a site of national, and indeed international, importance. As I have said, the consultation on funding allocations is requested by the end of January 2006. If we cannot have a true second arterial route opened up to the west of Devon and Cornwall, issues relating to our rail and air services will become even more critical.

Alison Seabeck (Plymouth, Devonport) (Lab): Is my hon. Friend aware that, as part of Transport for London's look at the corridor plan for South West Trains, the Mayor of London is considering demand patterns to the south-west? Does she agree that it is vital that the Mayor fully understands the importance of maintaining regular and fast links to the south-west, that the Crossrail project could, particularly during its construction phase, have serious implications for the south-west that need to be fully considered and understood, and that the Mayor really must ensure that his plans are not too London-centric?

Linda Gilroy: I certainly welcome my hon. Friend's move to ensure that the Mayor is fully aware of that. The Minister knows well our concerns about rail; many Members have made robust representations. Viewing our transport issues across the piece is essential against the background of what I have just been saying about roads. He has certainly heard our concerns about how Crossrail could disrupt our hard-won three-hour journey to Plymouth, which would of course also impact on services beyond. Positive consideration of the regional assembly's petition for a full impact assessment is vital. I also believe that there is to be disruption to the Waterloo to Exeter service. Will the Minister ensure that any journey delays arising from that do not clash with the period of work on Crossrail?

The importance that Plymouth attaches to the three-hour journey—remembering the productivity issues that I mentioned earlier—must be recognised. The document for the renewal of the Greater Western rail franchise ought to specify more than one three-hour journey per day to and from London Paddington and the preservation of our sleeper service to Plymouth and Cornwall.

Andrew George (St. Ives) (LD): The hon. Lady is right about the case that she makes about rail services to the far south-west and Cornwall. The shortest train journey time to Penzance is five hours, and more often longer, so does she agree that, given the threat to the sleeper service and the fact that both the east and west main lines provide far faster services to the north of England and Scotland, the Minister has only one choice: either to give Cornwall and the south-west a high-speed rail link or to keep the sleeper service? He cannot deny us both.

Linda Gilroy: We certainly need to preserve the sleeper service and to see development, growth and a positive step change in public transport delivery to match the rising demand and expectations not only of the residents of Plymouth but of the region's residents and visitors. The fact that Plymouth's population is set to grow from its present 240,000 perhaps to as much as 350,000 has not been properly considered.

Will the Minister look at the specification of the new Greater Western franchise to ensure that it takes account of the growth anticipated by the regional economic strategy and "The Way Ahead"? As they are currently outside the remit of the regional funding allocation's transport budget, can he help us ensure that investment in rail services supports the region's aspirations for spatial and economic growth? What consideration has his Department given to the need to maintain the integrity of existing strategic rail routes into and out of the region with regard to the future of the Dawlish sea wall and the impact of climate change? I

[Linda Gilroy]

hope that he acknowledges that we need some strategic oversight of the proposed road and rail works to ensure that we do not see deterioration in what is becoming viewed as "transport exclusion" in our part of the world.

Finally, will the Minister consider our air services against that same background? Services from Plymouth airport are doing well with new operators Air Southwest and Air Wales. Demand has increased substantially, and in the past 12 months the number of passengers using the airport has increased by 68 per cent. to 132,000. There are now 11 scheduled flights a day to London Gatwick, Bristol, Manchester, Newcastle, Dublin, Cork, Cardiff, Leeds, Liverpool, Aberdeen and Jersey. That contrasts with the situation just a little more than a year ago, when there was a service only to Gatwick. That is a significant improvement.

Plymouth city council is committed to retaining an airport in the city. A study will soon report on the facility that would bring most benefit to the city in terms of the ambitions and aspirations that I mentioned earlier. The viability of Plymouth airport has always depended on running joint services to Newquay St. Mawgan airport. In the light of last week's decision by the Ministry of Defence on St. Mawgan, will the Minister take a close interest in ensuring that public support and help to keep important air services flying to Cornwall complements this growth in Plymouth's air services, rather undermines it, as it has the potential to do? What is happening with the Department of Trade and Industry's consideration of whether regional development agencies can invest in route development funding, as requested by the north-east and north-west RDAs? Can the Minister understand the importance of having a framework that allows us to secure our air services, given the challenges faced by, and the fragilities of, our road and rail services, to which I have referred?

The Minister knows that I am normally a "glass half full", rather than a "glass half empty", person. Our part of the region is capable of achieving and welcoming sustainable growth in a way that some other parts of the country perhaps are not. I hope that he can do something to reassure my constituents—especially those in the business community, who are keen to help Plymouth and the south-west to reach their full potential—about the Government's commitment to assisting with the challenges that I have described. In particular, I hope that he will look at the role that the revolving investment fund proposed in "The Way Ahead" might play in helping to achieve our ambitious agenda for improving the transport infrastructure of, and services to, Plymouth, Devon and Cornwall.

10.31 pm

The Parliamentary Under-Secretary of State for Transport (Derek Twigg): I congratulate my hon. Friend the Member for Plymouth, Sutton (Linda Gilroy) on securing this important Adjournment debate on the transport needs and priorities in the far south-west. I listened very carefully to what she said.

This Government are committed to sustained long-term investment to improve local transport as a key element of their 10-year plan for transport. We announced in December 2000 that £8.4 billion would be available to implement local transport plans across England over the following five years. We also indicated that the four transport authorities in the far south-west would receive more than £88.8 million for integrated transport and maintenance measures in their first LTPs. In addition to this figure, we provided more than £15 million in reward funding and supplementary bids.

In our White Paper entitled "The Future of Transport—A Network for 2030", which was published last year, we confirmed our commitment to continue this high investment in all forms of transport. The planning guidelines published for the five years of the second LTPs maintain these high levels of investment. Subject to the results of the consultation and the final assessments of the far south-west authorities' second LTPs, we plan to make available similar levels of investment— nearly £99 million over the next five years. Of course, if the LTPs are assessed as among the best in the country, that figure could increase significantly.

LTPs will address the very real needs of people in the far south-west. The focus will be on our shared priorities, which have been agreed with our partners in local government. There are four main areas for LTPs to address. First, they will tackle congestion, which costs us all in lost time and pollution. Secondly, they will aim to improve people's access to the jobs and services that they need for day-to-day living. Thirdly, they will continue the excellent work undertaken in the past five years to improve road safety. Plymouth city council, for example, has achieved a 48 per cent. reduction in serious or fatal child casualties over the life of the first LTP. Finally, LTPs will aim to improve air quality by working with other stakeholders to remove the air quality management areas that have been declared.

Transport authorities are now working up final plans to take account of lessons learned, and planning for the next five years. The Department is working closely with authorities across a range of topics, and advising, where necessary, on improving delivery against targets. Final LTPs will be presented to the Government in March next year.

LTPs have also provided a financial mechanism for delivering major schemes in the far south-west that cost more than £5 million. Of the four schemes—including Highways Agency schemes—currently under construction, the Plymouth one is a major public transport scheme. It includes a park-and-ride facility, public transport prioritisation and realignment of the A386 to allow increasing of the runway end safety area at Plymouth airport and conformity with Civil Aviation Authority regulations. Initially, this scheme had provisional approval to spend £5 million, but the Government approved a cost increase to £11.25 million, as the scheme still provided excellent value for money. I am pleased that the authority has brought the project to completion with savings on the original budget, and I congratulate it on that achievement.

In Devon, construction began on the Barnstaple bypass in February 2005. The scheme is partly funded by Devon county council but the majority of resources—nearly £38 million—come from central Government funds. Two further schemes in Cornwall have received provisional approval for more than £37 million—the A39 Camelford distributor road and the A391 St. Austell to A30 link road. Work has begun on the Highways Agency scheme to replace the single carriageway A30 trunk road between the Bodmin bypass and the Indian Queens bypass with a new dual carriageway at a cost of £93 million. It is planned to open the road in summer 2007.

Work has also commenced on the improvement at Merrymeet, which will open in April 2007. The public inquiry into the Dobwalls improvement will open in January next year. That, too, is evidence of a genuine commitment by the Government to address local congestion points in the region. Cornwall and the Isles of Scilly are designated objective 1 funding areas, and have thus benefited from significant investment in transport. Schemes such as the double tracking of the main rail line between Probus and Burngullow and improvements at Newquay airport to increase passenger handling capacity have increased opportunities in the region. Authorities in the far south-west have been successful in bidding for funds from other central funding sources. Recently, support has been announced for more than £2 million of kick-start bids in that part of the region. In the past five years, nearly £5.1 million has been awarded from the urban and rural bus challenge funds. In addition, I recently announced that £1.5 million would part-fund work to turn Exeter into one of six cycling demonstration towns.

My hon. Friend will recall the announcement on the second strategic road route to the south-west by the Secretary of State in November last year. The decision was made to improve in due course the A358 so that it would provide that route in conjunction with the A303. The route was chosen on the grounds of value for money and the lowest impact on the environment. The process has now been handed over to the region to decide how the route fits with other priorities. The world heritage site at Stonehenge, which my hon. Friend mentioned, is recognised by the Government as extremely important. However, due to a substantial increase in the cost of the proposed Stonehenge tunnel, we have deferred a decision on the inspector's report and recommendations on the draft scheme orders. Instead, a detailed review of scheme options is being carried out. There will be a full public consultation early in the new year before the steering group puts its recommendations to the Government by summer 2006. We do not know what will emerge from the review and what the scheme will cost. It is not possible to say how it will impact on the regional funding allocation for the south-west at this stage.

Linda Gilroy: My understanding is that the cost of the scheme approaches £300 million, which accounts for a significant part of the transport budget. I hope that the Minister will keep an eagle eye on that issue, and help us to ensure that if the scheme goes ahead in that form the funding comes from a national, rather than a regional, budget.

Derek Twigg: My hon. Friend makes an important point, but she will have noted what I have just said.

We have introduced regional funding allocations so that the regions have more opportunity to influence the way in which transport funds are spent in their area. The south-west has been given an indicative allocation of just over £1 billion for the period 2005–06 to 2015–16. That sum will be devoted to funding local authority schemes costing over £5 million and schemes on trunk roads and motorways on the Highways Agency's regional network. The south-west region has been asked to identify the schemes that it regards as priorities for funding over that period and to submit that advice to central Government by end of January 2006. In that context, the suggestion of a revolving infrastructure fund for the south-west region is an interesting one, as it could be a useful tool in helping to provide development in the right places so that land use and transport considerations are properly integrated in support of sustainable economic growth.

My hon. Friend referred to rail issues. My Department is currently considering bids for the Greater Western rail franchise. The refranchising operation aims to deliver improved journey times, better quality, and more coherent services between London Paddington and the west. The new franchise will require the operator to provide at least one three-hour train in each direction on weekdays—there is currently no such obligation. The existing operator provides all such services on commercial judgment.

The base case on which the winning bidder for the Greater Western franchise will be chosen includes the continuation of the sleeper service. However, bidders were asked to submit a costed option of not providing it and were encouraged to look for alternative ways of serving the overnight market between London and the south-west. The aim of the costed option is to provide evidence of the cost of delivering the service and, if possible, to provide ways of identifying options that offer better value for money.

Crossrail will increase capacity and offer a better range of transport connections to central London, the City and docklands. Construction will be managed through a series of night-time and weekend track possessions and a two-week closure of Paddington. The details will be established through the normal Network Rail timetable and works planning processes. There is not expected to be any specific impact on services to and from the south-west during normal operation to and from Paddington. The intention is that Crossrail will use the slow lines, not the fast lines. The fast lines will also benefit from the additional electrification to ease freight train access.

My hon. Friend asked what consideration the Department has given to the need to maintain the integrity of the existing strategic routes with regard to the future of the Dawlish sea wall. This is an important and very scenic connection, on which Network Rail spent £2.5 million in 2003 to strengthen the foundations of the sea walls.

The works on the A38 to which my hon. Friend referred are essential maintenance to replace a stretch of road that had begun to fail structurally. Following discussions with the local environmental health officers, it was determined that night working is not possible because the road runs near communities and would cause annoyance to residents. The machinery being used is, I understand, very noisy. I note that the work was programmed for the quieter months from September through to Easter, to be completed before the main holiday season starts.

[Derek Twigg]

I welcome the growth of Plymouth airport over the past 12 months as a result of the introduction of new services. That is in line with policies in the air transport White Paper supporting the expansion of regional airports to serve local demand. However, the future development of Plymouth City airport is a matter for the city council and for the operator. I understand that they have commissioned a study to examine the future role of the airport, including the possibility of extending the main runway in order to assure the long-term viability of the airport. The airlines currently serving Plymouth have aircraft capable of operating a viable network of routes from the existing runway.

My right hon. Friend the Minister of State, Ministry of Defence announced on 17 November that RAF St. Mawgan will not be considered further as a base for the joint combat aircraft. I am grateful to him for the clarity of the decision, which I hope will help to alleviate concerns in the far south-west about the long-term future of Newquay Cornwall airport, which utilises the runway, apron and other facilities of St. Mawgan. The decision leaves the way clear for Cornwall county council, which operates the civil airport, to propose plans for its long-term development.

My hon. Friend asked about route development funding to support the start-up of new services from airports in the south-west. The air transport White Paper advocated the use of such funds, but it is for each individual regional development agency to consider whether to establish a fund, in the light of its own financial position and priorities.

Linda Gilroy: I have not heard my hon. Friend's full answer, of course, but I meant to raise the potential role for public service obligations, such as exist up to Inverness airport. May I add to the representations that I made about preserving air services by saying that that should be kept under review? With the fragility of the service, which we outlined today, and the dependence of the two airports on each other, such an obligation could be necessary in the future.

Derek Twigg: I understand the important point that my hon. Friend makes. In her speech, she was clear about that.

The far south-west is a diverse region with a growing population, great economic potential, and prized environmental and cultural assets. To maximise the benefits from these advantages, and to enable the region to develop economically and reduce social exclusion, transport must be well planned, managed and delivered. The Government are committed to working with our regional and local partners to provide the leadership that that requires. I hope I have been able to give some reassurance to my hon. Friend about our commitments to the far south-west, but I know that she will continue to be a great advocate for the south-west and for improvements in transport in the region.

Question put and agreed to.

Adjourned accordingly at sixteen minutes to Eleven o'clock.

House of Commons

Tuesday 22 November 2005

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

HEALTH

The Secretary of State was asked—

NHS Dentistry

1. **Mr. Andrew Robathan** (Blaby) (Con): What percentage of the residents of the South Leicestershire primary care trust area is registered with an NHS dentist. [30509]

The Minister of State, Department of Health (Ms Rosie Winterton): Registration details are not collected on the basis of residency. However, the number of patients registered with dental practices in south Leicestershire is equivalent to 51 per cent. of the local population, a 3.1 per cent. increase since October 2004. Fifteen practices are currently accepting NHS patients.

Mr. Robathan: The other 49 per cent., including my family and myself and my constituents in the Lutterworth area, would like to register with an NHS dentist but, believe me, it is impossible to find one. Can the Minister explain how it was that in September 1999 the Prime Minister said to the Labour party conference:

> "In the next two years everybody will have access to an NHS dentist"?

Was the Prime Minister mistaken then, or was he not entirely correct when he told the Labour party conference that?

Ms Winterton: As the hon. Gentleman knows, we are reforming the system whereby NHS dentistry is delivered. With regard to the first part of his question, there is a dental access centre in his area. There are 15 practices currently registering NHS patients in his area, so I suggest he contacts the PCT to see whether he can be registered.

David Taylor (North-West Leicestershire) (Lab/Co-op): The position in south Leicestershire has a knock-on effect on the nearby PCT of Charnwood and North-West Leicestershire, in which my constituency is located. There are therefore shortages there, apart from the western end of the constituency. The soon-to-be amalgamated PCT has done a reasonable job introducing the new contracts. Can the Minister confirm that as recently as 1992, less than 10 per cent. of UK dentist income came from private practice, whereas now it is more than half? When will the new measures start to redress that balance, so that we can get even coverage throughout our county?

Ms Winterton: As the hon. Gentleman rightly said—[HON. MEMBERS: "Friend!"] the difficulty is not necessarily that there is a shortage—

Mr. Speaker: Order. Let me say to those on the Opposition Front Bench and others, but mainly those on the Front Bench, that if they want to get to the Government Dispatch Box, they should not shout at a Minister. That is the last way that they will manage to get there.

Ms Winterton: Thank you, Mr. Speaker. The changes that we will bring in next year will address some of the problems related to the fact that NHS dentists have increasingly been undertaking private work. The offer that we are making to dentists is a fair one. Allowing them more time to do preventive work, and other measures, such as increasing the number of dentists in training and bringing in international recruits, will help to ease the current problem. We know that it is by no means solved, but we are taking firm measures to deal with the crisis that we inherited from the Conservatives.

2. **Mr. Stewart Jackson** (Peterborough) (Con): If she will make a statement on her plans to reform NHS dentistry. [30510]

The Minister of State, Department of Health (Ms Rosie Winterton): From April 2006, commissioning of NHS dentistry will be the responsibility of primary care trusts. A new dental contract will be introduced alongside a much simpler system of patient charges. The reforms will improve access, encourage more preventive dentistry and provide a stable income for dentists.

Mr. Jackson: I have corresponded with the Minister and received a delightful letter back from her. Will she come to my constituency, visit the PCT and acknowledge the crisis in NHS dentistry in Peterborough? In the meantime, will she ask her civil servants to undertake an urgent review of the deregistration of NHS dental patients across the country and the massive impact that that is having, particularly on preventive dentistry?

Ms Winterton: I am aware of the hon. Gentleman's correspondence and the situation in his constituency, where I understand that a dentist has threatened to leave the NHS, which would deregister about 30,000 patients. However, I also know that the PCT has been in discussions with other local dentists and is confident that if that dentist deregisters, it can offer those patients places with NHS dentists. I am aware of the problem, and the PCT is dealing with it. I hope that the hon. Gentleman will join me in encouraging the dentist to stay with the NHS and in thanking the PCT, which is working extremely hard to ensure that NHS dentistry is improved in the area and that those 30,000 people are found places, if it is necessary to do so.

Jim Dobbin (Heywood and Middleton) (Lab/Co-op): My hon. Friend has visited my constituency to meet Mr. Tariq Drabu, who has a dental practice in Middleton. Since her visit, he has invested some £50,000 of his own money and, with the help of the PCT, increased his NHS patients by 1,000, and he is also about to take on a new partner. Does she think that his commitment to the NHS sets a good example to other dentists and will she consider visiting Middleton in the new year to see the progress made?

Ms Winterton: I remember visiting my hon. Friend's constituency, where I was particularly impressed by the fact that the dentist to whom he has referred was working under a personal dental services contract. I thank the dentists who have taken that approach, because they have shown how the new contract will work. The system allows more preventive treatment and greater clinical judgment by dentists on how to look after their patients, which benefits not only dentists, but patients, too. That is how we will approach the new contract in April 2006, and my hon. Friend is right that how his PCT has worked locally is an extremely good example of how NHS dentistry can be turned round in a local area.

Paul Rowen (Rochdale) (LD): Will the Minister explain how dental registrations in Rochdale have fallen from 58 per cent. in 1997 to 38 per cent. this year? Is that progress?

Ms Winterton: Of course that is not progress, and it is not good that the number of NHS places has fallen. One reason why the decrease has occurred is that more dentists have turned to private work. We have tried to turn the situation around by working with dentists to introduce a new contract that reflects how they say that they want to work and by introducing a simpler system of patient charges to reduce bureaucracy, about which dentists have complained. We are bringing dentists back into the NHS, using international recruits and training more new dentists, which started in October. I know that the situation is far from perfect, particularly in Rochdale, where I have visited the dental access centre, and we are taking steps to turn the situation around.

Mr. John Grogan (Selby) (Lab): Will my hon. Friend confirm that the average dentist currently gets about £80,000 from the NHS plus access to capital grants and that that payment is likely to be maintained under the new system? When dentists deregister, despite the excellent remuneration under the new system, will she encourage PCTs to commission other dental services or directly employ salaried dentists?

Ms Winterton: My hon. Friend is right to point out that if a dentist makes a reasonable commitment to the NHS, they can expect to receive about £80,000 in pay plus another £60,000 in business expenses, which is not an unreasonable salary. Because the power and the money will be devolved to the local level, if an NHS dentist decides to leave the NHS despite those generous terms, the PCT will have money available locally to commission dentistry from a dentist who is interested in the NHS.

Sir Paul Beresford (Mole Valley) (Con): As you know, Mr. Speaker, I have a slight interest in the subject, so I might be able to help. The Minister knows that dentists are trained to use new methods, materials and techniques that patients demand and which are, I think correctly, available only outside the NHS. Will she re-examine the contract to see whether it can be tweaked to encourage mixed NHS and private dentistry, which would allow dentists to stay with the NHS, at least in part?

Ms Winterton: Nothing in the new contract will prevent the continuing mix of NHS and private dentistry. The hon. Gentleman is right to say that new materials are available as well as so-called cosmetic dentistry, which is not allowed on the NHS at the moment. He and I have discussed several of those issues, and I can assure him that nothing in the new contract prevents dentists from undertaking private work if that is what patients demand.

Chris Mole (Ipswich) (Lab): The mix to which my hon. Friend refers causes confusion for some patients. What are the Government doing to clarify for patients the information about which services are charged for and which are provided on the NHS?

Ms Winterton: My hon. Friend is right that there has been confusion; I am sure that other hon. Members will have had experience of that. People say to me, "I've just paid £1,500 for NHS dental treatment", and I say, "No, you haven't, because the maximum you could pay was £383." The Office of Fair Trading looked into this very thoroughly and said in its report that there is some confusion. As a result of the changes that we are making, we want dentists to make the prices for private work absolutely clear in their surgeries and to tell patients what they can expect to pay under the NHS. The simplified banding system will also make it clearer to patients what they can expect to pay on the NHS. I accept that there has been a problem, but we are taking steps to put it right.

Dr. Andrew Murrison (Westbury) (Con): Is it not the case that the Minister's plans will result in more patients paying more, perverse incentives for dentists to offer cheaper treatments within each of the charging bands, and little help from units of dental activity to encourage preventive work of the sort that my hon. Friend the Member for Mole Valley (Sir Paul Beresford) mentioned?

Ms Winterton: No, they will not. We should be absolutely clear about what we are offering dentists under the new contract. If they give a reasonable level of commitment to the NHS, they can expect to take home about £80,000 a year. On top of that, about £60,000 is given in expenses to help run practices. That will be guaranteed for three years to encourage the same level of commitment to NHS dentistry as at present. However, in terms of units of dental activity, there will be a reduction to allow for preventive care. The hon. Gentleman is wrong to say that this militates against

NHS dentistry; in fact, it is a very good offer to NHS dentists. I hope that Opposition Members would join me in encouraging dentists to stay with the NHS and not to go private.

3. **Natascha Engel** (North-East Derbyshire) (Lab): If she will make a statement on progress towards recruiting extra dentists into the NHS. [30511]

The Minister of State, Department of Health (Ms Rosie Winterton): Some 1,453 dentists were recruited by the end of October 2005, contributing to a 1,100 net increase in the number of NHS dentists in England between September 2004 and September 2005. This recruitment drive improved access to dentistry in many parts of the country. During the past 12 months, registrations increased by 700,000.

Natascha Engel: As a result of that work, NHS patient registration in north-east Derbyshire has increased by nearly 5,000. What steps will my hon. Friend take if a critical mass of dentists opt out of the NHS contract and choose instead to provide private treatment only?

Ms Winterton: I am very pleased to hear that there has been an increase in the number of NHS patients in my hon. Friend's area. That is due in no large part to the work of local primary care trusts—

John Bercow (Buckingham) (Con): No small part.

Ms Winterton: Quite right. It is due in no small part to PCTs and local dentists working to rectify the situation.

As regards what will happen if dentists do choose to leave the NHS, the whole idea of commissioning at local level is that instead of the money reverting to the centre, as it used to, it remains at local level. That means that the PCT can use that money to purchase dentistry from other dentists or to recruit from other areas if necessary.

Julia Goldsworthy (Falmouth and Camborne) (LD): Does the Minister agree that headcount NHS dentist figures do not give a full picture of the extent of shortages? I recently spoke to a dentist who has only three NHS patients—his wife and two children—but still counts as an NHS headcount dentist. Does the Minister agree that, to overcome the problem, the Department must undertake to measure NHS dentists on a full-time equivalent basis?

Ms Winterton: One of the advantages of the new contract and the new system of commissioning dentistry is that the local PCT will be required to consider local health needs for dentistry and then examine the number of dentists who provide it. If necessary, in the instance that the hon. Lady has highlighted, it would be possible to ask dentists whether they would like to take on more than three patients so that the PCT got the advantage of the money being devolved locally and NHS dentists could expand their practices if others were not willing to offer NHS dentistry.

Joan Walley (Stoke-on-Trent, North) (Lab): Is it not the case that, if the Government are to be truly successful in recruiting more dentists, they will have to increase the number of training places available? Will my hon. Friend look closely at the proposal to build a dental school in Stoke-on-Trent as part of the new provision that is planned for the west midlands?

Ms Winterton: My hon. Friend knows that we will increase the number of training places by 25 per cent. We set a target this year for 170 extra places and we have made 189 available. As she also knows, we are considering proposals for a new dental school and we will examine them in the new year. Let me remind hon. Members that we are considering a new dental school because the Conservative party closed two when it was in power.

Hospital Closures (Sudbury)

4. **Mr. Tim Yeo** (South Suffolk) (Con): What representations she has received about the closure of Walnuttree and St Leonard's hospitals in Sudbury. [30512]

The Secretary of State for Health (Ms Patricia Hewitt): To date, more than 5,000 letters have been received from hon. Members and members of the public on the matter as well as six related parliamentary questions. I also met the hon. Gentleman on 19 July when the issue was discussed.

Mr. Yeo: Is it Government policy to close community hospitals and force patients to travel 40 miles to overstretched general hospitals? Is it Government policy for primary care trusts to issue grossly misleading consultation papers, which omit costings of replacement services, and to withdraw existing hospital-based services before even the most rudimentary community alternatives are in place? If none of those is Government policy, why is the Secretary of State allowing the West Suffolk primary care trust to do all three in my constituency now?

Ms Hewitt: Walnuttree hospital has a building that was constructed in 1836 and has already had £300,000 invested in it to bring it up to the standard required by fire safety regulations, albeit temporarily. West Suffolk PCT is dealing with that and it does not believe that the hospital can offer the quality of care that the modern NHS should provide. As the hon. Gentleman said, it is consulting about alternative proposals that will offer modern intermediate care and ancillary care to his constituents and others in the locality. The consultation has been extended at the request of the local overview and scrutiny committee until 12 December. No final decisions have therefore been made.

Herceptin

5. **Ann Winterton** (Congleton) (Con): If she will make a statement on the availability of the breast cancer drug Herceptin to recently diagnosed women. [30513]

The Minister of State, Department of Health (Jane Kennedy): As the hon. Lady knows, Herceptin is not yet licensed for women with early breast cancer but, as with other unlicensed drugs, it can be used in some cases. It is for clinicians to decide, in discussion with patients, whether Herceptin is appropriate, taking into account potential risks and medical history. I appreciate that the hon. Lady is an assiduous campaigner on behalf of one of her constituents. She may like to know that, following last Friday's decision by the 14 primary care trusts of Greater Manchester to provide funding to support the wider prescribing of Herceptin in their area, the Central Cheshire PCT, which covers her constituency and is in the Greater Manchester and Cheshire cancer network area, is meeting this afternoon to consider the matter.

Ann Winterton: Will the Minister accept that that reply is good news for my constituent, Joanne Leese? Will she also examine postcode prescribing—the postcode lottery? If the Central Cheshire PCT does not go along with the Greater Manchester group, my constituent will be further disadvantaged. It is wrong, when a clinician has said that a person should have Herceptin, that cost should prevent the prescription of that good medication for her condition.

Jane Kennedy: PCTs will need to take a range of factors into consideration when reaching these decisions, including the appropriateness of the treatment for an individual patient, and its cost-effectiveness. The drug will not be appropriate for all women. The important thing is that PCTs do not refuse to fund the drug for early breast cancer on principle, and that they take into account all the considerations relating to each case.

Mr. David Crausby (Bolton, North-East) (Lab): After months of struggle, my constituent, Alyson Cooper, has been allowed to use Herceptin by the Bolton primary care trust. But why should she have had to fight for her treatment? Was it not bad enough to have cancer in the first place, without being forced to campaign for her life? Will my hon. Friend ensure that no other woman is put through such agony?

Jane Kennedy: It is important to remember that, as with other cancer drugs, Herceptin can have side effects. For example, it can cause heart damage in some patients. That is why we need to ensure that it will be safe for routine use. That is the role of the licensing process, and the reason why that process is so important in regard to the considerations that must be taken into account. The House might like to know, however, that the National Cancer Research Institute is producing guidelines on the use of Herceptin for early breast cancer prior to licensing. I am sure that that will be of great help to primary care trusts in considering these decisions.

Mrs. Iris Robinson (Strangford) (DUP): I was delighted that the Northern Ireland Minister with responsibility for health has said that he will make Herceptin available for specific breast cancer sufferers in the Province. However, we have just had the disturbing disclosure that a radiographer in Northern Ireland has been suspended pending inquiries into whether the correct information was given to women after breast screening. Will the Minister tell the House what checks and balances are in place throughout the United Kingdom to prevent the unnecessary experience that 1,300 women in Northern Ireland are now facing in waiting to see whether they have been given the correct diagnosis?

Jane Kennedy: It would clearly be inappropriate for me to comment on the particular case that the hon. Lady has highlighted, but I hope that she will be reassured that the NHS, whether here or in Northern Ireland, always takes great care to ensure that the right results are returned to patients. Occasionally, however, mistakes are made and the steps that she has described need to be taken. This is an extremely important issue, and it is absolutely right that the proper procedures should be in place to ensure that the right diagnosis is communicated.

Dr. Doug Naysmith (Bristol, North-West) (Lab/Co-op): As my right hon. Friend has already said, some 20 per cent. of women with breast cancer have tumours that are susceptible to treatment with Herceptin, and this can be tested for with the HER2 test. Can she assure me that everything possible is being done to ensure that HER2 testing accompanies diagnosis as closely as possible?

Jane Kennedy: I hope that my hon. Friend will be reassured to hear that Professor Mike Richards has been working very closely with the directors of the cancer networks across England and Wales to ensure that HER2 testing is made available to women who are diagnosed with early-stage breast cancer.

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): Bedfordshire Heartlands primary care trust will have a £19.5 million deficit by the end of this year. The recovery plan put in place to deal with that is restricting the work of our emergency services. I do not know what kind of battle a constituent of mine would have in attempting to obtain Herceptin. Does the Minister agree that, if we cancelled the much-failed choose and book system, which cost £6.2 billion and which general practitioners are failing to use, we could use the money to provide Herceptin to everyone who needs it?

Jane Kennedy: No, I do not. The cost of Herceptin will need to be met from the existing settlement agreed for the national health service. We understand that some trusts are already under financial pressures and might have to make difficult decisions to achieve that. However, we have greatly increased the amount of money going into the health service, and those trusts with deficits now have financial recovery plans in place. It is far better to be working in an environment in which NHS resources have more than doubled in three years than to be working in the environment that the Conservative party would have created.

Mrs. Sharon Hodgson (Gateshead, East and Washington, West) (Lab): Will my right hon. Friend join me in congratulating the Northern cancer network, which has agreed to allow the drug to be prescribed for HER2-positive women in the north and north-east? As that movement is growing throughout the country, is it not about time that the National Institute for Health and Clinical Excellence approved use of the drug throughout the country? Will my right hon. Friend put pressure on NICE to speed up that process?

Jane Kennedy: Of course I join my hon. Friend in congratulating the North-East cancer network. The directors of the cancer networks have played a key role in ensuring that the right decisions are made, and that Herceptin is prescribed only for patients for whom it is appropriate. As I have said, the drug is believed to have serious side effects, and it is too early to judge its full effectiveness, its overall cost-effectiveness and all the risks involved. That is why licensing remains so important, along with the NICE appraisal that will be carried out.

I have announced, with NICE, the new procedure that NICE is introducing. Herceptin and four other potentially life-saving drugs will be subjected to a single appraisal, which we hope will be completed within a few weeks of the announcement of the licence. The whole process will become much swifter. Let me record my appreciation of the institute's efforts to bring about a change that will benefit many patients enormously.

Steve Webb (Northavon) (LD): Does the Secretary of State have the power to guarantee Herceptin to women whose clinicians believe that it is appropriate for them now? If she has that power, why has she not used it? If she does not have that power, is there not a danger—I put this gently—that false hopes will be raised among women who are in a desperate situation? They will hear an announcement that suggests that Herceptin will be available, on which the Secretary of State will then be unable to deliver.

Jane Kennedy: No. We rightly decided to give primary care trusts—the local organisations that understand local circumstances best—authority to make the necessary decision when a drug that has not been licensed is being offered to a patient, or when treatment with the drug is being discussed with a patient. We have said, however, that the decision making should not constitute a blanket policy of not prescribing, but should take place on a case-by-case basis. Decisions involving an important drug such as Herceptin must take all the circumstances into account; they must not be made simply on the basis of cost.

Mr. John Baron (Billericay) (Con): The Minister will be well aware that because of deficits, many primary care trusts are struggling to implement NICE guidance and fund the provision of Herceptin for late-stage breast cancer. Given that experts such as those working for Breakthrough Breast Cancer believe that 1,000 lives a year could be saved if Herceptin were available for early-stage breast cancer, and given the Government's recent announcement that Herceptin should not be withheld for reasons of cost alone, what additional funding will the Government provide so that PCTs can implement that direction? They need to ensure that other local services do not suffer, and also that the shameful postcode lottery that exists in relation to Herceptin and late-stage breast cancer is not replicated in the case of early-stage breast cancer.

Jane Kennedy: I do not accept that there is a serious problem with late-stage breast cancer. I will look into the matter and respond to the hon. Gentleman, but I do not recognise the circumstances that he has described.

It is important to acknowledge the huge amount of extra resources that the health service has received. It is perfectly possible for PCTs and hospitals to manage their resources properly, and the vast majority are doing so. Professor Mike Richards wrote to the NHS in mid October, advising it that it would need to make arrangements to provide Herceptin for women for whom it was appropriate. It is appropriate that the NHS organises its budgets locally, gets its priorities in place and then makes payments where appropriate for particular patients.

Cerebral Palsy

6. **Ms Sally Keeble** (Northampton, North) (Lab): What services are provided for children with cerebral palsy. [30514]

The Parliamentary Under-Secretary of State for Health (Mr. Liam Byrne): Children with cerebral palsy can access the same range of NHS services as all other children. We recognise, of course, that children with cerebral palsy are likely to need access to those services more often.

Ms Keeble: I thank the Minister for that answer, but may I bring to his attention the case of the Cox family and their son, Aidan, who has cerebral palsy, and the outstanding work that they have done to raise funds for his care? What I and my constituents want to know is why there is such a gap in the provision of services for such children. Why will the NHS not take notice of parental preferences for care—in this case, for Aidan—and why will it not fund more proactive care, which this couple want for their son, to give him a real chance in life?

Mr. Byrne: I am grateful to my hon. Friend for discussing the case with me personally in the last two or three days. Children with cerebral palsy are, of course, first and foremost children, so it is for local clinicians together with the parents to take decisions about the right course of treatment. Quite complex packages will often be required and it is important for parents to make their own preferences clear to the clinicians in that process. PCTs are then free to fund whatever treatment they think is appropriate, provided that they do so on the basis of available evidence and are convinced of the effectiveness of the treatment proposed.

Mark Pritchard (The Wrekin) (Con): Is the Minister aware of the financial crisis in the Shropshire health economy—currently standing at a £35 million deficit—that will have a direct impact on children's services in my constituency and particularly at the Princess Royal hospital? Will the Minister give an undertaking today to allow an urgent cash injection to pay off that deficit—

Mr. Speaker: Order. That is going far too wide.

Primary Care Trust Reconfiguration

7. **Charlotte Atkins** (Staffordshire, Moorlands) (Lab): If she will make a statement on the role of the external panel in respect of the reconfiguration of primary care trusts. [30515]

The Secretary of State for Health (Ms Patricia Hewitt): The independent external panel is advising me on proposals made by strategic health authorities for restructuring both those authorities and some primary care trusts. Where proposals meet the criteria that we set out at the end of July, they will go out to a full statutory three-month consultation. No decisions will be made on the reconfiguration of PCTs until the end of that consultation.

Charlotte Atkins: I am grateful to my right hon. Friend for that answer. Having met the leaders of my strategic health authority last week, it is clear that they intend to force through their unacceptable proposals for a massive Staffordshire-wide PCT and also a merged west midlands ambulance service. Will the expert external panel ensure that suitable and acceptable alternatives are put out to consultation so that my constituents can have their say on other alternatives to those proposed by the SHA?

Ms Hewitt: In response, let me stress that it is not up to the strategic health authority to force through any specific option. My hon. Friend has been assiduous in bringing this particular problem to my attention and we will shortly be writing to each strategic health authority in response to proposals and my noble Friend Lord Warner, the Minister with responsibility for delivery in the NHS, will be writing to all hon. Members to let them know our response to those SHA proposals in their particular area.

Dr. Richard Taylor (Wyre Forest) (Ind): With the proposed reduction in primary care trusts and strategic health authorities, many senior executives will face redundancy. Who will then be accountable for the specific changes that they will have instituted?

Ms Hewitt: Where an existing PCT has come forward with proposals for a new community hospital or improved services, for example, those proposals will be taken over, as the hon. Gentleman would expect, by the successor PCT where there is a change in reconfiguration. The board of the new PCT will remain accountable for those proposals, for the sound management of the PCT budget and for the delivery of the best possible NHS services to its community.

Mr. Brian Jenkins (Tamworth) (Lab): Will my right hon. Friend issue instructions to the external panel on this issue? Many of us support having a review to save management and associated costs, so that the money can be passed to the front line. But given that the average number of patients in a west midlands PCT is 230,000, we regard with great difficulty the proposed figure of 730,000 patients for a shire county area. Such a PCT will not be local, and because we will need area managers, the funding savings that we are looking for will not be made.

Ms Hewitt: I understand very well my hon. Friend's concern, and as we stressed at the end of July in "Commissioning a patient-led NHS", the issue here is to balance the need to retain a real understanding of the different needs of different local communities, while ensuring that PCTs have the strength and expertise to challenge, and to hold to account, acute hospitals. Those are exactly the kind of issues that the external panel is taking into account, but let me stress that it is an advisory panel, not a decision-making one. Ministers will decide which of the proposals brought to us by the strategic health authorities go out for consultation.

Damian Green (Ashford) (Con): I am delighted to hear that Ministers will take the final decision on such matters. When the Secretary of State takes that decision on the proposed Kent reconfiguration, will she note that the current proposals put the Ashford primary care trust into a west Kent configuration; and will she have a map with her, so that she can see that Ashford is actually in east Kent? The clue can be found in her own Department. The largest hospital in the East Kent Hospitals NHS Trust is in Ashford, so if she insists on proceeding with this unnecessary and disruptive reconfiguration, can she at least ensure that the Kent reconfiguration puts the right PCTs in the right part of the county?

Ms Hewitt: I am extremely grateful to the hon. Gentleman for that helpful geography lesson. I will certainly bear it in mind when we consider the proposals in respect of the Kent authority.

Health Inequalities

8. **Greg Mulholland** (Leeds, North-West) (LD): What recent research she has evaluated on health inequalities. [30516]

The Parliamentary Under-Secretary of State for Health (Caroline Flint): The Department has recently released a number of research programmes on health inequalities, including "Tackling Health Inequalities: Status Report on the Programme for Action"; two reports commissioned for the UK presidency of the EU; and a further report, commissioned from the National Institute for Health and Clinical Excellence, on behavioural change, which is linked to the health trainer programmes currently covering disadvantaged communities. Moreover, a public health research and development consortium will address health inequalities as a key theme. All this research continues to inform how best to strengthen our ability to deliver on health inequalities.

Greg Mulholland: I thank the Minister for her response. Does she realise that according to the "Tackling Health Inequalities" report, the relative life-expectancy gap between the average local authority in England and the fifth of local authorities with the lowest life expectancy has actually widened for both males and females? For males, the gap has widened by nearly 2 per cent.; even more worryingly, for females it has widened by 5 per cent. Will she acknowledge that this shows a worrying trend of increasing health inequality, and does she agree that any further market-based reforms would make the situation worse, not better?

Caroline Flint: The short answer is no. This Government should be credited for identifying the existence of health inequalities in the first place, and we have set into play a number of activities, resourced and supported from the centre, to tackle them. The hon. Gentleman is right: the status report produced over the summer—we commissioned it so that we could actively monitor the situation—did show that the relative gap for life expectancy, and for infant mortality, had increased. However, it also demonstrated that infant mortality rates had fallen in routine and manual groups and in the total population. It further showed that life expectancy had increased for men and women in England, and in the PCTs with the worst health and deprivation indicators. We have also reduced the gap in cancer and circulatory disease mortality, and we are reducing child poverty and improving housing quality. We are moving in the right direction.

Mr. Kevin Barron (Rother Valley) (Lab): Does my hon. Friend agree that one of the most effective ways to reduce health inequalities is to have a comprehensive ban on smoking in all enclosed public places?

Caroline Flint: I am pleased to say that our proposals will cover 99 per cent. of employees and that the prevalence of smoking among adults is lower in England than anywhere else in the UK. That is due in no small part to the measures that we have taken to tackle the diseases linked to smoking and to provide free NHS smoking-cessation services, especially in our most deprived communities.

Mr. Owen Paterson (North Shropshire) (Con): Would the Minister like to come to Whitchurch, where there is consternation today after the publication of a pre-consultation study suggesting the closure of the local hospital as a way to reduce health costs in Shropshire? The county's acute trusts face a deficit of £34 million, but how will health inequalities be improved by closing primary care facilities, which are cheap, and pushing patients into expensive district general hospitals?

Caroline Flint: If we are serious about addressing disease prevention and public health, we must engage in a debate that moves spending into communities, so that we can—*[Interruption.]*

Mr. Speaker: Order. May I say to you, Mr. Stuart, that you shout a remark across the Floor of the House every time that a Minister speaks? I know that you are a new Member, but the worst thing that you can do is defy the Chair. You are beginning to go down that road.

Caroline Flint: Thank you, Mr. Speaker.

One of the best things that we can do for the future of health services is to ensure that we devote as much attention to prevention and public health as we do to treatment. The health service is there to promote health as well as to provide treatment and our consultation exercise, "Your Health, Your Care, Your Say" is helping in that respect. Hospitals are part of the process, as are the services available in the community—and especially in our most deprived communities.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): Does my hon. Friend agree that allowing smoking in pubs that do not serve food and stopping it in pubs that do will increase health inequalities in places such as Liverpool?

Caroline Flint: The issues involved in smoking and health inequalities are complex. My hon. Friend will recognise the work done by the Department to tackle smoking in the home, where 95 per cent. of deaths caused by smoking occur. For example, we have aimed campaigns at parents dealing with matters such as smoking in front of children and other family members. Our proposals on restricting smoking are in tune with public opinion. Even in the drink-only establishments, they will provide protection from smoke for bar staff and other non-smokers. As I said, they are part and parcel of a comprehensive package designed to help people to give up smoking and to provide more choice for people who want to work and socialise in a smoke-free atmosphere.

Avian Influenza

9. **James Duddridge** (Rochford and Southend, East) (Con): What discussions she has had with the Secretary of State for Environment, Food and Rural Affairs on public health procedures in the event of a suspected outbreak of avian influenza. [30517]

The Secretary of State for Health (Ms Patricia Hewitt): The Department of Health is working closely with the Department for Environment, Food and Rural Affairs to ensure consistent planning, briefings and preparations for a possible outbreak of avian influenza. That work is based on advice from the two Departments' joint expert advisory committees on the risks to human health and transmissibility of avian influenza from birds to people.

James Duddridge: What steps are being taken to avoid a repeat of what happened when a worker at an Essex quarantine centre, who also worked at Southend hospital, was not vaccinated for three days after DEFRA discovered that there was a problem?

Ms Hewitt: There is, of course, no vaccine against avian flu at the moment, if that is what the hon. Gentleman is referring to, although we have issued a tender for vaccines against the current strain of bird flu. However, I am assured that all necessary investigations in respect of the quarantine premises in Essex have been undertaken by the Health Protection Agency and the state veterinary service. I emphasise, to the hon. Gentleman and to the whole House, that there is no bird flu in the UK at the moment. We retain our status as a bird flu-free zone.

Dr. Ian Gibson (Norwich, North) (Lab): Will my right hon. Friend confirm that companies can buy vaccine shots for their employees? In the present situation, might not an increase in that activity deflect attention away from where the vaccine should go?

Ms Hewitt: My hon. Friend may be referring to antivirals and the availability of Tamiflu. We have ordered and are stockpiling very substantial quantities of the drug, and certain companies are also seeking to obtain Tamiflu for their staff. The Department has just placed a tender for a significant quantity of vaccine against the H5NI virus in case that might prove useful in the event of a bird flu outbreak in Britain.

Mr. Andrew Lansley (South Cambridgeshire) (Con): The Secretary of State will recall that on 17 October she told the House and, in particular, the hon. Member for Chorley (Mr. Hoyle), that orders were being placed for a strategic stockpile of face masks and gloves, which she will know would be an important aspect of the overall public health measures to combat avian flu outbreaks. Has that order been placed?

Ms Hewitt: I have checked again with the chief medical officer on the issue of masks and other protective clothing, which are of course routinely available and kept in stock for NHS staff and those supporting them. We are now working with the Health Protection Agency to discuss whether further stocks should be made available to the public and not only to NHS staff.

Mr. Lansley: So the answer to the first question was no.

The Secretary of State will recall that only 12 days ago the Under-Secretary of State for Health, the hon. Member for Don Valley (Caroline Flint) wrote, in reply to my written question, that in the event

"of an outbreak of highly pathogenic avian influenza . . . poultry workers . . . vets, contractors and other people engaged in disease control activities, will be offered seasonal influenza vaccine . . . within 24 to 48 hours of disease confirmation."—[*Official Report*, 10 November 2005; Vol. 439, c. 666W.]

Given what we now know about the availability of seasonal influenza vaccine, what assurance can the Secretary of State give that the vaccine will be available should avian flu occur in this country in the coming months?

Ms Hewitt: As we do every year, the Department of Health obtained its own stockpile of winter flu vaccine for this year, and we are reserving a significant number of doses to use for poultry workers should there be an outbreak of bird flu.

Age-related Macular Degeneration

10. **Mr. Tobias Ellwood** (Bournemouth, East) (Con): If she will make a statement on the implementation of National Institute for Health and Clinical Excellence guidance relating to photodynamic therapy for wet age-related macular degeneration. [30518]

The Minister of State, Department of Health (Jane Kennedy): The National Institute for Health and Clinical Excellence issued its guidance on photodynamic therapy on 24 September 2003. Implementation of the guidance was co-ordinated by local specialist commissioning groups and all primary care trusts are funding photodynamic therapy treatment for patients with both the wholly classic and predominantly classic forms of age-related macular degeneration.

Mr. Ellwood: I am grateful for that reply, but according to the Audit Commission, thousands of people have gone blind from AMD while waiting for Government action. Does the Minister agree that quick referral times are essential if photodynamic therapy is to work? Will she find out why a quarter of trusts have yet to implement the policies that she mentioned? At the moment, this issue is another example of the postcode lottery.

Jane Kennedy: I do not agree with that analysis. In the hon. Gentleman's constituency, the Dorset and Somerset strategic health authority has advised me that the photodynamic therapy services for wet age-related macular degeneration are fully compliant with NICE guidelines. I understand that the trust has a dedicated commission arrangement in place to run PDT services for all patients from Dorset. Therefore, his constituents, like other patients throughout the country, are receiving treatment in line with the NICE guidelines.

Michael Connarty (Linlithgow and East Falkirk) (Lab): I congratulate Ministers on the extra money that will be put into the work of optometrists, who will get extra money to check for problems such as AMD in the elderly. Even in my constituency, outwith England, one optometrist offers X-rays to his patients. However, will that money be paid year on year? In conversations with optometrists, they say that it is great to have the money, but they are worried that it will stop at the end of the year and they will have raised people's expectations of services that will not continue.

Jane Kennedy: I am grateful to my hon. Friend for making that point. He will know that resources in the NHS are increasing year on year, up to 2008, and it is expected that planning for such services will form an important part of delivering services of that nature. Photodynamic therapy was implemented as quickly as possible across the NHS, and we had to ensure that we had the staff and equipment to deliver the service effectively and safely.

Mr. Simon Burns (West Chelmsford) (Con): To pick up the point made by my hon. Friend the Member for Bournemouth, East (Mr. Ellwood), does the Minister realise, and share our concern, that some patients will go blind in the time that it takes for them to be referred to a specialist? Will she assure the House that she will urgently ensure that the NICE guidance is fully implemented?

Jane Kennedy: The NICE technology appraisal was published in September 2003, as I said. The guidance recommended photodynamic therapy only for a particular small sub-group of patients and that a second, much larger sub-group of patients should be treated only as part of a clinical study, which is now being set up. The Department of Health organised that study with the Royal College of Ophthalmologists and Novartis, the pharmaceutical company that manufactures the drug used in the treatment. It was entirely proper that the correct services and support were in place before implementing the guidance. The treatment will have a significant impact and bring enormous benefits to patients. Obviously, we share concern if patients are perceived not to get treatments that they believe are ready for them, but it was important to make sure that we took the right steps to have the services in place to deliver the treatment properly to all the patients who need it.

Health Bill

12. **Andrew Mackinlay** (Thurrock) (Lab): What representations she has received in support of the provisions of the Health Bill; and if she will make a statement. [30520]

The Parliamentary Under-Secretary of State for Health (Caroline Flint): The Health Bill contains a diverse range of provisions on which we have consulted widely and received many representations. Copies of the analyses of responses to the smoke-free and health care associated infection consultations will be published before Second Reading.

Andrew Mackinlay: I welcome that reply but, before Second Reading, will the Minister also publish the findings of the Government's Better Regulation Task Force, which has come out against the Airdrie and Shotts fudge? If the Minister read the political tea leaves, she would understand that there is a majority in the House of Commons for a total ban, comparable with the one that will be introduced by the Labour party in Scotland and by the Labour Government at Westminster in Northern Ireland. We need a free vote to test whether there is a majority in the House of Commons, and I hope that Ministers will reflect on what is prudent, just and protects and promotes the best interests of poor working-class people who suffer—

Mr. Speaker: Order. We are running out of time.

Caroline Flint: We have taken on board a range of views and representations and will publish the regulatory impact assessment in the usual way. The manifesto commitment was discussed through our national policy forums and the wording in the manifesto was agreed at the Warwick national policy forum, so it has gone through our party machinery in the usual way. Although I accept the views of many Members and organisations outside this place who would like a total ban, in terms of public support and the surveys we have carried out, the Office for National Statistics survey in 2004 found that 88 per cent. of people, when asked, supported restrictions in public places but only 31 per cent. supported complete bans. In California, New York and Norway—

Mr. Speaker: Order. The rest can be written. The Minister can write a letter to the hon. Member for Thurrock (Andrew Mackinlay).

Mr. Paul Burstow (Sutton and Cheam) (LD): Given that second-hand smoke is a significant cause of increased risk of cancer and heart disease, how can any employer fulfil their obligations under health and safety legislation without implementing a full ban in their premises?

Caroline Flint: I am pleased to say that, through our proposals, 99 per cent. of employees will be fully protected, and will work in a smoke-free environment, up from 51 per cent. at present. For the remaining workers, we are looking to ensure that there is protection in bar areas, too. We want to minimise the damage from second-hand smoke, which is not just about bans but about the support we give in the NHS for people who are giving up smoking. I am not sure whether that would have been achieved through the hon. Gentleman's "Orange Book" social insurance policy.

Solvent Abuse

14. **Ben Chapman** (Wirral, South) (Lab): What progress has been made in combating solvent abuse. [30522]

The Parliamentary Under-Secretary of State for Health (Caroline Flint): Recently, I met our stakeholder group to look at issues relating to solvent abuse. Much progress has been made and we shall try to ensure that in our Department and other Departments, especially in our strategies for working with young people, solvent abuse is high on the agenda.

Ben Chapman: My hon. Friend will be aware of the work of St. George's university of London, which found that deaths due to solvent abuse had declined by 9 per cent., but does she agree that, if they are to be reduced further, education is a vital part of the process? Will she commend the work of the charity Re-Solv in schools, and in particular the work done by pupils of Wirral grammar school for girls, who are raising awareness among their peers of the dangers of solvent abuse?

Caroline Flint: I understand that my hon. Friend recently visited the Wirral grammar school for girls, where some excellent work is being done. In addition, as part of a package, by providing the young people's substance misuse partnership grant, which was agreed between the Home Office, the Department of Health and the Department for Education and Skills, we are helping to tackle the abuse of solvents, and of other substances that, I am afraid, children do abuse, including alcohol, tobacco and illegal drugs. I strongly support the work of organisations such as Re-Solv and Solve It, whose chief executive I was pleased to meet at a recent event in my constituency, aimed at encouraging responsible retailing with regard to this product and many others.

Seasonal Influenza Vaccine Supplies

3.31 pm

The Secretary of State for Health (Ms Patricia Hewitt): With permission, Mr. Speaker, I should like to make a statement about seasonal flu vaccine.

Five years ago, we decided to give higher priority to protecting the health of the public from winter flu. We introduced the annual seasonal flu vaccination programme and we targeted those at increased risk from seasonal flu—people aged 65 and over, and younger people in certain clinical risk groups as identified by the Joint Committee on Vaccination and Immunisation. This is an annual programme, because each year new strains of flu can emerge and therefore the flu vaccines need to be reformulated accordingly. In this way, each year's vaccine provides the best protection against the influenza virus currently circulating.

Since the programme was introduced in the winter of 2000–01, vaccination uptake in people aged 65 and over has increased year on year. In the first year of the targeted programme, just over 65 per cent. of elderly patients were vaccinated. Last year 71.5 per cent. of those aged 65 and over received the seasonal flu vaccine—some 5.2 million people—and in addition 1.2 million younger people in the clinical risk groups were vaccinated.

The responsibility for ordering seasonal flu vaccine and administering the vaccine has always fallen on general practitioners. GPs order their own supply of vaccine, based on the number of eligible patients on the register, and make contractual arrangements with any of the six manufacturers who supply flu vaccine to the UK. In addition to the GP orders, the Department of Health purchases a stock of flu vaccine each year as part of our contingency planning measures. We hold that for emergency use, in case GPs run into difficulties with vaccine supply.

We routinely meet representatives from the UK vaccine industry group at the beginning of each year to inform the industry of how much seasonal flu vaccine will be required in the UK. This is based on the numbers of people covered by the current Department of Health policy. This year, the estimated production total from all UK vaccine manufacturers was over 14 million doses—more than ever before, and sufficient to immunise 100 per cent. of those in the targeted groups, in other words the elderly and younger people in clinical risk groups, as set out in the letter from the chief medical officer to the NHS in July.

In late October, however, we began to hear anecdotal evidence that some GPs were facing a shortage of flu vaccine. In order to assess the potential problem, officials wrote on 3 November to the flu immunisation co-ordinators of all the primary care trusts. That letter reminded them of the priority groups for flu vaccination and how additional stocks of vaccine could be ordered from the Department of Health contingency stock, should extra supplies be required by practices in their area.

The current problems may be due to a combination of factors, such as possibly the under-ordering of vaccine on the one hand, and possibly vaccination of the worried well on the other. It also seems likely that awareness of the need for flu vaccinations is higher this year, due in part to the very high level of media interest in the threat of avian flu in birds and of pandemic flu.

We do not, of course, expect seasonal flu vaccine to protect people against bird flu or pandemic flu, but I stress that seasonal flu vaccine is important for people aged 65 and over and for the clinical risk groups and that high uptake in those groups is to be welcomed. We need to ensure that GPs prioritise their remaining stocks of flu vaccine to help those who will really benefit most—in other words, people aged 65 and over and younger people in the clinical risk groups. Officials wrote to influenza immunisation co-ordinators to that effect yesterday.

The Department is also helping GPs by releasing flu vaccine from the contingency stock that we have purchased. We have taken orders against that stock, and deliveries are already being made and will continue into December. There is, of course, exceptionally high demand globally for flu vaccine, despite which the Department has been able to secure an additional 200,000 doses of flu vaccine on top of the 400,000 dose contingency reserve that we have already obtained. The additional 200,000 doses will be delivered in January. We are also discussing with manufacturers whether additional supplies can be made available, over and above those additional 200,000 doses, and if so, when those stocks would be available.

In previous years, the GP-led arrangement that I have described has, on the whole, worked well. In view of what has happened this year, however, I am reviewing the arrangements currently in place for the seasonal flu vaccination programme and will consider this matter urgently.

Mr. Andrew Lansley (South Cambridgeshire) (Con): I am sure that the House is grateful to the Secretary of State for her statement, although she must understand that we would have been more grateful if she had come to the House yesterday to make a statement on the same day as selected members of the press were being briefed on this subject. I am grateful to her not only for providing me with advance sight of her statement, but—indeed at 1.50 this afternoon—for replying by fax to the letter that I sent to her on 5 October raising concerns about the winter flu vaccination programme.

I am sure that the House will have listened to the Secretary of State's statement and found in it no acknowledgement of a simple fact: people have been going to their GP surgery to get their flu jabs and been told that supplies have run out.

Mr. Dennis Skinner (Bolsover) (Lab): Not everybody.

Mr. Lansley: Happily, not everybody, but one person missed in the at-risk group is one person too many. The hon. Gentleman and the rest of the House should know that, even where that has not yet happened, it will happen because supplies are running out, and we have not completed the period during which the highest levels of immunisation occur.

The Secretary of State did not accept responsibility. She should have done so, but she did not. The delivery of the influenza immunisation programme is the Government's responsibility. It is not good enough that she has come to the House to blame general practitioners for the failure of the programme. Not only has she failed to apologise, she has not even remotely begun to explain what has gone wrong. If the House will forgive me, let us start with the actual figures.

First, the Secretary of State underestimated the success of the flu immunisation programme. Her own Department's figures suggest that, in 2004–05, a 71.5 per cent. vaccine uptake among the over-65 population in England amounted to 5.9 million people immunised—not the 5.2 million that she set out. However, she did not refer to the overall figures on vaccine uptake. Uptake was 71.5 per cent. in England, 68.1 per cent. in Scotland and 62 per cent. in Wales. For risk groups below 65 years old, the comparable figures were 42.6 per cent. in England, 39.3 per cent. in Scotland and just 25 per cent. in Wales.

The Secretary of State did not make comparisons clearly between what has happened in previous years and what is happening this year. On 26 October last year, her noble Friend Lord Warner told another place:

> "The Government made sure that there were around 14 million doses of flu vaccine available for this year"

he was speaking of last winter, not this—

> "despite the problems in the Speke factory, which are well known—compared with 12 million administered last year."
> [*Official Report, House of Lords,* 26 October 2004; Vol. 665, c. 1174.]

That implies that the number of doses that the Department of Health has made available this year—14 million—is the same as the number for the previous year.

The letter that the Department of Health sent to general practitioners yesterday referred on the one hand to 11 million people in the at-risk groups and on the other to the 14 million doses of seasonal flu vaccine that were available. Unfortunately, the 11 million people refers to England, but the 14 million doses refers to the United Kingdom. It would have been more accurate to talk of about 14 million people in the at-risk groups and 14 million doses of influenza vaccine.

The Secretary of State did not point out in her statement that, although the Department of Health met manufacturers early this year to agree that 13.4 million doses of vaccine would be available—it subsequently procured a contingency supply of 400,000, which I accept is routinely the same each year—it agreed at a later stage that the at-risk groups would include people with chronic liver disease, who had not previously been included. It also agreed that the recommended groups would include main carers with responsibility for the care of elderly and disabled people who would be at risk if their carers were to become ill. The Department has no figures on the likely number of such people, but it means that perhaps millions of carers might have gone to their GP surgeries this winter to try to get flu jabs and then received them appropriately, although that would not have been the case in previous years.

Those are the figures—the Secretary of State might have had the courtesy to tell us what they were—and the facts about the extension of recommended groups this year compared with previous years. The House will understand that, broadly speaking, the available vaccine supply did not increase, whereas the number of recommended groups did. The prospect of a great deal of speculation about avian flu in the autumn certainly should have led the Department to be aware at an earlier stage about the desirability of being prepared for a much greater take-up of flu vaccine among people in the recommended groups than in previous years.

Let me ask the Secretary of State several questions about what was done. When carers were added to the recommended groups for vaccination, was the number of doses of vaccine that was intended to be supplied increased from 13.4 million? When the British Medical Association told the Department of Health in October—this was not just anecdotal, as the Secretary of State said—that it had concerns about the availability of vaccine, what did the Department do?

The Secretary of State will recall that the hon. Member for Cannock Chase (Dr. Wright) made it clear on 17 October that he, for one, had gone to his surgery and been told not only that he could not have his flu jab on the day of his visit, but that he would not receive it until the end of November, at the earliest. What did she do after 17 October, given that we have now arrived at 22 November and we have a crisis? When a manufacturing company ran out of supply in late October and told the Department about that, what did the Department do?

When did the Department find out the new figures on uptake? Responses to parliamentary questions said that the uptake figures were due in the Department on 14 November. The Department talked to the UK vaccine industry group on 16 November—six days ago—and asked for additional supplies. Health Ministers did not have the courtesy to tell the House about the lack of availability of supply, even though they had talked to the industry about it. However, they must have talked to the industry because they knew the uptake figures on 14 November. What are the figures and how do they compare with those for previous years?

What is the Government's evidence that general practitioners have been vaccinating what the Secretary of State cares to call the worried well—people outside the recommended groups? The BMA certainly has no evidence that that is the case and the Scottish Executive do not tell the public and the BMA that it is the problem in Scotland. The Secretary of State might care to explain why general practitioners should vaccinate people who are not in the recommended groups, as they have no financial incentive from the NHS to do that—they are not paid by the NHS to do it—and would be out of pocket from buying the vaccine were they to do so.

The Secretary of State has not told the House the figures. She has not explained to the House when the Government knew about the implications of changes this year in the uptake of vaccine and in the number of groups recommended. The consequence of all those changes has been our constituents visiting GP surgeries seeking flu vaccinations and being unable to get them. What estimate does she have of the number of people who will at the end of this immunisation season be un-immunised? What justification does she have for coming to the House and instead of taking what is in truth her responsibility for the flu immunisation programme seeking to blame general practitioners?

Ms Hewitt: I very much regret that the hon. Gentleman has chosen not to give any credit at all for the great success over many years of the targeted winter flu programme. Nor has he chosen to acknowledge the fact that in 1996–97, for which I happen to have the figures, vaccine production for the United Kingdom was a mere 6.1 million doses. For last winter, the figure was double that—12.3 million doses—and for the current year and the current winter season it will be nearly 14 million.

As I said to the House, the number of people in the risk groups—I mean by that the over-65s and younger people who are clinically at risk—is some 11 million. Therefore, it was the conclusion of the Department of Health that the availability of 14 million or so doses this year would be sufficient not only for 100 per cent. immunisation of the at-risk groups but for immunisation of carers, whom it has always been open to GPs to immunise.

When we discussed this issue at a recent Health questions, one of my hon. Friends said that he had been unable to get his vaccination. I went back to the Department to check and found that, as I had believed to be the case, there had been delay in production from one of the companies on which we rely for the vaccines. That problem in production was corrected some weeks ago, so the vaccine that should have been produced by that company has now been produced and, as I understand it, delivered.

The hon. Gentleman asked specifically about the uptake figures. The figures that I have, which have been made available to primary care trusts from a large number of GP practices, show that at the end of October—these are the latest figures that I have—the uptake of the flu vaccine was very similar indeed to that for last year. If one looks, for instance, at the figures for the over-65s, one sees that, by the end of October this year, 48.9 per cent. had been vaccinated. By the end of October last year, the figure for elderly people was in fact 55 per cent. *[Interruption.]* The hon. Gentleman asked for the figures; perhaps he would like to listen.

This year, for younger people in the clinical risk groups, 25 per cent. had been immunised. By the end of October last year, the figure was 28 per cent. That is why the director of immunisation for the Department says that there is no evidence to support the proposition that a much higher proportion of people in the at-risk groups have been asking for immunisation. I have spoken to the chairman of the BMA to ask whether it has any evidence of a sudden upsurge in the past few weeks in requests for immunisation. He said that he did not, in fact, believe that there had been but he is to some extent relying on anecdotal reports, as do we in relation to reports from GPs of increased demand by people whom I did indeed describe as the worried well who do not fall into the at-risk groups for whom we recommend immunisation but who none the less may wish to try to obtain the vaccine.

The most important issue at this point is ensuring that we provide supplies of vaccine to GPs who, for whatever reason, do not have enough. That is the problem. As in every previous year, GPs have placed their orders. The total number of doses available to the country is about 1 million higher than in the previous year which, in turn, was about 1 million higher than the year before and so on. A number of GPs, however, have run out of vaccine, which is why we are doing everything possible in the Department to fulfil our responsibilities and ensure that the supplies that we already have are delivered to GPs who have run out as quickly as possible and that we secure fresh supplies as quickly as possible and in turn make those available to GPs who need them so that everybody, particularly in the at-risk groups, who wants a flu vaccination this winter can have one as soon as possible.

Steve Webb (Northavon) (LD): I am grateful for sight of the Secretary of State's statement.

Does the Secretary of State accept that central Government have only two things to do? They must ensure that the emergency stockpile is adequate and they must monitor what is happening on the ground. Does she accept that the Government have failed on both fronts? We are told that the emergency stockpile will expire in a few days and, from what she has said, the Department does not appear to have a clue about what is going on. In her statement, she said that problems "may be due" to certain factors and used the words "possibly vaccination" and "awareness may be". Frankly, the Government do not know. Will the Secretary of State admit that she cannot say what has happened to all those vaccines? Does she know where they are and who has had them?

Has not the Department of Health been grossly complacent about the issue? I and Conservative Front Benchers wrote to the Secretary of State in the first half of October, but she told us today that the Government had to rely on anecdotal evidence in late October and more recently. Why did she not take action when hon. Members contacted her to alert her to the issue? Is the Department not guilty of gross complacency? How many pensioners have gone to GP surgeries and been turned away? Does she have any idea how many we are talking about? Given that many people face a barrier when going to have a vaccination—it is an ordeal even to think about it—how many will never come back because they have been turned away and simply do not want to face it again?

The Government need to take responsibility instead of blaming GPs for prescribing to the wrong people, because there does not appear to be any evidence that GPs have done so. Did the Secretary of State ask the BMA if its members had been prescribing to the worried well and, if so, what did it say? I do not imagine that it said that its members had been doing so. If this is how the Government cope with predictable seasonal flu, which they know about every year and for which they have plenty of time to plan, can we have any confidence that they will cope with a much bigger flu pandemic if we have one?

Ms Hewitt: When the hon. Gentleman accuses my Department of complacency and a lack of preparedness he is simply talking rubbish. At the beginning of the year, my Department did what it has done every year since we embarked on this programme—talk to the industry about the amount of flu dosage that would be available and ensure that it would be more this year than it was last year. As I said, there has been an increase every year for the past eight years in the amount of vaccine for winter flu available in our country. When we began to receive information and calls from GPs who were running low on supplies, we immediately took steps to set up a national audit, from which I have cited figures to show the position for the at-risk groups by the end of October. We also contacted the industry to secure more supplies. We were accused by the hon. Member for South Cambridgeshire (Mr. Lansley) of not contacting the industry until the middle of November. In fact, that was the second time that we went to the industry to secure more stock for departmental supplies because of the problems that GPs had encountered.

The fact remains that for the winter flu vaccine programme—this is a different arrangement from the one that is in place for childhood immunisation—general practitioners have always been responsible for ordering and administering the flu vaccine. Given the overall amounts—some 14 million doses—that have been delivered in our country, we can be clear that GPs have ordered at least the same amounts, if not somewhat more, compared with last year.

As regards possible pandemic flu, the arrangements that we are already making for obtaining antivirals and for obtaining vaccines are based on the system that we use for childhood vaccination—in other words, a central ordering system. The only central ordering system that we have for the winter flu vaccine is the relatively small but now increasing stockpile that we use to supplement the far larger amount that GPs order, based on their own patient lists and knowledge of the number of patients who fall within the at-risk groups. As I stressed, it is important now to ensure that we continue to do as we are doing, to obtain as much additional stock as we can and supply that to the GPs as quickly as possible.

David Heyes (Ashton-under-Lyne) (Lab): In my constituency, in at least one health centre, those in priority groups—the over-65s—have been told not only that supplies are exhausted, but that it is too late in the season for new supplies to be obtained. Is it the case that a seasonal cut-off date has until now been applied to the supply of vaccine?

Ms Hewitt: No, it is not the case that there is now a cut-off date and that my hon. Friend's elderly constituents are too late for the flu vaccine. As I said, we are distributing a significant number of doses—indeed, we have orders for some 200,000 doses that we are starting to distribute. We are taking further orders, which we will fill as more vaccine becomes available. As I mentioned, we have already placed an additional order for a further 200,000 doses—that is, on top of our initial order of 400,000 doses—so an additional 200,000 doses of flu vaccine will become available in January, and will continue to be made available to GPs who need it for their elderly patients and other at-risk groups. I hope that my hon. Friend will reassure his constituents that, if they are elderly or in the at-risk groups, they should seek to get their winter flu jab, even if it is a little later than they or, indeed, we would have wished.

Mr. Roger Gale (North Thanet) (Con): Fairly recently, hon. Members on both sides of the House took part in a promotional exercise to seek to draw to our constituents' attention the availability of influenza vaccine and the necessity for the elderly, particularly, and those at risk to use it. We did so, confident of the information made available by the Department of Health that there was sufficient available. Clearly, that confidence was sadly misplaced. In the small village of Birchington in my constituency, over the past few days, more than 50 people have presented at Courts the chemist carrying prescriptions for vaccine that is not available. A ring-round suggests that no chemist in the area has any vaccine at all. It is no good saying that it will be January before the vaccine arrives. When will people get it?

Ms Hewitt: As I have just told the House, we already have orders from GPs who have run out of vaccine, and we are filling those orders. We still have several thousand doses of flu vaccine in our own stockpile. Those are being made available to GPs in the order in which GPs place their orders to us. We will continue to fill those orders and, because of the problem that has emerged, we have secured additional stocks of flu vaccine. We have done so despite the fact that the manufacturers are reporting far higher global demand than was the case last year, so we have responded promptly to the problem that has emerged.

I stress to the hon. Gentleman that the GPs in his constituency are responsible this year, as they have been for every year since winter flu began, for placing their orders. They did so. The number of doses available to our country is significantly higher than last year, and was sufficient for 100 per cent. take-up of the vaccine among the elderly and the other at-risk groups. It is something of a puzzle, it is fair to say, that at a point in the year when, by the end of October, only about half of the over-65s and only about a quarter of the under-65s at risk had been immunised, the stocks have already run out. There are clearly lessons that need to be learned for next year. This year, the priority is to get our stocks out as quickly as possible to the GPs and replenished, so that other GPs who have not yet placed their orders can get them.

Kate Hoey (Vauxhall) (Lab): Given the cost to the economy of millions of people missing work with flu, is it not time to examine widening the at-risk category to allow anyone who wants an influenza jab to obtain one free of charge?

Ms Hewitt: My hon. Friend has raised an important point. We constantly keep under review the groups for which we recommend a winter flu vaccine and take advice from the independent Joint Committee on Vaccination and Immunisation.

Sir Nicholas Winterton (Macclesfield) (Con): I declare an interest—as a result of the session in the Palace of Westminster, I am one of those who has fortunately had the winter influenza jab. I fall into the vulnerable group. Was the Secretary of State actually alleging that general practitioners have not ordered as many doses of flu vaccine as they should have done this year? If the Department of Health were to order a larger quantity of vaccine in order to hold a larger balance in case of an outbreak or pandemic, would the vaccine go off? Does the flu vaccine go off after a time, which would prevent the Department ordering a larger quantity? I agree with the hon. Member for Vauxhall (Kate Hoey) that a far wider group should benefit from the vaccination.

Ms Hewitt: As I have said, because the flu virus takes on a different form each year, it is not possible to

[Ms Hewitt]

stockpile winter flu vaccine from one year to another. As we did with considerable success in previous years, this year we ensured that GPs placed their orders in the usual way, and we placed an order for a relatively modest, but none the less significant, stockpile of 400,000 doses in case any GPs faced difficulties. I have already referred to one manufacturer having a problem with one of its production plants, which has delayed the delivery of supplies to some GPs who rely on that particular company. Last year, there was also a problem with a production facility, but we were able to step in.

We do not know exactly how many doses each GP ordered, although the overall figures suggest that GPs ordered at least as many doses as they did last year—they probably ordered more than that. Those supplies have now run out, despite the fact that at the end of October the same proportion of people in the at-risk groups had been vaccinated as last year. We are ensuring that our stockpile is distributed to GPs as quickly as possible, with the exception of a small amount that we have ring-fenced for poultry workers, and we are supplementing that stockpile with the additional 200,000 doses to which I referred earlier.

Dr. Tony Wright (Cannock Chase) (Lab): My right hon. Friend will recall that I gave her some anecdotal evidence about the matter in this House on 17 October, and she asked her officials to make sure that there was not a problem of the kind that I described, which was the appropriate ministerial response. As she has said, however, we still do not know what has happened, which is a problem and a puzzle. People such as me were asking whether it was likely that demand for seasonal flu vaccine would increase because of the attention paid to avian flu, but did the Department factor that point into its calculations? If there is a question about the vaccinating practices of GPs, is there any check on whether they are giving the vaccine to priority groups only?

Ms Hewitt: My hon. Friend raises important points. He refers to the problem that he had encountered, which he mentioned to me on 17 October. After that, I checked with the Department and established that there had indeed been delays because of production problems with one manufacturer. Those problems were overcome and the delayed supplies were then delivered to the GPs who had ordered them. We also put in place a national audit process so that we could track exactly what was happening. GPs regularly provide information to their primary care trusts, mostly through the computer system, on the numbers of people in the at-risk groups whom they have vaccinated. I gave those figures and proportions to the House.

If somebody who is not in an at-risk group asks for a flu vaccination because they think that it might be a good thing to have this year, perhaps because of the publicity that they have read about avian flu, that does not mean that a GP necessarily should or will give a vaccination to that person. GPs are not required to report to PCTs on vaccinations given to people who fall outside the at-risk groups, although those figures might become available later in the year when they claim reimbursement for such vaccinations. We have stressed—we did it again in the letter that went to GPs—the need to focus on the priority groups. Those people are most in need and will most benefit from the vaccine. Given the shortages that have arisen in so many GP practices, it is absolutely essential that supplies are reserved for those groups.

Mrs. Iris Robinson (Strangford) (DUP): Will the Minister give a categorical assurance that GPs will be directed to stay within the at-risk patients guidelines for the vaccine so that the worried well, who are allegedly being vaccinated, do not receive the vaccine until the crucial groups are catered for? Given that we face an extreme winter period, surely the vulnerable must be first in line to get this much-needed vaccine.

Ms Hewitt: I agree. The whole point about having priority groups is that they should get priority. The letter that went from the Department yesterday to the flu co-ordinators and the advice that goes through them to GPs stresses that the vaccine should now be directed towards the priority groups—the elderly, younger people at clinical risk and carers—who are at risk.

Mr. Dennis Skinner (Bolsover) (Lab): Is the Secretary of State aware that not all of us who are in the categories that qualify for the flu jab have responded? I suppose that I qualify, having had a tumour removed and a heart bypass. I have a lot to thank the national health service for, and I rise to support it again. I have heard the figures. Will my right hon. Friend confirm that in the last year of the Tory Government there were 6 million flu jabs, yet this year there have been a record 14 million flu jabs? When I have mine next week, if I go—I found out this morning that it will be available—it will be 14 million and one, at least. Can there be a more sickening sight than Tory MPs who voted against—

Mr. Speaker: Order. The Secretary of State will answer just one supplementary.

Ms Hewitt: I entirely agree with all the points that my hon. Friend has made. In particular, I stress that more vaccine has been made available in Britain than ever before, and that it has been received by people who are, I hope, predominantly in the priority groups for whom it is of most benefit.

Mr. Nigel Evans (Ribble Valley) (Con): The Secretary of State says that lessons have to be learned for next year. What lessons has she learned, given that she does not seem to be taking any responsibility for the crisis that we are facing? Steve Flynn of Mellor in my constituency contacted me today. He is an asthma sufferer who was told that he could not get the flu jab this week. He said, "I'll ring back next week", and was told, "Yes, give us a try." I then phoned both my Clitheroe practices, which expect it to run out of the vaccine at the end of the week. Will the Secretary of State say how long the 400,000 doses that she has in the current contingency stock are likely to last, and will she ensure that all practices, in rural as well as urban areas, get access to it?

Ms Hewitt: Some 110,000 doses from the contingency stock that the Department holds have already been delivered; 200,000 doses have been allocated to orders and will shortly be distributed; 40,000 doses are currently available for order; and a further 50,000 will be delivered to our distributors in the week beginning 5 December. As I said earlier, 10,000 doses are being reserved for poultry workers. In other words, a total of 80,000 doses will still be available for order. We will distribute them in the order that GPs place their orders. Whether GPs are rural or urban, the doses will be distributed on the basis of first come, first served.

My colleagues in the Department and I take extremely seriously our responsibility for monitoring exactly what is happening, ensuring that we get our contingency stock to GPs, who, for whatever reason, have run out of stocks, and for supplementing our stocks and getting them to GPs who continue to need them as quickly as possible.

Michael Connarty (Linlithgow and East Falkirk) (Lab): My right hon. Friend will recall the letter that she wrote to all hon. Members asking them to launch a campaign in their constituencies to get elderly people to take up their flu vaccine. That happened in Scotland as well as in England. Will she therefore look seriously at getting the figures correct? There are either 11 million people in England and 14 million throughout the United Kingdom or there are simply 11 million people who need the vaccine. We need to know whether the supply of 14 million doses to which she referred is available throughout the UK and whether it is required by 14 million people.

I hope that my right hon. Friend will analyse where the vaccines went from the manufacturers' point of view. I am worried about people who pay for their vaccines and never claim anything from the NHS—she never knows whether fairly well, economically active people take the vaccines from those who require them and are at risk. I should like her to check with the manufacturers how many doses were supplied to GPs and therefore how many went to people who did not require them.

Ms Hewitt: My hon. Friend raises important points. We need to get much more information than we currently have by the end of the winter. As I said earlier, the estimated production total from all the UK vaccine manufacturers is 14 million doses—around 1 million more than the previous year and well over double the figure some eight years ago.

Mike Penning (Hemel Hempstead) (Con): May I tell the Secretary of State that the excellent GPs in my constituency will have heard with dismay her blaming them for the incompetence of her Department? When can she guarantee that the rationing will stop—by January, February or at the end of the winter, when our people have already suffered?

Ms Hewitt: This is not a question of blaming the GPs or anybody else. Since winter flu vaccination started, it has been the responsibility of individual GPs to order what they believe they need for their practices, taking into account the Department's advice on the risk groups for whom immunisation is a priority. As I have said several times, the number of doses—14 million—available this year is significantly higher than in previous years and should have been more than adequate for not only 100 per cent. take-up in the at-risk groups, which we have never achieved, but for others, including health care workers, for whom immunisation is often desirable.

Mr. Adrian Sanders (Torbay) (LD): The last time the Secretary of State spoke on the issue, I asked her whether there was a need for a Government information campaign to deal with public confusion about the differences between a seasonal flu jab, a pandemic and avian flu. In her reply, she said that the Government's information campaign on seasonal flu had already been completed. Who is therefore to blame for those non-vulnerable and ineligible groups seeking the flu jab—the Government for not informing the public properly, the media for confusing the message that the Government needed to convey or the public for not understanding the Government's message?

Ms Hewitt: In line with contingency plans and World Health Organisation guidance, we have published a great deal of material, all of which was well tested on the public to ensure that it is as clear as possible. We have made that available to GPs and on a variety of websites. We do our best to brief the media on the difference between bird flu, which does not exist in Britain and poses a very small risk to human health in Europe generally, a possible pandemic flu of a currently unknown strain, and winter flu, with which we have been dealing in the usual way. We have done our best to communicate that information as clearly as possible.

Tony Baldry (Banbury) (Con): The Secretary of State said that last year one in four of the elderly at risk did not manage to get vaccinated. It is reasonable to infer that those people are more likely to be infirm and housebound, and therefore less able to get to their GP's surgery for their vaccination. Does the Secretary of State want GPs to carry out domiciliary visits in order to reach the elderly infirm, of whom there are increasing numbers, at home?

Ms Hewitt: The hon. Gentleman raises an important point. Because we give priority to the elderly and other clinically at-risk groups, and because GP practices are paid specifically for vaccinating the people in those groups, there are already quite a lot of programmes of that sort. District nurses, for instance, go to old people's residential homes, or to very frail elderly people who might well be housebound, to offer them the flu vaccine. However, there has never been a 100 per cent. uptake and GPs tend to base their orders for the vaccine on what they used the previous year, as they do not want to be left with unused stock. The GPs and the Government do everything possible to ensure that vulnerable elderly people get the protection that they need and deserve.

Points of Order

4.16 pm

Mr. Laurence Robertson (Tewkesbury) (Con): On a point of order, Mr. Speaker. The Government made major announcements today on the reorganisation of local government in Northern Ireland. They also announced the implications of that reorganisation on the education, health and social services sectors. The Secretary of State for Northern Ireland has referred to the proposed changes as "major" and "substantial", yet he has chosen to make the announcements in written form, rather than by coming here to announce the proposals on the Floor of the House of Commons.

You will be aware, Mr. Speaker, of the large number of right hon. and hon. Members who take a close interest in the affairs of Northern Ireland. Given that the proposals in the written statements are so fundamental and far-reaching, would it not have been more appropriate for the Secretary of State to have made a statement here in the Chamber of the House of Commons, where all of us who take an interest in the affairs of the Province would have the opportunity to question him and to contribute to what is a very important debate?

Dr. William McCrea (South Antrim) (DUP): Further to that point of order, Mr. Speaker. The announcement that the Secretary of State for Northern Ireland made today details some of the most radical changes in the way in which Northern Ireland is to be administered. The statements cover not only local government but health, social services and education, and the total number of public bodies involved in those sectors is to be reduced from 67 to 20. That will have an impact on hundreds, if not thousands, of employees. Surely, rather than announcing such important changes at a press conference in Northern Ireland, the Secretary of State should have come to this Chamber to allow the Members of Parliament elected by the people of Northern Ireland and other right hon. and hon. Members to ask him questions about the changes. Mr. Speaker, will you invite the Secretary of State to come immediately to the House to make his statement here?

Kate Hoey (Vauxhall) (Lab): Further to that point of order, Mr. Speaker. It is getting increasingly difficult for people in Northern Ireland to feel that they are being governed by people who understand what is happening there. Surely this matter should have been discussed by the parliamentary representatives of Northern Ireland, who do not get the chance to have such discussions now that there is no devolved Government or any other way of doing so. This is quite wrong, and I hope that you agree, Mr. Speaker, that the Secretary of State should have come to this House to make these announcements.

Mr. Peter Robinson (Belfast, East) (DUP): Further to that point of order, Mr. Speaker. Is it not bordering on contempt of this House for the Secretary of State to have asked his Ministers to invite Members of the Northern Ireland Assembly to briefings on the announcements that he has made today, rather than coming to this Chamber? Instead, he slinks away to an hotel to make his statement.

Mr. Speaker: I am grateful to the hon. Member for Tewkesbury (Mr. Robertson) for giving me notice of his point of order. The Secretary of State for Northern Ireland has indeed made four written statements to the House today on the structure of local government in Northern Ireland. I have no doubt that there will be an opportunity to discuss the proposals in the House. I also note that some of the proposed changes will require legislation, so there will be opportunities for the House to consider them in due course.

Mr. Gerald Howarth (Aldershot) (Con): On a point of order, Mr. Speaker. We have been expecting delivery later this week of the National Audit Office's annual report on the 20 largest defence projects—a report that always commands widespread public interest. To my surprise, this afternoon the Press Association carries a story that the Minister responsible for defence procurement, Lord Drayson, has held a press briefing providing a partial interpretation of the forthcoming NAO report. I have checked with the Public Accounts Committee, which tells me that the report is embargoed until one minute past midnight on Friday.

I understand that the Ministry of Defence claims that the timing of today's press briefing and the NAO report is coincidental. Even if we allow for Lord Drayson's relative inexperience of the courtesies of parliamentary procedure, is it not unacceptable that a Department of State should be engaged in what clearly amounts to a naked attempt to pre-empt the report of a universally respected and impartial public agency?

The PA report states:

> "The MOD took the unusual step of releasing the figures three days before the National Audit Office publishes its annual report on major defence projects."

That report will show, apparently, that the combined cost of the 20 biggest projects is still running at about £1 billion.

As I am sure you will appreciate, Mr. Speaker, the Opposition are always handicapped by having sight of public documents of this kind only 24 hours before publication. Is it not a grave discourtesy to us and, indeed, to all Members with an interest in these matters, that the Ministry of Defence has sought to use its privileged position to taint and pre-empt public reaction to the forthcoming NAO report? If you agree with me, Mr. Speaker, can you advise me on what we might do about it?

Sir Nicholas Winterton (Macclesfield) (Con) *rose*—

Mr. Speaker: Order. Perhaps I can reply to the hon. Member for Aldershot (Mr. Howarth) first. That might help the hon. Member for Macclesfield (Sir Nicholas Winterton).

Obviously I am not aware of the circumstances surrounding the matter raised by the hon. Member for Aldershot. This is the first time that it has come to my attention. However, I would be very angry indeed if information required for the House went first to journalists. I am not happy with that, and I condemn such an action. The best advice that I can give the hon. Gentleman is that he should allow me to investigate the matter. My officials will look into it this afternoon and will get in touch with the appropriate Minister.

Mr. Howarth: Further to the point of order, Mr. Speaker. I am extremely grateful to you, as, I am sure, is the whole House. I am sorry that I could not give you notice of the matter earlier, but it came to my attention only about an hour ago. I thank you warmly for, as ever, seeking to protect the interests of Members.

Sir Nicholas Winterton: Further to the point of order, Mr. Speaker. Let me say from the Back Benches that I am extremely grateful for your response to my hon. Friend the Member for Aldershot (Mr. Howarth). The whole matter is tremendously important to some of us whose constituencies contain defence industries. Four trade unionists from BAE Systems visited me at the House today. Please will you use your best offices—I know that you will—to ensure that statements of importance to Members are made in the House and not outside?

Mr. Speaker: I can give the hon. Gentleman that assurance. All information should come to the House; it should not go to television studios or reporters.

I am so glad that everyone is so pleased with the Speaker. I hope it that it lasts at least for the afternoon.

British Subjects (Registration)

4.24 pm

Mr. Gregory Campbell (East Londonderry) (DUP): I beg to move,

That leave be given to bring in a Bill to amend the British Nationality Act 1981 to enable citizens of the Republic of Ireland resident in the Untied Kingdom to register as British subjects.

The Bill will offer people born in the Republic of Ireland after 1949 who have associations with the United Kingdom through residency some of the rights that are currently given to those born before 1949. It will provide political, practical and symbolic recognition of those affected and will allow them to join and to be treated in all other regards as British subjects. That end is achieved by amending the British Nationality Act 1981. There will be a requirement that anyone applying to register as a British subject under the provision swear an oath of allegiance to the Crown, as provided in schedule 5 of the 1981 Act.

It is not easy to estimate the number of people who would wish to avail themselves of that scheme, but the 2001 census for Northern Ireland provides some evidence. Its figures show that the number of people born in the Republic of Ireland, but now resident in Northern Ireland, is around 40,000, though it does not indicate how many of them were born before 1949 or give any indication of the number who might wish to avail themselves of the provision. In the Northern Ireland Westminster parliamentary constituencies, the number of people born in the Republic of Ireland ranges significantly, from less than 1,000 in one instance to more than 5,000 at the other extreme.

There is a long history to these matters, Mr. Speaker, dating way back to the Act of Union 1801 and perhaps long before it. For present purposes, Members will be content to note that I will confine myself to the last century in general and the last 50 years or so in particular. I will point out that there is already a scheme in place for those people in this position who were born before 1949.

The law as it stands makes provision for anyone born before 1949 in the Republic of Ireland with associations with the UK—as defined in the 1981 Act—to become a British subject. Indeed, we have the ludicrous position whereby those born in Northern Ireland who consider themselves Irish, though they have never lived in the Irish Republic or voted in an Irish election or paid Irish taxes, can avail themselves of an Irish passport by a straightforward process of completing an application form and enclosing the fee, yet those born a few miles across the border in the Republic since 1949, having lived in the UK for many years, having voted in UK elections and having paid UK taxes, cannot avail themselves of a British passport without going through the cumbersome procedure of applying for what is known as naturalisation.

It is impossible to understand the issue without fully appreciating the relationships between all the people who live within the British Isles. Just a few weeks ago, we remembered those who have died in various conflicts, including the first world war. At that time, many born in what is now the Republic of Ireland fought as British soldiers in the British Army. As I have already explained, the law reflects their circumstances,

[Mr. Gregory Campbell]

as they were obviously born before 1949. It is those born after that arbitrary date, some of whom were descendants of those soldiers, who are denied the same option.

The last few decades have inevitably focused on events in Northern Ireland and the history of our Province. There has not been much focus on the history of the Republic of Ireland since partition. One is inevitably driven to generalities when dealing with such matters. For example, in the 1920s, the drawing of the boundary between what is now Northern Ireland and the Republic of Ireland was not without contention. Some areas with a significant Protestant or Unionist population were not included in Northern Ireland. The reduction in the number of Protestants living in the Republic from 1921 to today is also a matter of historical fact.

The reasons why that has been the case are a matter for another day, but quite a number of those people have moved to Northern Ireland. As I have explained, if those who moved were born before 1949, they are already catered for, but many born in the Republic of Ireland after that date will be able to benefit from the Bill. These people, aged 56 and under, are indistinguishable in every respect from other British citizens in Northern Ireland—except in their formal nationality. As a result, they travel on Irish passports and are legally regarded as citizens of the Republic of Ireland, despite many of them regarding themselves as British. To qualify for British citizenship on another basis—if such is available to them—they are required to undergo the lengthy process that I outlined earlier.

I mention only in passing the approach taken by the Republic of Ireland to those who are born in Northern Ireland. Under article 1(vi) of the British-Irish agreement—the treaty section of the Belfast agreement—anyone born in Northern Ireland has the right to identify themselves as Irish or British or both, as they so choose; it is a matter for them. They also have the right to be regarded as Irish citizens. This allows me, living in Northern Ireland, to regard myself as an Irish citizen if I so wish, yet some of my neighbours—those born, for example, in County Donegal in the 1950s and 1960s, but who have lived in the United Kingdom for almost all their lives—cannot currently become British subjects without some inconvenience and additional cost.

I do not believe it too much of an assumption to accept that the majority of those in Northern Ireland who would wish to benefit from this change in legislation are from the Unionist tradition, but it would of course be open to all to whom it applied. None the less, since I raised this issue publicly in Northern Ireland, there has been no opposition to the provisions. Indeed, it is difficult to imagine how anyone could oppose this anomaly's being resolved.

This Bill is important not just in a symbolic, but in a very practical, way. It is important to these individuals that they be recognised as subjects in the country in which they live, contribute, vote and pay taxes.

4.32 pm

Mr. Eric Forth (Bromley and Chislehurst) (Con): I am very unhappy about this proposal. It carries with it a number of very important assumptions and implications with which I am certainly not prepared to go along at this stage; it needs a lot of further debate. The first assumption is the casual one that the good folk of Ireland should continue to have special privileges in this country that others do not have. Of course, Ireland is a proud member of the European Union, as, indeed, is this country—for the time being. That suggests that for fairness and even-handedness, we should treat Ireland in exactly the same way as we treat other EU member states: no better and no worse. This constant demand for special treatment for Ireland strikes me as anomalous, to say the least. If the Irish want their country to be treated as a sovereign nation within the EU, they should surely accept the responsibilities that go with that. So there is a basic problem with this proposition that we have to face up to.

I turn to another difficulty. The hon. Member for East Londonderry (Mr. Campbell) made some play of the fact that the naturalisation process is extremely difficult, arduous and strenuous. I do not think that that is so, but if it is, it is properly the case. Surely British citizenship is a privilege that should be somewhat arduous and difficult, rather than casual and easy, for people of any other nationality to obtain. So the idea that we make the privilege of British citizenship very simple and easy to get strikes me as odd. We should move in the other direction instead, given the problems that we face with people coming from other countries to this country. If, as the hon. Gentleman suggested, they come to live here for a long time, pay taxes and so on, there is a process open to them whereby they may apply to become British citizens, and it is a perfectly proper and correct process. I hope that that process is retained. Indeed, I could easily be persuaded that it should be made somewhat more difficult, rather than easier.

I have given two basic reasons why I think that this proposal should be resisted, certainly until we have explored its implications a lot further than we are able to today.

Question put, pursuant to Standing Order No. 23 (Motions for leave to bring in Bills and nomination of Select Committees at commencement of public business), and agreed to.

Bill ordered to be brought in by Mr. Gregory Campbell, Kate Hoey, Michael Fabricant, Andrew Mackinlay, Lembit Opik, Rev. Ian Paisley, Mr. Peter Robinson, Mr. Nigel Dodds and Mrs. Iris Robinson.

BRITISH SUBJECTS (REGISTRATION)

Mr. Gregory Campbell accordingly presented a Bill to amend the British Nationality Act 1981 to enable citizens of the Republic of Ireland resident in the United Kingdom to register as British subjects: And the same was read the First time; and ordered to be read a Second time on 16 June, and to be printed [Bill 91].

Opposition Day

[10TH ALLOTTED DAY]

Welfare Reform and Incapacity Benefit

Mr. Deputy Speaker (Sir Michael Lord): We now come to the debate on welfare reform and incapacity benefit. I must tell the House that Mr. Speaker has selected the amendment in the name of the Prime Minister.

4.36 pm

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): I beg to move,

That this House is extremely concerned that the Government is failing to tackle welfare reform despite promises to do so; recognises that the pensions system is in crisis; notes that the Prime Minister believes the Child Support Agency is not suited to carry out the task that it has been given; believes that the New Deal has failed to deliver; notes that 116,000 more people are claiming incapacity benefit than in 1997 despite the Government's pledge to reduce the number; is deeply disturbed that the Incapacity Benefit Green Paper, which was due to be published in the summer and then the autumn, will not now be published until January; believes that this is due to continuing conflict between the Prime Minister and the Department for Work and Pensions on the desired content of the Paper; and calls on the Government finally to deal with the increasingly urgent need for welfare reform, for the benefit of users of the system and all taxpayers.

My first, and very pleasant, duty is to welcome the new Secretary of State to his responsibilities. I am getting rather good at this, as only six months ago I welcomed his predecessor, the right hon. Member for Sheffield, Brightside (Mr. Blunkett). The right hon. Gentleman is no less than the fourth person to occupy the role in just over 12 months. The Prime Minister had better get careful: to lose one Secretary of State is a misfortune, to lose two is clearly carelessness, but to lose three suggests a degree of serial incompetence in 10 Downing street. In part, that explains some of the incoherence that we are experiencing in welfare policy.

Of course, we wish the new Secretary of State well. I hope that he will not mind if I borrow a phrase from pension language and say that he will find his Department rather difficult to handle, with very few direct benefits for him. He will expect to make most of the contributions and will find that a difficult task. One of the questions on which we will judge his performance is whether he can live up to his predecessor, the right hon. Member for Sheffield, Brightside. Despite his other failings, he was a big beast and could hold out against 10 Downing street when that was appropriate. The Secretary of State does not yet have that reputation, and we wait with interest to see whether he can earn it.

Welfare reform is an appropriate subject for debate today. When they first came to office in 1997, the Government chose to adopt it as one of the major issues on which they would be judged. It was one of the great themes of that election, but the Prime Minister essentially fell at the first hurdle. The right hon. Member for Birkenhead (Mr. Field) was appointed as the Minister in charge of welfare and invited to think the unthinkable. However, he was out of government within a year, and never emerged again.

That was our first evidence that, on welfare reform and many other issues, the Prime Minister is very powerful when it comes to rhetoric, but very poor when it comes to delivery.

Ed Balls (Normanton) (Lab): Will the right hon. and learned Gentleman give way?

Sir Malcolm Rifkind: I will in a moment. The Prime Minister likes to give the impression that he leads from the front but, on a great many issues, he prefers to go for public opinion when the going gets tough. In effect, he tells people, "Tell me where you wish to go, in order that I might lead you."

Ed Balls: In 1997, the Government introduced the new deal, which has reduced unemployment in my constituency by 80 per cent. and helped 550 single parents into work. Why does the right hon. and learned Gentleman want to abolish the new deal? Is that a coherent policy?

Sir Malcolm Rifkind: Like the hon. Gentleman, we know that most jobs offered under the new deal are not permanent. It has not had the impact that had been hoped for, and a powerful argument for using the private and voluntary sectors to find jobs is that they tend to offer long-term or permanent employment.

Huw Irranca-Davies (Ogmore) (Lab): Will the right hon. and learned Gentleman give way?

Mr. Ian Austin (Dudley, North) (Lab): Will the right hon. and learned Gentleman give way?

Sir Malcolm Rifkind: I hope that the House will forgive me, but I intend to make my speech. I will accept interventions, but this debate is about the incoherence of the Government's welfare policy. That is what we shall concentrate on.

On so many issues, at the first sign of difficulty, the Prime Minister tries to distance himself from the policy of his own Government. Only last week, the Prime Minister dropped broad hints at the Dispatch Box that he was enthusiastic about the suggestion that the Child Support Agency should be abolished—he knows the low esteem in which it is held by the public. But of course, soon after the Prime Minister left the Chamber, No. 10 Downing street and the Department for Work and Pensions were asked for confirmation of the policy, and we then heard the magic word, "clarification". That made it clear that there was no intent to abolish the CSA. There was no new policy on the CSA: the Prime Minister simply wished to make a short-term impact.

The same thing happened with the deal that was done between the Secretary of State for Trade and Industry and the public sector trade unions. The Prime Minister let it be known how unhappy he was with the deal that had been made, as if somehow it had nothing to do with him. His attitude was, "Forgive me, I'm only the Prime Minister. I can't be expected to be held responsible for deals made by my Government." But we know that that deal has been enormously damaged by the Government's attempt to argue that the rest of the population should work longer and retire later while

[Sir Malcolm Rifkind]

simultaneously sanctioning a deal for their own employees that will take 40 years to come into effect. It is a poor situation, and the Secretary of State will have to acknowledge that.

We are discussing welfare policy as a whole today, but as the motion implies I shall concentrate specifically on incapacity benefit, which is one of the areas where the Government have most fallen down on their stated ideals since they came into office.

Huw Irranca-Davies: The right hon. and learned Gentleman probably knows that areas in my constituency—Bridgend and Rhondda Cynon Taff—saw the rolling out of the pathways to work pilots. It is right to say that since the Government have been in power the number of incapacity benefit claimants has risen from 2.6 million to just over 2.7 million. However, will the right hon. and learned Gentleman confirm that if the trend established under the Conservatives had continued, the increase would have been from 2.6 million to 4 million? This Government have tightened up the system and helped people back into work under the pathways to work pilot.

Sir Malcolm Rifkind: The hon. Gentleman might think that he is being logical, but he should remember that logic is the art of going wrong with confidence. He should not use that sort of nonsense argument if he wishes to impress the House.

This is a debate about incapacity benefits, which are received by many millions of our fellow citizens, the majority of whom are sick or disabled. I am proud to have been a member of a Government who introduced improvements to the financial security and wellbeing of millions of our fellow citizens who, through no fault of their own, are sick or disabled. Of course, when one introduces such improvements, there is an initial high take-up, but that should be welcomed because it improves the wellbeing of our fellow citizens. However, the Government cannot rest on that case. When they came to office in 1997, they said that the number claiming—the hon. Gentleman rightly said that it was 2.62 million—was far too high. The Prime Minister said then, and has said every year since, that 1 million of those people should be in employment and not on benefit—

Edward Miliband (Doncaster, North) (Lab): Will the right hon. and learned Gentleman give way?

Sir Malcolm Rifkind: No, I shall not give way until I have finished my point.

The Prime Minister and his colleagues should be judged by the policy on which they came to power, which—

Huw Irranca-Davies: Will the right hon. and learned Gentleman give way?

Sir Malcolm Rifkind: No, I wish to develop my argument and then I will take interventions.

The starting point that we have is a Labour party which said that the number of claimants was far too high at 2.62 million and that it was an overwhelming priority of a Labour Government to reduce that figure by—it hoped—1 million. What has been achieved in the past eight years?

Edward Miliband: Will the right hon. and learned Gentleman give way?

Sir Malcolm Rifkind: No. The hon. Gentleman does not want to be reminded of the facts, but he will be reminded that far from reducing the figure by the million that the Government sought as their target, the number of people claiming incapacity benefit has gone from 2.62 million to 2.74 million—120,000 more claimants than when the Government came into office.

The situation is even more alarming than that. The biggest increase in that overall total is in the number of people who have been claiming IB for stress or depression, subjects that by their nature are far more difficult to prove or disprove and where general practitioners have the greatest difficulty in establishing the reliability of the claim. The figure was 592,000 in 1997, but it is now more than 1 million, a 39 per cent. increase. That is the mark of the Government's failure.

Huw Irranca-Davies: I appreciate the right hon. and learned Gentleman's generosity in giving way again on that point. He did not accept my figure of 4 million if the Conservative policy had continued, but will he accept that since 1997 the Government have succeeded in tightening up the gateway so that although people already on incapacity benefit will, as part of our policy, be increasingly well protected, the trend for people going on to incapacity benefit is downwards? That was certainly not happening under the Conservatives.

Sir Malcolm Rifkind: Only the hon. Gentleman, or perhaps some of his colleagues, could claim that an increase of 120,000 is a downward trend—*[Interruption.]* He will be difficult to persuade because he uses a system of grammar that is not known to the rest of the human race. That is a matter on which we will have to agree to differ.

By the Government's own standards, they have failed over the past eight years. There has been a remarkable collapse. Each year, Ministers have to say the same thing. In 1997, they were saying that a million people needed to be found jobs and in 2004, after they had already been in office for seven years, there were still a million people who needed to be found jobs. Only last year, the Secretary of State's predecessor found yet another million people who still had to be found jobs, yet nothing has happened and that is typical of the Government's approach.

Miss Anne Begg (Aberdeen, South) (Lab): I was interested to hear the right hon. and learned Gentleman say that he was proud to have introduced incapacity benefit. The reason for reform is that the benefit itself has put barriers in the way of disabled people who want to get back into work. How can he be proud of that?

Sir Malcolm Rifkind: I did not say that there is no case for reform. Of course there is, as there would be for any other major innovation. I am saying that the Government have completely failed to meet that case; they have completely failed to deliver the policy that is required.

At the beginning of the year the Government announced a major new strategy, launched by the right hon. Gentleman who is now Secretary of State for Trade and Industry. That was two Secretaries of State ago; it is difficult to keep up, as the current Secretary of State for Work and Pensions will appreciate. On 2 February, when the Department of Work and Pensions five-year strategy was launched, the Government announced, with the hype typical of them, that they were launching the

> "biggest change in incapacity benefits since they were created".

That sounds pretty impressive, as though the Government were at long last getting to grips with the problem, yet when we looked at what it meant in practice we found three things.

First, we found that all that the Government proposed to do was to publish a Green Paper—not a White Paper. One might have thought that if they had already worked out how to implement the greatest reform in incapacity benefit it would have been followed by a White Paper, which could have gone out for consultation. But no, we were promised only a Green Paper.

Secondly, the new policy would be implemented—if it ever was—not in 2005, or even 2006 or 2007, but in 2008, three years from now. Thirdly, the most extraordinary part of the announcement, which is, I think, still Government policy, is that all the marvellous new benefits would not apply to a single one of the 2.7 million existing IB claimants but only to new claimants.

In their announcement the Government said:

> "The reformed benefit will provide enhanced financial security for the most severely sick and disabled"

Very good. None the less, not one severely disabled person currently receiving the benefit will have the ghost of an opportunity to enjoy any of the new benefits. The same announcement stated that there would be

> "more money than now for all those claimants who take part in work focused activity".

More money than now, but not for anybody receiving the benefit now. For some reason best known to the Government, no advantage will be obtained by the 2.7 million people currently in receipt of IB.

Michael Connarty (Linlithgow and East Falkirk) (Lab): Will the right hon. and learned Gentleman give way?

Sir Malcolm Rifkind: I will, although I would have been happier to give way to the Secretary of State if he wanted to correct or change that policy, but as he remains silent and is on a learning curve I will give way to the hon. Member for Linlithgow and East Falkirk (Michael Connarty) instead.

Michael Connarty: As always, the right hon. and learned Gentleman is trying to teach us all something. He tried it the last time he was here. Unfortunately, I think he has got it wrong. My understanding from people that I have talked to in the DWP is that anyone who is on incapacity benefit at the moment who believes that they can have the benefit of those extra resources will be granted them. I have asked and been told that that is the case.

Sir Malcolm Rifkind: I think we are talking about different things—unless the Government have made an announcement of a change of policy to the hon. Gentleman that he has not announced to the House. That is always possible. *[Interruption.]* On the contrary; we have not had the Green Paper yet. That brings me to my next remarks. All we have to go on at the moment is—

Mr. Pat McFadden (Wolverhampton, South-East) (Lab): Will the right hon. and learned Gentleman give way?

Sir Malcolm Rifkind: No. Let me deal with this matter first. The hon. Gentleman will forgive me. All we have to go on as to what the Government's policy is—

Edward Miliband *rose—*

Sir Malcolm Rifkind: No; I am sorry. All we have to go on is what the Government said in February. In February it was indicated that the new reform proposals would not apply to existing claimants, only to new claimants after 2008. Let me just share with the House—

Edward Miliband *rose—*

Sir Malcolm Rifkind: I understand why hon. Gentlemen wish to deflect me, but they will not succeed. Let me share with the House what has happened since that grand statement in February, promising the greatest ever reform in incapacity benefit. We were told then that there would be a Green Paper—seemingly it had to be a Green Paper, but at least it would be published in the summer—and that remained the Government's position. Indeed, after the general election the Prime Minister repeated at his first press conference that

> "there will be a Green Paper on reform of Incapacity Benefit before the summer recess."

Well, what happened to it? It never appeared. And later, in July, we were told that the timetable had slipped, and that it would be published in the autumn. And then, when asked at oral questions on 31 October why the Green Paper was four months overdue, the Minister for the disabled, the Under-Secretary of State for Work and Pensions—the hon. Member for Stirling (Mrs. McGuire)—said,

> "the Green Paper is not four months overdue: we made it very clear earlier this year that we would publish it in the autumn."—[*Official Report*, 31 October 2005; vol. 438, c. 622.]

Well, the difference between summer and autumn is not very different from four months, but we shall put that on one side.

Then we had a statement by the Prime Minister on 16 November that the Green Paper is not now going to be published until January of next year. Now, is January of next year consistent with the autumn? Is this what the Government mean by their policy on climate change? Are these things very difficult to control? When asked why the delay was taking place—

Lynne Jones (Birmingham, Selly Oak) (Lab) *rose—*

Sir Malcolm Rifkind: I shall not give way for the moment.

[Sir Malcolm Rifkind]

When asked why, the Prime Minister said, "Well, you know, there has been a change of Minister at the head of the Department." This, we are told, is the official reason why the Green Paper now cannot come out until next year. Well, when the right hon. Member for Sheffield, Brightside was appointed Secretary of State back in May, that was not given as a reason for delay; far from it. The Prime Minister confirmed that the original timetable was going to be held to.

We know exactly why the delay has taken place. If the Secretary of State will forgive me, it has nothing to do with his appointment. It has to do with the very serious differences of view, to put it mildly, between the Prime Minister and the previous Secretary of State—and perhaps the present incumbent. We just do not know yet what the present incumbent's view is. But what we do know—

Lynne Jones: Will the right hon. and learned Gentleman give way?

Sir Malcolm Rifkind: No.

What we do know is that the Prime Minister has been putting very severe pressure on the Department for Work and Pensions—quite contrary to the Government's stated policy—to toughen up the line. We know that it is contrary to the Government's stated policy, because the Secretary of State has actually said that this is not a cuts agenda.

The Secretary of State for Work and Pensions (Mr. John Hutton) *indicated assent.*

Sir Malcolm Rifkind: The right hon. Gentleman is nodding. And others have said that cutting benefit is not part of the Government's reforms. And yet we know—unless the right hon. Gentleman will tell us that this is not true—that on Monday 10 October, "Channel 4 News" reported—*[Laughter.]* Well, we shall hear the Government's views on this in a moment—

Mr. Sadiq Khan (Tooting) (Lab): Scraping the barrels.

Sir Malcolm Rifkind: I can understand the hon. Gentleman's nervousness.

On Monday 10 October, "Channel 4 News" reported:

> "We understand the Prime Minister wrote to Mr. Blunkett over the weekend asking for cuts to the planned levels of Incapacity Benefit . . . The Prime Minister's proposals would mean"—

apparently, Channel 4 had seen a copy of the letter—that

> "average Incapacity Benefit claimants would be ten pounds a week worse off than under"

the Secretary of State's own

> "plans. Many could be thirty to forty pounds a week worse off."

It was said that the Prime Minister was

> "suggesting the benefits should be time limited"

and

> "people could not claim it after two years and would move on to other benefits or no benefits."

On Sunday 30 October, it was reported that, following a further memo from the Prime Minister—or it may have been the same memo—the previous Secretary of State had written to the Prime Minister saying that he could not accept the last-minute, hard-line changes to incapacity benefit that were being demanded by Downing street. Apparently, the demands in the Prime Minister's own memo to the Secretary of State included replacing part of the £76 per week given to incapacity benefit claimants with tokens that could only be spent on job training courses, and that incapacity benefit would be paid at jobseeker's allowance rates, which are, of course, far less than long-term incapacity benefit.

We will expect the new Secretary of State to indicate what truth there is in those reports. Indeed, I am happy to give way to him now. Is he willing at this very moment to come to the Dispatch Box to say that neither he nor his predecessor has received representations from the Prime Minister or from No. 10 Downing street asking for the Green Paper to be changed to become more harsh with regard to incapacity benefit? Would he care to deny that those reports are true?

Lynne Jones: Will the right hon. and learned Gentleman give way?

Sir Malcolm Rifkind: No. Forgive me, but I am interested in the Secretary of State at the moment. I notice that he has not intervened, and we will listen very carefully to his remarks in his own speech to find out whether he deals with this matter or tries to avoid it.

John Bercow (Buckingham) (Con): The confusion is even greater than my right hon. and learned Friend has already eloquently described, given that the then Secretary of State for Work and Pensions, who is now the Secretary of State for Trade and Industry, told the House on 28 February:

> "we will not introduce time-limiting of incapacity benefit."—[*Official Report*, 28 February 2005; Vol. 431, c. 630.]

Would it not be helpful if the current Secretary of State now abandoned his self-denying ordinance, came to the Dispatch Box and told us whether he can repeat that commitment?

Sir Malcolm Rifkind: That would be very agreeable indeed. I think that I can make a fairly clear prediction that that will not happen; but of course, the Secretary of State will have my full agreement if he wishes to clarify the point so ably made by my hon. Friend.

Lynne Jones: I thank the right hon. and learned Gentleman for finally giving way to me. While I would have grave concerns about some of the measures that he has articulated, although I have no knowledge of whether there is any truth in those suggestions, I was very happy with the proposals announced last February by the former Secretary of State for Work and Pensions. However, I take issue with the right hon. and learned Gentleman that the Government's proposals do not help those who are on disability benefits. Will he comment on the success of the pathways to work programme? We must expand that programme, so that more people on disability benefits can get the opportunity and support that it gives. Will the Opposition support those measures?

Sir Malcolm Rifkind: If the hon. Lady welcomed the announcement made in February, she must share my disappointment that it will be three years at least before those measures come into force. Indeed, that raises another question: the date of 2008 was given in February, but we have now had a six-month delay in the publication of the Green Paper. So we must now assume that it is highly likely that it will be 2009, not 2008, before the proposals are implemented. *[Interruption.]* If the Secretary of State can possibly bear to listen to the debate, he might like to consider whether the date is still 2008, or whether, as a result of the six-month delay in the publication of the Green Paper, 2009 is a more credible date from the Government's point of view.

Edward Miliband: Will the right hon. and learned Gentleman give way?

Sir Malcolm Rifkind: No. This is a short debate; I have given way a lot; and many hon. Members on both sides of the House wish to take part.

Edward Miliband: What about the pathways project?

Sir Malcolm Rifkind: I was going to comment on the pathways project. The pilot schemes under that project are useful. They are a step in the right direction, but they are only scratching the surface. As the hon. Member for Birmingham, Selly Oak (Lynne Jones) knows, they are only pilot schemes and could take years before they make the kind of impact that the Government pledged to make back in 2007.

If the House and Labour Members wish to see more rapid progress, they should look much more carefully at the proposals that the Conservative party has made with a great deal of support from the voluntary sector and charitable organisations. They should listen to the views of the Institute for Public Policy Research, which is an organisation to which I would have thought that they would give some credibility—it is not exactly a right-wing think-tank. It said:

"the private and voluntary sectors ought to have a greater role in providing employment support initiatives".

Indeed, the proposals launched by my hon. Friend the Member for Havant (Mr. Willetts), who is now shadow Secretary of State for Trade and Industry, which were part of our election manifesto, have been well received. For example, the Shaw Trust said:

"We welcome the policy statement"

of the Conservative party. The director of Disability Awareness in Action said:

"The Conservatives are doing . . . good things around benefits."

The chief executive of Scope said:

"The Tories have recently shown a commitment to supporting disabled people into employment through its potentially radical work on incapacity benefits."

Our proposals, which are based on using the voluntary, charitable and private sectors, are not just theoretical ideas, because they already exist in a modest way. They have been more successful because they are more flexible and sensitive. They make less use of taxpayers' funds, and based on the statistics that already exist, the jobs that they find tend to be long-term jobs.

Ed Balls: Is the right hon. and learned Gentleman really trying to tell the House that the IPPR, Scope and the other organisations to which he refers support his proposal to abolish the new deal for young people and the new deal for disabled people?

Sir Malcolm Rifkind: I am talking about incapacity benefit at the moment. I will be happy to deal with those matters on another occasion—*[Interruption.]* No, I will not be deflected from incapacity benefit. The hon. Gentleman must acknowledge that the Government have manifestly failed to meet their own objective of getting hundreds of thousands of people who would like to work into employment. Voluntary and charitable organisations have endorsed the Conservative party's proposals and are deeply disillusioned by the Government's approach.

Stewart Hosie (Dundee, East) (SNP): The right hon. and learned Gentleman seems to suggest that the voluntary sector and the organisations to which he refers will be more successful than the public sector generally. Has he compared the outcome of the pathways to work pilot projects with that of the examples that he cited from the private and charitable sectors?

Sir Malcolm Rifkind: I commented on that a few moments ago. I acknowledged that the pilot schemes were useful and that they had made interesting progress. However, I repeat that they are scratching at the surface. They are not making the kind of impact that voluntary, charitable and private sector organisations have already made over the past couple of years on getting people into long-term employment.

Edward Miliband: Will the right hon. and learned Gentleman give way?

Sir Malcolm Rifkind: I am conscious that this a short debate, so I will not allow further interventions. I am sorry.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab) *rose—*

Sir Malcolm Rifkind: Well, I will give way to the right hon. Gentleman.

Mr. Clarke: I am sure that the right hon. and learned Gentleman appreciates that some of us have followed these matters for some time and recall when one of his predecessors as the Member for Kensington and Chelsea had responsibility for them. The right hon. and learned Gentleman mentions organisations such as Scope. Although there is of course great concern that we get matters of incapacity benefit right, does he recall that those organisations rightly led campaigns year after year to plead for the right of disabled people to get out of benefits and into work? Did he agree with those campaigns?

Sir Malcolm Rifkind: I agree with that. I pay tribute to the work of the right hon. Gentleman in those

[Sir Malcolm Rifkind]

campaigns and the good progress that has been made, with many people in all political parties sharing the same ideal and objective. However, today's debate is about a slightly different issue: the fact that in the past few years, the progress that was made has slowed down and, in some cases, has not been delivered.

The policy over which the Secretary of State has been asked to preside has so far failed. I accept that that is a serious charge, but there are pretty important witnesses for the prosecution. The right hon. Member for Birkenhead, a senior Labour Back Bencher and former Minister, said:

> "The Government has lost the plot on welfare reform".

If the Secretary of State wants the view of someone who has occupied his own post, I suggest that of his immediate predecessor, the right hon. Member for Sheffield, Brightside, who admitted that the system over which he presided was, to use his own delicate word, "crackers".

If those are simply the views of ex-Ministers and the Secretary of State will be influenced only by those of his current colleagues, he need look no further than the Minister for Employment and Welfare Reform, the right hon. Member for Barking—*[Laughter.]* I emphasise that that is a pure coincidence. She said in her own unforgettable words when referring to the welfare system no more recently than 1 November, as quoted in *The Herald* in Glasgow:

> "So far, we have done sweet nothing."

If that is the view of the Minister, we on the Conservative Benches can be forgiven for endorsing her objective assessment of the Government's record so far.

I conclude with a tribute to the Prime Minister, who has put his commitment to welfare reform clearly on the line. He said way back in 1996 at a Labour party conference before he became Prime Minister:

> "By the end of a five-year term of a Labour Government"—

that would have been 2002, three years ago—

> "I vow"—

not I promise or I hope or I aspire—

> "that we will have reduced the proportion we spend on the welfare bills of social failure . . . This is my covenant with the British people. Judge me upon it. The buck stops with me".

On that basis, we invite the House to approve the motion and to condemn the Government's abysmal failure.

5.6 pm

The Secretary of State for Work and Pensions (Mr. John Hutton): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

> "welcomes the Government's consistent commitment since 1997 to pursue welfare reform to create an active, enabling welfare state where rights match responsibilities; supports the recent publication of the Principles of Welfare Reform, which builds on the foundations laid out in A New Contract for Welfare, published in 1998 and the Department for Work and Pensions' Five Year Strategy of February 2005; commends the Government's achievements in helping 2.1 million children out of absolute poverty since 1997; recognises the success of the New Deals, through which over 1.2 million people have moved into work; notes that new claims for incapacity benefit have been cut by one third since 1997; further recognises the importance of the National Pensions Debate in creating a dialogue with the public and building a consensus on pensions reform; further welcomes the progress made on tackling disability discrimination, opening doors for disabled people to remain in or return to work; in contrast, condemns the shameful record of the Opposition who spent more on administering the Child Support Agency than they paid out in maintenance and who allowed those on unemployment benefit to hit three million twice whilst also trebling the numbers on incapacity benefits between 1979 and 1997, costing the taxpayer billions and condemning millions of people to a life of benefit dependency."

I thank the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) for his kind words of welcome; I very much appreciate them. I, too, look forward to our exchanges inside and, I suspect, outside the House. I congratulate him on his speech. It was the traditional rhetoric that we expect from him: it was high on rhetoric and depressingly low on content—in fact, there was no content or substance whatever that would allow anyone inside or outside the House to have any inkling of his solution to the catalogue of misery that he described.

Mr. Paul Goodman (Wycombe) (Con): You are the Government.

Mr. Hutton: That is strangely perceptive of the hon. Gentleman. We are the Government, and we have won three successive general elections partly on the basis of our manifesto in this area, but more widely too.

The right hon. and learned Gentleman suffers from one significant problem, which was clear to all of us on the Labour Benches: not only has he no policy—let us leave that on one side; that is a big enough impediment for him—but I am afraid that no one believes a word that he has to say about welfare reform. The public are right not to do so. We remember his record and that of his right hon. and hon. Friends in government for 18 years. He said virtually nothing about that record during his speech. I intend to refresh his memory and that of all my hon. Friends.

I pay tribute to my predecessor, my right hon. Friend the Member for Sheffield, Brightside (Mr. Blunkett), and I appreciate what the right hon. and learned Gentleman had to say about him. I hope that Members on both sides of the House will join me in recognising my right hon. Friend's passionate commitment to tackling inequality and to helping some of the most disadvantaged members of our community. I am sure that he will continue to make a major contribution to our debates on these and other issues both in the House and outside it.

There are without doubt a number of very demanding challenges that face me as a new Secretary of State, but defending this Government's record on welfare reform from criticism by Conservative Members is not one of them. The right hon. and learned Gentleman's main criticism today is that our approach to welfare reform is incoherent. I totally disagree with that analysis. Since 1997, we have taken forward a programme of radical reform of our welfare state. First and foremost, we have provided much more effective help for people looking for work through the new deal. We have taken action to ensure that work pays. The national minimum wage and tax credits have helped to make the transition from welfare to work possible for hundreds of thousands of our fellow citizens. We have made genuine inroads into the scandalous levels of poverty among pensioners and young families that we inherited when we came to office.

Mr. David Winnick (Walsall, North) (Lab): Is it not a fact that almost from the moment that the Government came into existence eight years ago, the winter fuel allowance was introduced? It is now £200, as my right hon. Friend knows, and £300 for the over-80s. During the 18 years of Conservative government, despite constant demands from pensioners, Labour MPs and others, no such scheme was introduced. The only scheme that was in operation was one that offered payment if the temperature was below freezing for seven consecutive days, and people on income support received £7 or £8. Is that not one of the great differences between the present Opposition and Government?

Mr. Hutton: I am grateful to my hon. Friend and, if he will allow me, I would like to develop that theme in a minute.

We have taken action to improve the quality and efficiency of the services that we provide in the Department for Work and Pensions by establishing, for example, Jobcentre Plus and the new Pension Service. That adds up to a record of substantial achievement, and it stands in stark and plain contrast to the period in which the right hon. and learned Member for Kensington and Chelsea was in office. As I said, he singularly failed to refer to that record at any point, which was probably a wise decision on his part. However, I would like to refresh his memory of one or two matters.

When the Opposition were in power their policies meant that unemployment reached 3 million and there was a 300 per cent. increase in the number of people claiming incapacity benefit. Between 1979 and 1997, the number of people on incapacity benefit trebled from 700,000 to 2.6 million—the equivalent of 2,000 extra claimants every single week. The Conservatives' dismal record of incompetence and failure wrecked families and communities the length and breadth of the country. They managed the extraordinary feat of creating 3 million unemployed not once but twice during their period of office—a unique achievement in 20th-century history—not that they cared very much about it. The right hon. and learned Member for Folkestone and Hythe (Mr. Howard), whose own contribution was to add 1 million to the unemployment figures as Employment Secretary was quoted as saying that "unemployment never matters". He will soon have the opportunity to reflect on the accuracy of his observation.

The Conservatives were not content with raising the number of people claiming out-of-work benefits. Child poverty doubled, leaving Britain with the worst child poverty record in Europe. What did they make of that? The hon. Member for Woodspring (Dr. Fox) told the House that

> "all we hear . . . is poverty, poverty, poverty—la, la, la, always on the one note . . . It is just boring for Conservative Members."—[*Official Report*, 22 October 1992; Vol. 212, c. 636.]

Last month, 51 Opposition Members voted for the hon. Gentleman to be their next parliamentary leader.

By 1997, one in five families had no one in work, and one in three children were growing up in poverty. No one can claim that opportunity and security were more widely distributed during the Tory years. They were not—the reverse was true. The words of the right hon. and learned Member for Kensington and Chelsea this afternoon bear no resemblance whatever to the record of his party in government. Indeed, if there is any incoherence in the House today, it concerns the difference between his words and the actions of his party in government.

The right hon. and learned Gentleman has a unique record, because he was a Minister for the entire period between 1979 and 1997. He cannot claim, as many of his hon. Friends have done in the past few years, that the record of the previous Government had nothing whatever to do with him. His problem is that it has everything to do with him. It is on his record that he and his hon. Friends will always be judged, not on their words. Even if he wants to airbrush the record and forget his party's contribution, we will not do so.

Sir Malcolm Rifkind: At the beginning of his remarks, the right hon. Gentleman seemed to be justifying the Government's failures on the basis that his party had been re-elected to power on three occasions. The Government in which I was proud to serve were re-elected on four occasions.

Mr. Hutton: Well, we shall wait and see how many times the present Government are re-elected. The right hon. and learned Gentleman may have the opportunity to resurrect his own leadership election campaign after the next election. He made a very good appeal for last-minute support this afternoon.

The right hon. and learned Gentleman said that he was deeply disturbed that the welfare reform Green Paper is to be published in January. I have difficulty reconciling the words of his motion and what he said today with the comments of the hon. Member for Witney (Mr. Cameron)—briefly the right hon. and learned Gentleman's rival and soon to be his new boss. The hon. Member for Witney said on 8 November in his speech to the Centre for Policy Studies:

> "Conservative economic empowerment"—

that is something of an oxymoron, of course—

> "is a long term agenda to lift more people more securely from dependency to self sufficiency. The details of our agenda will take years rather than months to develop."

So there we have it. We will be publishing our proposals for welfare reform within months of being returned to office, and we are accused of incoherence. The hon. Gentleman's proposals will not see the light of day for years, and we are invited to take the view that his party has a better alternative. What complete and utter rubbish.

We take a very different view of these matters. The difference between our approach and the approach of the right hon. and learned Member for Kensington and Chelsea could not be clearer. We believe in a modern, active, welfare state, able to help extend opportunities to people so that they can help themselves and their families, and we have put this new approach into practice in the face of opposition from both Conservative and Liberal Democrat Members in the House. His approach, by contrast, such as we are able to discern it, is all about limiting the support and help that is on offer.

Kali Mountford (Colne Valley) (Lab): I am grateful to my right hon. Friend for reminding the House why we should not take lessons from Opposition Members on how to tinker with welfare reform. The policy that they seemed to outline today did not deal at all with the aspirations of people who need to get off benefit but do not have the necessary support. Simply extending the hours that a person can work while on benefit would not do it. Will my right hon. Friend make a commitment to ensure that people on incapacity benefit who wish to work—there are many of them—are fully supported in that transition?

Mr. Hutton: Yes, that is precisely what we want to do. I shall shortly come to the Green Paper. I am grateful to my hon. Friend for making that important point.

We should remind ourselves what has happened since 1997. The right hon. and learned Gentleman said we had done nothing since 1997. He is a lawyer, and he should know the importance of studying evidence and drawing conclusions from it. Let me put my evidence to him. There are now more people in jobs than ever before—2.3 million more than in 1997. Unemployment is at its lowest level for nearly 30 years, with long-term youth unemployment 90 per cent. lower than in 1997. With almost three quarters of the working-age population in work, our employment rate is the highest of any of the G8 countries. The right hon. and learned Gentleman, not surprisingly, failed to mention any of those facts. I suspect the hon. Member for Yeovil (Mr. Laws) is likely to follow suit, unless he quickly amends his speech to take into account what I have just said.

By supporting people in work and providing financial security for those who cannot work, we have helped 2.1 million children and almost 2 million pensioners escape from levels of absolute poverty since 1997. That is a positive record. We have done it, first, by building on a strong and stable economy, with low inflation, low interest rates and consistent growth—which the Opposition consistently failed to manage—and secondly, by embarking upon a radical transformation of the welfare state, introducing the most comprehensive menu of support ever provided. It is a menu of support tailored to the needs of the individual, focused on the right to work as the best route out of poverty, and balanced by a clear set of responsibilities on the individual seeking benefit.

The new deal has helped more than 1.2 million into work since it was started in 1998. The lone parent employment rate has increased by 11 percentage points since 1997. Independent studies have shown that half of the increase in the lone parent employment rate since 1997 can be attributed directly to the impact of the new deal. Because of the measures that we have taken, there are now nearly 1 million lone parents in work and the numbers of lone parents on income support have fallen by more than 200,000 since 1997. When the Conservative party was in power, lone parents were stigmatised rather than supported. It now says that it wants to end its war on lone parents, but it has its work cut out to convince anyone that that is so. The right hon. Member for West Dorset (Mr. Letwin) talks instead of

"painful cuts in the new deal."

I am sure that will be a huge comfort to lone parents up and down the country.

The new deal for lone parents has helped nearly 320,000 lone parents back into work, yet Conservative Members have confirmed again today that they would scrap it, and so would the Liberal Democrats. Independent research shows that that would not even save money, as the new deal for lone parents saves the Exchequer £40 million a year through reduced benefit payments and increased tax revenues resulting from getting people off benefit and back into work.

If the charge of incoherence can be levied at anyone today, it is the right hon. and learned Member for Kensington and Chelsea who is most at risk. We share neither his analysis of the problem nor his proposed solutions. We believe—our welfare reforms are proving this—that Britain can best seize the opportunities and respond to the challenges of social, economic and demographic change, if we support all those who can and want to work to enable them to make their own contribution to our society.

Liz Blackman (Erewash) (Lab): The pathways to work pilot in Derbyshire is doing particularly well at supporting physically disabled people back into work, but it faces much more of a challenge in supporting those with mental disabilities and mental illnesses. Will my right hon. Friend assure me that he will give more thought to how we can correct that imbalance?

Mr. Hutton: I shall certainly do so. My hon. Friend is right to draw attention to the fact that that is one of the biggest challenges that we face in tackling the problems that we are discussing today. Some 40 per cent. of new incapacity benefit claimants have a mental health problem, and the matter requires a broader response than the work of the Department for Work and Pensions. We must actively involve the national health service and other partners, particularly local authorities and the voluntary sector, in the future reforms of the relevant support packages.

Edward Miliband: Will my right hon. Friend comment on whether pathways to work allows existing incapacity benefit claimants to take up the scheme? I understand that it does, but in his speech the shadow Secretary of State categorically said that it does not.

Mr. Hutton: My hon. Friend is right not to believe everything that the right hon. and learned Member for Kensington and Chelsea, who has a closed mind on all those issues because his agenda essentially concerns withdrawing active support from people who need it to get back into work, has to say on the matter.

Sir Malcolm Rifkind *indicated dissent.*

Mr. Hutton: The right hon. and learned Gentleman spoke for 35 minutes, but he was unable to provide a single policy option or indicate his strategy on providing more support for people who want to work and who feel that they can work. My hon. Friend the Member for Doncaster, North (Edward Miliband) is right to say that the pathways to work pilots have made a significant difference to employment rates and the sustainable employment rate, which is the most important thing.

Ed Balls: To be fair to the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind), it is not right to say that he made no policy proposals at all, because he confirmed his support for the abolition of the new deal, which is a policy proposal. I think that my right hon. Friend should correct the record.

Mr. Hutton: I stand corrected, but in my book the abolition of the new deal is not a serious policy proposal; it is a giant step backwards that flies in the face of all the evidence on what works. If the right hon. and learned Member for Kensington and Chelsea wants to convince anyone of his sincerity about his policies on welfare reform, he should start by studying, rather than ignoring, the evidence on what works.

Mr. Philip Dunne (Ludlow) (Con): As the Secretary of State is fresh into his job, I appreciate that he may not have had the benefit of studying the evidence on pathways to work, which we all hope produces the results that he anticipates. However, the evidence is not clear cut, because only three out of the seven pilot areas have been going for more than 12 months, so to argue that those schemes have already produced sustainable jobs is a little premature.

Mr. Hutton: It is a nice experience to be patronised by the hon. Gentleman. I am sure he will have other opportunities to do so in future. I point out to him that there is a growing body of evidence about the effectiveness of the pathways to work pilot. He says that the he wants them to work. He needs to have a conversation with the right hon. and learned Member for Kensington and Chelsea, who has already decided that they are failing and wants to cut their budget.

Huw Irranca-Davies: Will my right hon. Friend accept my invitation to visit the pathways to work project in my area in the near future? To confirm what was previously said, not only is the scheme reaching out to its target audience, but 1,000 individuals on long-term incapacity benefit have self-referred themselves on to it and are getting into work.

Does my right hon. Friend agree that the difference between the two Front Benches is typified by the fact that the constituency of the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) is 214th in the incapacity benefit league table, whereas my constituency is 14th? There are more lessons to be learned from my constituency than from Kensington and Chelsea.

Mr. Hutton: Yes, indeed. I look forward to accepting my hon. Friend's invitation. I hope that he is aware that my right hon. Friend the Minister for Employment and Welfare Reform is due to visit his constituency—tomorrow, I believe, but either way she is on her way to South Wales. That is my first decision.

When we came into office in 1997—*[Interruption.]* Conservative Members are huffing and puffing because they do not like to hear what we have been doing. This debate was apparently motivated by a concern that the Government have been doing nothing on welfare reform. I am simply trying to set the record straight.

When we came into office in 1997, there was something that we wanted to put right. I am sorry to say that, having had 18 years to try to get it right, the Conservatives spectacularly failed to do so, despite 14 attempts to produce legislation. Only the most blatant forms of direct discrimination against disabled people had been outlawed. Sadly, there was still no protection for disabled employees in small firms or for disabled pupils and students. The Disability Discrimination Act 1995 lounged—that is the only description for it—on the statute book. It fell significantly short of its potential and provided no champion to help people to enforce their rights or to give employers advice and guidance on how to meet their legal obligations.

In March this year—again, before the right hon. and learned Member for Kensington and Chelsea returned to this House, so he might not be aware of it—the Disability Discrimination Act 2005 completed the most far-reaching programme of disability rights legislation that any European country has put in place. It fulfilled our manifesto commitment to deliver enforceable and comprehensive civil rights for disabled people, and represented a major landmark on the road to a world in which disabled people can be empowered to live independently and be respected as equal members of society.

The right hon. and learned Gentleman mentioned the new deal. Our new deal for disabled people has seen nearly 75,000 job entries since its launch in 2001, with 200,000 disabled people helped into work through our total package of new deal programmes. We are seeing very encouraging early results from our pathways to work pilots, which bring together Jobcentre Plus, the health service, GPs and employers to improve the package of support that we offer to people on incapacity benefit.

In the first year of the pilots, the number of recorded job entries for people with a health condition or disability had almost doubled compared with the same period in the previous year. I hope that the right hon. and learned Gentleman will think that that is a step in the right direction. Their continued success has driven a significant increase in the proportion of people leaving incapacity benefit in the first six months of their claim, compared with non-pilot areas. We are now achieving progress in helping people off incapacity benefit, with new cases now down by a third since 1997 and the first falls in the total count, which is down by 41,000 in the year to May 2005.

Sir Malcolm Rifkind: Does the Secretary of State realise that the answer to the question I am about to ask is awaited as eagerly by his hon. Friends as it is by mine. Will he use this opportunity to confirm that the Prime Minister, or the Prime Minister's office, has made representations to the Department of Work and Pensions, to his predecessor, or possibly to himself, that would have the effect of toughening up entitlement to incapacity benefit?

Mr. Hutton: I am not going to talk about correspondence between the Prime Minister and me, just as—let us be clear—he would not have done when he was standing at this Dispatch Box. He can forget about that.

Sir Malcolm Rifkind: Will the Secretary of State give way?

Mr. Hutton: No, I am going to make this point, because the right hon. and learned Gentleman has asked me about it. I have made it repeatedly clear that the reforms that we are making are based on our manifesto and the five-year-plan strategy that my predecessor, my right hon. Friend the Secretary of State for Trade and Industry, the Member for Kingston upon Hull, West and Hessle (Alan Johnson), produced in February. It is clear to anyone that that agenda is not about cuts. I have made that explicitly clear and I do so again today.

Sir Malcolm Rifkind: Will the Secretary of State therefore state unequivocally that the Green Paper—I appreciate that we do not yet have it and that it is now not due till January—will contain no proposals that have the consequence of reducing entitlement to incapacity benefit compared with current rates?

Mr. Hutton: I have made it clear that the programme is not a cuts programme. It is not about cutting benefits.

Sir Malcolm Rifkind: Answer!

Mr. Hutton: I am explicitly answering the right hon. and learned Gentleman. The territory that the Green Paper will occupy is that which we mapped out in the manifesto and our five-year plan.

We are now experiencing progress in helping people off incapacity benefit, with new cases down by a third since 1997 and, as I said, the first falls in the total count—down by 41,000. However, we have to accept the need to modernise the way in which we deliver our services. That is why we have sought improvements in the service that Jobcentre Plus provides.

Jobcentre Plus helps almost 3,000 people into jobs every working day. It does that against a background of a major efficiency exercise. It has reduced its staff from around 86,000 in March 2002 to 74,000 in March 2005 and is on course to reduce the total number of staff employed to 65,650 by March 2008.

Ninety-seven per cent. of our customers are now being paid their entitlement by direct debit. That move to direct payment will save the taxpayer more than £1 billion over the next five years. Centralised pensions centres provide a new telephone-based service, which is designed around the needs of today's 11 million pensioners. One year ahead of schedule, the Pension Service has already achieved the target of 2.1 million pensioners in receipt of the guarantee element of pension credit by 2006. Taken with our other measures to help pensioners, including winter fuel payments, free TV licences for the over-75s and the pension credit—all of which Opposition Members opposed—the average pensioner household is now £1,400 a year better off compared with the 1997 system, with the poorest third on average £1,900 better off.

The right hon. and learned Gentleman made several references to the lack of progress on welfare reform. The evidence contradicts his assertions. We stated in our manifesto that we would move further on the welfare reform agenda because we know that the challenges that confront our country and our people will accelerate. We are preparing the ground for that now.

Mr. David Laws (Yeovil) (LD): Will the Secretary of State confirm that there will be a statement on the reform or abolition of the Child Support Agency this year?

Mr. Hutton: We will make a statement about our reforms for the Child Support Agency. My right hon. Friend the Member for Sheffield, Brightside said that he intended to introduce the proposals before the end of the year and I shall try to stick to that. We must discuss the appropriate format for the statement—whether we make it here or, as was planned, in the Select Committee. However, there will be a proper opportunity for hon. Members to examine the proposals and pass judgment on them.

We strongly believe that people have the right to work and the right to the support that will enable them to do so. However, alongside those rights go responsibilities—the responsibility, when possible, to take up the support, actively to seek work and for each person to make their contribution to the well-being of our society.

Stewart Hosie: The Secretary of State has been generous in giving way. On rights and responsibilities, the pathways to work pilots have been labour intensive. Others will correct me if I am wrong, but I believe that the Renfrewshire project had 40 additional advisers plus 40 additional rehabilitation staff to help with health issues. Will the Secretary of State guarantee that, in expecting people to take responsibility, the Government will continue to contribute the correct amount of resources, and all the additional advisers and rehabilitation staff who are required so that the pilots are not perceived to be a cost-cutting exercise, but continue to be a genuine method of getting people who can work back into work?

Mr. Hutton: I do not think that anyone could fairly or accurately describe the pathways to work projects as cost-cutting exercises. That is, quite frankly, ridiculous.

Stewart Hosie: That was not my question.

Mr. Hutton: The hon. Gentleman says that that was not his question, but he certainly implied that the pathways to work projects were cost-cutting exercises. He used those words quite deliberately. We shall ensure that the active support that we provide for claimants in receipt of incapacity benefit is fit for purpose and does the job that we want it to do, which is to get people back into work, when they are able to work, as quickly as possible. Of course we will provide the appropriate level of resourcing to ensure that we can deliver such an effective policy.

I was talking about rights and responsibilities. We want to continue to pursue this agenda because we want to continue to work towards our aspiration of an 80 per cent. employment rate, which will help another 1 million people to escape from the trap of incapacity benefit. That is why I wholeheartedly endorse the principles of welfare reform that my right hon. Friend the Member for Sheffield, Brightside published last month, and why

I am committed to taking forward this reform agenda, and to building a modern, active and inclusive welfare state that balances rights with responsibilities, that matches the respect of society for the individual with respect for society by the individual, and that, above all, helps people to move away from dependency and to make their own way in the world.

In our modern world, people can do 10 jobs in a lifetime instead of one, and they might even pursue several careers. A renewed welfare state must provide the support that enables people to make the transition from one job to another, by assisting them through rapid change and insecurity, helping them to balance the multiple pressures of work and family life, and enabling them to re-establish their independence and to benefit from the opportunities that change creates.

In our Green Paper, which the right hon. and learned Member for Kensington and Chelsea mentioned, we shall go further to tackle exclusion from economic activity and independence across the working-age population. We shall establish the necessary steps that we all need to take—as individuals, in Government and in the wider communities—to engage people with social and economic activity. We shall outline further measures to simplify and streamline the benefit system. We shall also develop the right support systems through which we can raise employment, skills and productivity and improve social inclusion and cohesion, at a time when the integration of communities worldwide has never been more important. As has now been made clear, we shall set out our detailed proposals in January.

Kali Mountford: My right hon. Friend mentioned dependency. I am particularly concerned about people who are in the early stages of claiming incapacity benefit. Will he take a particularly close look at how we can raise people's aspirations when they have just been told that they cannot carry on with their former employment, and ensure that, in the long term, they are properly supported in finding a different career, so that they do not feel that their life has ended at that point?

Mr. Hutton: Of course we shall do that. There are a couple of important issues that need to be tackled head on in this reform programme. One is that we need to restore the confidence of people with a disability or an illness coming into the benefit system that they will be able to work again soon. About 90 per cent. of people who receive incapacity benefit expect to be able to get back into work soon. Sadly, however, the present system does not ensure that that happens, and we need to tackle that problem head on. That will be at the core of the proposals in the Green Paper.

Michael Connarty: One cost-cutting exercise that has been admitted to by the Department under my right hon. Friend's predecessor—and his predecessor before him—was the closure of many jobcentres. I was promised a Jobcentre Plus in the mining village of Bo'ness, but what I got was a closure, and people were transferred on to the books of a jobcentre 10 miles away. Can I have a guarantee that people who seek to come off benefits and get back into work, or to change jobs, will not be forced to travel 10 miles without being given adequate financial support to cover their costs?

Mr. Hutton: I shall have to look into the particular circumstances that my hon. Friend has drawn to my attention. Let me put it clearly on record, however, that the modernisation and reform of Jobcentre Plus is not a cost-cutting exercise. The reforms have been backed by more than £2 billion of new investment in systems, technology, buildings and premises to improve the delivery and modernisation of that service. One of the challenges that the Green Paper will need to address—I hope that this will give my hon. Friend some reassurance—is the need to ensure that our employment advisers are out there in the community as well. We know that that can be effective and work well. Perhaps we need to look into that in my hon. Friend's constituency. I am sure that the Minister for Employment and Welfare Reform will deal with this issue when she winds up the debate.

Mr. Tom Clarke: My right hon. Friend is being very generous in giving way so often. Many of us feel that he should not be rushed into setting a timetable in regard to incapacity benefit. The important thing is to get this right, because we are dealing with individuals, their families and their lives. Some of my hon. Friends have referred to the practical issues. Does my right hon. Friend agree that when medical professionals meet people, it is important for them to show both competence and sensitivity, which, sadly, has not always been the case hitherto?

Mr. Hutton: I am sure that we will wish to make certain that it is the case. I am grateful to my right hon. Friend for offering me the extra time that I clearly need to ensure that we get all this right.

The House will be glad to know that I shall skip the rest of my speech, because I think that most of the ground has been covered. I shall confine myself to saying that I am proud that this Labour Government have helped to transform the lives of millions of people through a programme that promotes opportunities for the many, not the few. With opportunity comes responsibility, which is why our programme of welfare reform will build on both. I look forward to proceeding with the next chapter of our reforms in the new year.

Having heard what was said by the right hon. and learned Member for Kensington and Chelsea at the beginning of his speech, I have no doubt that the record of this Labour Government will be strongly supported by all my right hon. and hon. Friends tonight.

5.41 pm

Mr. David Laws (Yeovil) (LD): I congratulate the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) on securing the debate. Unless my memory fails me, this is our first opportunity to debate welfare issues in the Chamber since the general election, apart from Work and Pensions questions on a couple of occasions.

I must confess that when the right hon. and learned Gentleman and I accepted our portfolios after the election, we feared that, given a hyperactive Secretary of State with a record in his previous Departments of frequently announcing initiatives in all sorts of policy areas, we would rapidly be faced with a series of proposals and statements from the then Secretary of State on such issues as Child Support Agency reform, housing benefit reform and incapacity benefit reform,

[Mr. David Laws]

and would be rushed into taking positions on all of them. Every Monday since I took on my portfolio in May, I have come to work expecting an announcement from this Secretary of State or his predecessor. We are still waiting for an announcement, but it seems possible that the only welfare reform issue on which we shall hear any detailed news about the development of Government policy before the end of the year will be the one that the Government have contracted to an outside agency, the Turner commission.

The Secretary of State was kind enough to touch on CSA reform earlier. He implied that it was the one issue on which we might expect to hear an announcement before the end of the year. Will he clarify his response to my question? He appeared to be saying that it was possible that a major announcement on reform or abolition of the CSA would emerge in the form of a statement by him or one of his Ministers—I am not sure which—to the Work and Pensions Committee. A few weeks ago, it was expected that the former Secretary of State would make such a statement to the Committee tomorrow, when I believe that it will take evidence from the present Secretary of State.

I hope that the Secretary of State is not saying that he will make a major statement to the Select Committee rather than in the House, where members of all parties would have an opportunity to question him. As a member of the Government and as a constituency MP, he must realise that this is a matter of great concern to Members in all parts of the House. Notwithstanding the excellent job that will doubtless be done by our colleagues on the Committee, it would be very unsatisfactory if such a major statement were not made in the House. I ask the Secretary of State to reflect on that, and to clarify the position before the end of the debate.

May I congratulate the new Secretary of State on taking over his responsibilities? He has an incredibly important job to do, and I suspect that the job of Secretary of State for Work and Pensions is not looked on with a great deal of envy. It is a heavyweight portfolio, not one for which policy can be made up on the hoof, and it requires constant liaison with the Treasury to establish funding issues. It is not an easy portfolio, but is one of the most important in the Government, not only because it has a larger budget than any other Department, but because it impacts on all our constituents in many different ways. I want to touch on some of those different ways today.

It is fair to say, Mr. Deputy Speaker, at the outset of what is a pretty short debate that there are clearly some respects in which the Government are justified in boasting about their performance, and certainly their commitment, since 1997 in comparison with what went before. Funding has been targeted at areas that have not brought a particularly large political return for the Government, which is an indication of their seriousness in dealing with issues that were not high on the political agenda before 1997.

I also hope, however, that the Secretary of State will acknowledge that, in a range of areas, there are very serious concerns about the operation of Government policy and its future development. I wish to speak briefly today on four issues about which major concerns have been expressed about Government policy—concerns that will be shared on the Government as well as the Opposition Benches. The first relates to an aspect of the welfare system that we have not discussed today—the tax credit system, which is not directly the Secretary of State's departmental responsibility, but will be a matter of concern to him. The second is the Child Support Agency, which appears in both the Conservative and Government motions, but we have not had much opportunity to debate it so far today. I also want to speak briefly about pensions reform and, finally, incapacity benefit reform.

Let me tell the Secretary of State that, on those issues, although we will endeavour to do our best to make life as difficult as possible for this Department in the years ahead when we believe that policy is wrong, we are more than willing to work constructively to find solutions, particularly in matters for which cross-party agreement is necessary in order to secure stability and certainty for the future. The issue of pensions policy is particularly relevant there.

I hope that the Secretary State will take a keen interest in the tax credits system, even though it is not directly his responsibility. Since 1997, an increasing degree of influence or even control over the Department for Work and Pensions has come from the Treasury. If I may say so, the Treasury A-team has turned up today in the shape of the hon. Member for Normanton (Ed Balls), who is no longer in his place, and the hon. Members for Doncaster, North (Edward Miliband) and for Dudley, North (Mr. Austin). I hope that that shows the degree of interrelationship between the two Departments and it may also suggest that the Treasury is continuing to do what it has done since 1997—keep a close eye and a short leash on Secretaries of State for Work and Pensions.

I hope that the Secretary of State will, in looking at the development of the benefits system, reflect on whether it has really been sensible to transfer responsibility for so much of the means-tested benefit budget away from his Department to the Treasury? In particular, has it been right to put the administration of means-tested benefits for children and for people in work outside the Department for Work and Pensions, which is well used to dealing with that low-income client group, and making it a Treasury responsibility? Frankly, what I have heard in my constituency from people who work in the Secretary of State's Jobcentre Plus offices, is that that has been immensely unhelpful to the joined-up nature of the benefits system. It has not been helpful for tax credits and other benefits to be sitting in two different Departments. It has not been helpful for claimants' understanding of their entitlements and it has not been helpful for people trying to get back into employment. It has not helped the understanding of the interaction of different benefits.

We have also seen the disastrous consequences of the lack of understanding in the Inland Revenue of the difficulties faced by many people on low incomes. The system has not only generated massive overpayments of £2.2 billion in the first year, but has driven hundreds of thousands of people into debt and poverty as a consequence of the way in which tax credits were withdrawn. Labour Members, who are committed to dealing with poverty, should be willing to listen and to address these criticisms. They will be aware from their own constituency work of that system's impact on many people on low incomes. I hope that the Secretary of State can liaise with the Treasury on whether these tax credits are sitting in the right place, and use his special position to continue to lobby the Treasury to make the changes necessary to protect the interests of those on very low incomes. That includes not automatically withdrawing tax credits before such people have had a chance to establish whether the overpayments were due to official error—the ombudsman herself has been very critical of that—and considering whether this volatile system is the right way to help such people, or whether we should go back to fixed awards, which would create greater stability. So far, however, the Treasury has shown no willingness to do that.

David T.C. Davies (Monmouth) (Con): I must say that I agree with every word that the hon. Gentleman has said. Does he share my concern at the fact that, in some cases, Government agencies are refusing to take complaints from very poorly paid people who actually want to give the money back to the agency? They do not want it sitting in their bank account, given the obvious temptation, but they are encountering a great deal of intransigence on the part of the authorities, who seem not to want to reclaim that money immediately.

Mr. Laws: I am afraid that I recognise precisely the issue that the hon. Gentleman raises. In recent months, a number of people have pointed out to me at my constituency advice centre that, on suspecting that they had received an overpayment of tax credits, they had contacted the Inland Revenue, said that they wanted to repay the money and were told that there was no problem. However, they were contacted six or nine months down the line and told that there had indeed been an overpayment. Of course, by that stage the Inland Revenue is already recovering the money automatically. When the recovery takes place in-year, there is no protection of people's income in the way that the money is withdrawn. That is causing a lot of problems for people on low incomes.

Steve McCabe (Birmingham, Hall Green) (Lab): Given the hon. Gentleman's dissatisfaction with tax credits, will he be advising those of his colleagues who avail themselves of the tax credit system to stop taking advantage of it, just as he advised them to stop taking advantage of the pension system—a policy announced today?

Mr. Laws: Given that hundreds of thousands of people are being driven into real poverty by the failure of, and maladministration of, the tax credit system, it is very sad that the hon. Gentleman seeks to make a rather cheap party political point about what is a very small number of claims. This issue affects his constituents, as well as mine. Hundreds of thousands of incredibly vulnerable people are making claims, and he would not be taking this matter so lightly if he had sat in the same advice centre that I did a couple of weeks ago. I heard a string of people on very low incomes—£10,000 to £11,000—explain that they face frightening repayments of £5,000 or £6,000, often as a consequence of errors caused by people other than themselves.

The second issue, which has not been discussed much today—it certainly was not discussed much by the Secretary of State, or by the right hon. and learned Member for Kensington and Chelsea, perhaps because of his party's connection with this debacle—is the problem with the Child Support Agency. Since its introduction in 1993, its operation has been a disaster. Given that we have known that it was failing for a long time, and given that the Prime Minister acknowledged that it was a mess back in 1998, it is surely astonishing that nothing has been done to make the system work more effectively. As a result, billions of pounds in maintenance due to some of the poorest families in the country has not been paid, and an unbelievable backlog of a third of a million cases are sitting in the CSA. Indeed, 80,000 of them have been sitting there for more than two and a half years without being processed. That demonstrates not only that the CSA has been a failure since it was established, but that it continues to be so. It is managing to collect only £1.85 for every pound spent on administering the system. In countries such as Australia, the collection rate is approximately £8 for every pound spent.

We Liberal Democrats were interested to hear the Prime Minister say last week that the CSA is not fit for purpose. We thought that out of that might come the serious prospect of radical reform, be it reform of the existing arrangements, or the transferring of the CSA's responsibilities to the Inland Revenue—several Members from all parts of the House have suggested that—to enable the information that we currently collect on people's incomes to be used more effectively, and to enable a much greater deduction from the earnings of those who are determined to evade their responsibilities.

Journalists and others such as the right hon. Member for Birkenhead (Mr. Field) left the House in a state of excitement that day, thinking that the Prime Minister had announced a policy on the CSA. However, when journalists phoned the Department for Work and Pensions and the No. 10 press office to check, they established that there was no such policy. It seems as if the Prime Minister was making up policy on the hoof in this area, as he seems to have done since 1998. That is why it is particularly important that there be an early opportunity for the Secretary of State to introduce proposals that tackle these problems, which have existed for many years, in a fundamental way, rather than simply seeking to gloss over them.

Mr. Peter Bone (Wellingborough) (Con): As a new Member of Parliament, I have been shocked to discover the distress that the CSA has caused families. I understand where the hon. Gentleman is coming from, but can he outline where improvements could be made, or is it too late? Does the CSA need to be scrapped?

Mr. Laws: I see the same desperation among constituents that the hon. Gentleman sees. I am particularly concerned about the fact that many of our constituents seem to have given up all hope that the CSA will ever work. I have noticed in the past year or so that, while tax credits have taken off as an issue raised at constituency advice centres, the number of CSA cases raised seems to be going down. However, that reduction does not mean that such problems do not exist; rather, I suspect that many people have been bashing their heads against a brick wall for so long that they have given up.

[Mr. Laws]

The hon. Member for Wellingborough (Mr. Bone) asked what the solution to this problem is, and it is clear that it consists of a number of elements. First, the CSA's computer system is not working properly. Given the amount of detail with which it has to deal, if it is not effective, major problems will arise. Secondly, there are simple administrative failings. That is staggering, given how long the CSA has been around and the number of attempts that must surely have been made to reform the system. I was astonished to be told a few weeks ago by an expert on the CSA that there is currently no obligation on non-resident parents to notify the CSA of a change of job or of address. That is one of the most obvious, common-sense, miniscule proposals that could possibly be made. However, it has since been confirmed by a DWP Minister that there is no such obligation.

Mr. Jeremy Hunt (South-West Surrey) (Con): Does the hon. Gentleman agree that one big problem with the CSA is its complex relationship with the benefits system? People who go on to benefit have their CSA case de-prioritised; if they then come off benefit, it is re-prioritised. That complex web makes it very difficult for people to know where they stand with the CSA.

Mr. Laws: The hon. Gentleman is right. In fairness to the CSA, the hard core of cases that it is trying to deal with involve some of the most difficult families in the country in terms not only of their willingness or otherwise to make the assessed maintenance payments, but of the number of changes in their circumstances. That argues for introducing a simple system and—to us—for folding the CSA into the Inland Revenue, so that it can use the large amount of information that the Revenue already holds on people's incomes. It probably also argues for greater use of deduction at source from the earnings of those who are unwilling to pay, which is the Australian approach. The Australian deduction-of-earnings-at-source rate is about twice the UK's. As a constituency MP, I am often amazed by the reticence of the CSA to put deduction-of-earnings orders in place, despite the fact that people are often not willing to meet their maintenance liabilities.

Miss Begg: I am somewhat confused about Liberal Democrat policy in respect of the CSA. The party used to favour returning that agency's responsibilities to the courts, but the hon. Gentleman seems to be proposing that they should be handed over to the Inland Revenue, even though he has spent a large chunk of his speech criticising that agency for its failure to deliver on tax credits. Alternatively, is he just going to tinker at the edges of the problem? After what he has said, I am totally confused about where his party stands.

Mr. Laws: The hon. Lady should pay more attention to Liberal Democrat policy statements. Perhaps she would like a standing invitation to the conferences that my party holds around the country, as that would enable her to track the development of our policy on these matters. However, I can assure her that my party's policy is to fold the CSA into the Inland Revenue. That is because the Inland Revenue already collects a lot of information about the incomes of people who evade their responsibilities, and because it would be easier to deduct the money owed at source.

Miss Begg: Will the hon. Gentleman give way on that point?

Mr. Laws: No. I am going to press on and deal with a couple of other issues, as time is short. I hope that reform of the CSA will be an early priority for the Secretary of State, and that he will undertake to make a statement about it to the House of Commons rather than simply to the Select Committee.

The two other issues that I want to mention are reform of the pension system, and reform of incapacity benefit. I do not expect much information on pensions from the Secretary of State as he is entitled to say that he is waiting for the report of Lord Turner's commission. The leaks to various media sources about the contents of that report seem relatively authoritative, but we will see whether they turn out to be as accurate as most people assume. When he responds to the announcement next week of the commission's final conclusion, I hope that the right hon. Gentleman will not try to give answers to all the points that are raised. We do not expect that of him, but we do expect him to give a signal on two issues.

First, I hope that the Secretary of State will give us an indication as to whether he accepts what seems to be the consensus outside Parliament, and among the three commissioners—that the increasing reliance on a complex, means-tested pension system is unsustainable over the long term. I hope that he will make it clear that, even if means testing has been necessary as a way of targeting money on poor pensioners in the short term, he will move away from it in favour of a simpler state pension system that will incentivise private saving over the long term.

The Secretary of State will also have to address the question of fairness in the public and private sectors. If the leaks about Lord Turner's report are accurate, it is likely that he will suggest an increase in the state pension age to 67 or 69. It would therefore appear very odd for the Government to sign off on a deal with public sector workers that would allow them—even those who have not even joined the public sector yet—to continue to retire at the age of 60 for a number of years after the introduction of Lord Turner's proposal to set the state pension age at 67. I hope that the Secretary of State will acknowledge that it may be necessary to return to the issue of public sector pensions reform. The office of the Prime Minister seemed to do as much in comments made to *The Times* in recent days. The matter needs to be looked at more in a more fundamental way. It is possible that a second independent report will need to be commissioned—not necessarily to be compiled by Lord Turner—on the future sustainability of the pension system.

Mr. Hutton: I am sorry to interrupt the hon. Gentleman, and I know that other hon. Members want to speak, but I am very struck by his request that we revisit the deal on public sector pensions. The hon. Member for Sutton and Cheam (Mr. Burstow) condemned the Government for proposing that new entrants—let alone existing scheme members—should have their pension age increased to 65. What is his view on that response? His position seems totally inconsistent with it.

Mr. Laws: The Secretary of State will know that the view among Liberal Democrat Front-Bench Members has been perfectly consistent, and that we have criticised the deals struck by the Secretary of State for Trade and Industry. If he wants to enlighten us in this debate, will the right hon. Gentleman say whether he thinks that the deal that the Government have struck with some major public sector unions has been helpful to him, and to Lord Turner's commission, in moving the debate forward on this key issue?

We await the Secretary of State's comments on 30 November. We will find out then whether his views are in line with those of the Secretary of State for Trade and Industry, or whether they are more in line with those of the Prime Minister. The latter seems to be very unhappy with the deal that has been struck.

Adam Afriyie (Windsor) (Con): Does the hon. Gentleman share my concern that the complexity of applying for tax credits and benefits, and of making claims to the CSA—all of which requires long forms to be filled in—deters the least well off and most vulnerable people in society, who often suffer from dyslexia and similar learning difficulties?

Mr. Laws: I agree precisely on that point. One of the challenges for the Government, and for all political parties, is to simplify the tax and benefits system. A couple of weeks ago, a person came to one of my advice centres from whom a total of between £4,000 and £5,000 in tax credits was being reclaimed. He had learning difficulties, and had been put in a work placement. He had no understanding of how the tax credits system worked, and was therefore facing a very unfair recovery process. Moreover, Government policy is very ambiguous about whether he would be required to repay that money.

Finally, I turn to the question of incapacity benefit reform. We welcome the Government's intention to look at the matter seriously. Over the past 20 years, there has been a turnaround in the number of people on unemployment benefit and incapacity benefit. In the early 1980s, between 2 million and 3 million people claimed unemployment benefit, and very many fewer claimed incapacity benefit. The change since then has been enormous, and the number of people on incapacity benefit is now between 2.6 million and 2.7 million.

Clearly, that is extremely wasteful for the economy, but it is often very undesirable for the people involved as well. As the right hon. and learned Member for Kensington and Chelsea noted, the Government have said for eight years that a million people on incapacity benefit want to get back into employment. The fact that that figure of a million people has been used year after year underlines the lack of an effective policy so far to change the system.

We believe that the Pathways process helps people to get back into employment. I have visited the Pathways centre in my Yeovil constituency and it seems to be working well so far, although relevant statistics are fairly modest, as the system has been in operation for only a limited period. However, we hope that the Secretary of State will be willing to fund the Pathways process across the country, and that he will not come under pressure to deliver savings in a way that could damage incapacity benefit reform. Such savings might be achieved by time limiting payments or by turning a portion of the payments into vouchers, but they would hit a very vulnerable group of people.

Although some people on incapacity benefit would like to work, are capable of doing so and would be helped by the Pathways process, I hope that the Secretary of State has got the message that some very vulnerable people—whose conditions are often difficult to detect—are very worried about the proposals that the Government might bring forward. They are keen to get an assurance that their position and vulnerability will not be threatened by a precipitate attempt to secure savings to fund the Pathways process.

By the time that we next have the opportunity to debate welfare reform, I hope that the Government will have given us policies of more substance than has been the case over the past six months.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. It is appropriate for me to remind the House now that Mr. Speaker has imposed a 10-minute limit on Back-Bench speeches. If hon. Members can make do with less than that, they will earn the gratitude of their colleagues.

6.9 pm

Steve McCabe (Birmingham, Hall Green) (Lab): I am grateful for the opportunity to take part in this short debate. I found the contribution from the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) intriguing. It was almost as though he had never been away.

Debates such as this are an opportunity to probe the Opposition. As Opposition Members have spent the past two months touring the country and the television studios with the tale of two Davids, this could be a useful debate. I recently had a glimpse of one David, the hon. Member for Witney (Mr. Cameron), giving a speech in Birmingham, in which he attacked the Labour party's approach to welfare. He told us that his vision for the future promises a huge expansion of the voluntary sector. I do not know whether that was a code for cuts, but I was a bit disturbed when he went on to say what he thinks the sick, the unemployed and the disabled need. Apparently, they do not need the new deal, access to work or pathway-to-work pilots. No, according to him they need the confidence—note the confidence, not the money—to buy a new suit. Well, maybe old Etonians whose confidence has taken a bit of a knock need a quick shopping spree and all is okay, but that is not my experience of how we need to deal with some of the hard problems we face today. To parody that speech a little, I could point out that the hon. Gentleman also commented on Labour's DNA in our approach to welfare. It is my view that it is the Tories' DNA that characterises their approach to welfare. They simply despise the welfare state, as we have heard again today.

We know what kind of Britain the Tories want. In the past, their Britain was a place where mass unemployment was a price worth paying. They trumpeted it. They declared war on every British shipyard worker, steel

[Steve McCabe]

worker and miner. They thought that the humbling of a once proud working class was a sign of political strength. Ask my hon. Friend the Member for Bassetlaw (John Mann) what crushing mining communities means. It means a generation reared on heroin. It means taking once stable communities and smashing them into the ground. It means tearing apart the very bonds of family and community that give society its cohesion. So when I hear Opposition Members accuse us of incoherence or incompetence, I wonder whether they have changed at all.

I know that the highest concentrations of people on incapacity benefit are densely clustered in areas of disadvantage in once proud industrial and manufacturing towns, and I know that the record rises in claims in those areas occurred during the period when the Opposition were in power, because of their cynical manipulation of the unemployment figures. The party that today thinks that it can point accusing fingers at us would like the public to forget the fact that the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) was once responsible for managing unemployment. Those were the days when GPs signed off healthy men on long-term sickness because their jobs were gone and no one on the other side of the House had any intention of doing anything else for them.

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): The hon. Gentleman is going back down memory lane, but I have an example of my own. In my constituency, the only people who can see an NHS dentist are those who can afford to pay for one, which means that the people who need treatment most cannot get it. It was not like that in our day.

Steve McCabe: Well, I am not surprised that the hon. Lady does not like to be reminded of the track record with which the Tories have to live. I dare say that she was not in her place for Health questions this afternoon, because if she had been she might not have asked that question.

I contrast the Tories' record with what we have seen with Labour in power, including record levels of employment; the creation of more than 1 million new jobs; a minimum wage, which the Opposition fought tooth and nail to try to prevent; the new deal, which offers hope where none existed; and the education maintenance allowance for youngsters with talent whose only impediment is that their families are not wealthy. Contrast the pension credit, the minimum income guarantee, free eye tests, free television licences and the winter fuel allowance with the recommendation to wear a woolly hat and gloves. That was no doubt exactly the sort of cost-efficient, confidence- boosting measure of which the hon. Member for Witney would approve.

Of course, people are anxious about proposals to reform incapacity benefit. We are talking about people who have suffered illnesses, disability or anxiety attacks and who fear for their long-term security. Our job is to demonstrate that Labour's approach to this is as caring, as determined and as fair as our approach to all the other social justice issues that we have sought to tackle.

I think that we have a good track record. Only yesterday, the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Stirling (Mrs. McGuire), announced a further £2.6 million for 13 choice and control pilot schemes across the country, which are designed to give older and disabled people more power over the services they use and control over their social care budgets. It is the same approach of putting the individual first that we need to demonstrate with incapacity benefit. We need to make it clear at the outset that disability does not mean "cannot work". I recall a young man at a place where I worked some years ago. He had a severe sight problem, but with the benefit of an enlarged screen he had no difficulty working with computers. He had been out of work for many years—in fact, I think that it was his first job. He loved it. He loved being useful. That is the spirit that we should seek to engender.

We need to consider why some people are unable to enter the employment market. I understand that the current incapacity benefit claim form has only one page related to mental health. There are many stress conditions that mean people find particular work environments difficult. I have a friend who had a serious breakdown some years ago and has not worked for a long time. Recently, he started part-time on one of the pathway projects. He told me that he was enjoying it immensely and his confidence was returning. He was grateful for the support that he had received; he was working in an environment where he felt safe and could make a contribution. He is better off under the financial arrangements that we have put in place, and he has an incentive to do well. We need to provide more such help. We need a strong link between the Department of Health and the Department for Work and Pensions to help people get back to work. The choice and control pilots pool the resources and efforts of those two Departments and the Office of the Deputy Prime Minister, and the same approach is needed to welfare reform.

Perhaps the greatest fear among people who have lost employment because of illness or disability and found themselves on benefits is that if they return to work and it goes wrong they will end up poorer. If they take a risk, it may threaten their security. We must counter that feeling, and I think that we can. We need a sliding scale of benefit, with protections built into the system that guarantee that we will look after such people.

Mr. McFadden: Does my hon. Friend agree that one of the benefits of the pathways-to-work programme is that the personal adviser not only advises the incapacity benefit claimant in the run up to finding work, but stays with them as they take up work to provide help and support after they have come off benefit?

Steve McCabe: I agree absolutely. That is the difference between caring about people and trying to help them get into work and looking for a way to cut budgets.

David Taylor (North-West Leicestershire) (Lab/Co-op): Will my hon. Friend give way?

Steve McCabe: No; I should move on for the sake of others who wish to speak.

I want to mention the 16-hour rule. During the MG-Rover crisis, we realised that it could be an impediment to people getting into training or work. I hope that we can learn from that experience when we develop our new rules on incapacity benefit.

What is wrong with aiming for 80 per cent. employment? Unless one is the right hon. and learned Member for Folkestone and Hythe, I can see no problem with that. It is not only good for the economy, but for the dignity of our people. Employment at 80 per cent. is a desirable target. Contrast that to the figure of one in five families where no one was in work—the legacy of the Conservatives.

Justine Greening (Putney) (Con): Will the hon. Gentleman give way?

Steve McCabe: No; I am about to finish—[Hon. Members: "Hooray."] As Members are enjoying my speech so much, I will not finish quite so quickly.

Let us do the decent thing. Let us do what only Labour can do and get on with reforming the system, giving people the chances they deserve. Let us ignore the humbug that we have had to listen to today.

6.20 pm

Mr. David Ruffley (Bury St. Edmunds) (Con): Just over 7.8 million of our fellow citizens are outside the labour market when they could be in it, according to the Office for National Statistics. That demonstrates that welfare under Labour is not working as well as it could.

Eight years of Labour have given us chaos, complacency and false starts. Since 1997, the Department for Work and Pensions has had six Secretaries of State and we have had 28 White or Green papers. Nowhere is the Government's shambolic performance on welfare better demonstrated than in incapacity benefits. There are now 2.74 million people of working age on those benefits, 116,000 more than when Labour came to power.

The Government messed up reform long before their current attempts. They reduced the value of incapacity benefit to new claimants by clumsy means-testing changes in 2001, which merely deterred existing claimants from returning to work because they feared that if they ever had to go back on to benefit they would have to do so at a much lower rate. Another change that year tightened up the IB eligibility criteria by demanding a much tougher national insurance contribution record. What was the result? A perverse effect. Certainly, people came off pure IB, but they then claimed income support with a disability premium, shoving up those numbers.

Kali Mountford: Will the hon. Gentleman give way?

Mr. Ruffley: Time is fearfully short, so I hope that the hon. Lady will forgive me for not giving way.

There was a zero-sum game. The law of unintended consequences—classic new Labour reform.

Since that reform, the proportion of IB claimants who had been receiving incapacity benefit for more than five years rose from 47 to 51 per cent.—Members should remember that the duration of the claim is at least as important as the number of claimants. The proportion of new IB claimants coming from the unemployment register is up from 46 per cent. in 1997–98 to a staggering 60 per cent. in 2003–04. That is despite the Prime Minister rightly saying in 1999 that IB had to be reformed because it was merely

> "an alternative to long-term unemployment or early retirement".

The problem is that he has done nothing about it.

Earlier, it was said that the Conservative party had no positive proposals. Let me set Labour Members straight about that. The modern Conservative party certainly has more thinking to do on welfare reform, and the new leader in December will start that work. It will take time, but we already have positive proposals on the table, specifically those we talked about last May. There should be more payment by results, with contractors paid a fixed amount per claimant on completion of various milestones for putting claimants back into employment. We need more rehabilitation, possibly with spend-to-save measures; for example, an additional fee paid to contractors to cover the cost of expensive medical and vocational rehabilitation, such as higher level physiotherapy. We also need a greatly enhanced role for the voluntary and charitable sector as, by and large, it is more effective—certainly more so than some of the state functions that I have seen in my constituency.

Miss Begg: Will the hon. Gentleman give way?

Mr. Ruffley: No. I am sure that the hon. Lady will understand that other colleagues want to speak.

This autumn, as the Prime Minister looks fretfully at his legacy, he seems to be thinking quite radically about incapacity benefit—at least, if his leaked October memo to the then Work and Pensions Secretary is anything to go by. I shall quote—from a transcript that appeared in a national newspaper—the words of the Prime Minister to the right hon. Member for Sheffield, Brightside (Mr. Blunkett), who was then Secretary of State for Work and Pensions. The Prime Minister said:

> "We should publish information on the number of sick notes signed by GPs, and audit the top ten per cent ... Employers should have a right of appeal when an employee is signed off sick ... We could propose taking sick note certification away from GPs and create a new specialist service ... Incapacity benefit should be paid at £56 per week, the same rate as the jobseeker's allowance"—

which would of course be a cut. The memo continues:

> "Claimants have to attend compulsory monthly work-focused interviews ... Those not engaging in activity lose the entire premium."

Best, and most controversially of all, the Prime Minister said in his memo:

> "Given the cost of employment programmes, it seems that the only funding option might be to widen the scope of means-testing the system ... Alternatively, part of the benefit top-up could be paid as a voucher"—

for "rehabilitation and training programmes".

I quoted at length for a simple reason—those proposals are anathema to the majority of Labour Members. We know that they object to that radical thinking, and those proposals are certainly radical. Some of them may be worth mature and serious debate and discussion, and some of them may be to the liking of the Conservative Opposition. As my hon. Friend the Member for Witney (Mr. Cameron) said, if the Prime Minister comes up with good ideas, we will back him. The question is: will his own side back him?

[Mr. Ruffley]

As I have indicated, there is much opposition to the Prime Minister's radical thinking on welfare. We may have to support his ideas; who knows? However, we know that the right hon. Member for Oxford, East (Mr. Smith) resigned his position rather than implement radical reform as dictated by No 10. We also know that when the Secretary of State for Trade and Industry was Secretary of State for Work and Pensions he fought a pitched battle—he won that one—to rule out the time-limiting of incapacity benefit from the strategic five-year review that he published.

We have already heard from our Front Bench about the delays in the Green Paper. First, the Prime Minister said that it would be published before the summer recess. Then, the Minister for Employment and Welfare Reform, who is in the Chamber, said that it would be published later in 2005. Finally, last week, the Prime Minister said that it would be published some time in January. We might think that we needed no more evidence, but there is more to come. We know that the Secretary of State for International Development did not want to take the job of Secretary of State for Work and Pensions because he knew that he was on to a loser. He would have had to defend and argue for radical reform that his own side could not stomach. Perhaps most depressing of all for the Prime Minister—it really shows that he is beleaguered—is that he cannot even install his No. 10 hawk on welfare policy, Mr. Gareth Davies—the gentleman who wrote the memo to which I referred—as a director in the DWP serving the Secretary of State, due to opposition from the civil service. As was widely reported in the *Financial Times* and elsewhere, Sir Richard Mottram, the permanent secretary, blocked the appointment of Mr. Davies. One of the newspapers reported:

> "Sir Richard put his foot down . . . In the old days Blair would have won the battle with no difficulty but this is just a sign of how weak he has become."

The Prime Minister once said that in the area of welfare reform he would think the unthinkable. With the amount of opposition on his side, is not it a case of him trying to do the undoable?

6.29 pm

Natascha Engel (North-East Derbyshire) (Lab): Thank you, Mr. Deputy Speaker, for calling me in this very important debate. I did not think I was going to be called in the end, but I am very grateful to you.

John Bercow: Such modesty.

Natascha Engel: I was a bit surprised.

I also thank the Opposition for tabling this motion on welfare reform, and on incapacity benefit in particular, because it gives Labour Members a great opportunity to showcase the many developments that we have seen since 1997. *[Interruption.]* Oh yes.

The reason why the Government have placed such a consistently strong emphasis on welfare reform is that the inherited system of benefits led to the most appalling social exclusion. Welfare is, by definition, for the poorest and the most vulnerable, but welfare should also be about well-being, and for most people, work is still the best route to both. Work is how we build our self-esteem, learn more skills and self-reliance and develop our social life. It is something that every Member of the House takes for granted.

Labour's welfare reform agenda is about helping those who want to find work find a good job, but it is also about giving extra support to those who cannot work. We have had a consistent, targeted and tested welfare agenda since 1997, with a range of successful new deal programmes. A welfare system cannot be tinkered with, but nor can it sustain massive overnight change, which I think that the Opposition have asked for. But I think everybody agrees that our welfare system must change.

A person who has been claiming incapacity benefit for over two years is more likely to die or retire than to work again, ever. That is so wrong, and that is why we must reform our incapacity benefit system. Not just as a Government but as a society, we should be ensuring that everyone has the opportunities that we have.

The vast majority of people claiming incapacity benefit would like to return to work, but the current system is stacked against them. Once on incapacity benefit, there is no expectation that an individual will look for work, even if it would help to improve their condition. The system that we have inherited means that 2.8 million people have effectively been consigned to a life of poverty and lack of opportunity. That is not just a criminal waste of talent; it is a crime against equal opportunities. Unfortunately, we still live in a society that does not give everyone the same chances—a society that still discriminates against sick and disabled people. It is no surprise that having a serious health condition is a barrier to work, so it is no surprise that benefit claimants have real problems getting a job.

Our ongoing welfare reforms, of which the reform of incapacity benefit is a vital part, have been targeted and tested in those parts of the country where benefits claims are the highest. Derbyshire was one of the three initial pathways to work pilots, and covers the constituency that I represent. The pilot was introduced in 2003, through Jobcentre Plus, and I shall go into a bit of detail about this because I have heard a lot today that has demonstrated that the Opposition are not too clear in their minds about the details of pathways to work.

Pathways to work is aimed at cutting the number of people moving on to incapacity benefit in the first place, as well as moving people who are already on benefit into work. I apologise in advance for all the jargon that I shall use now, but it is part of pathways to work. Through work-focused interviews, using specially trained personal advisers and a varied choices package, a claimant can access professional and tailored information, advice, guidance and support. The choices package is really important, because it recognises that claimants have a range of different barriers to work. People are being helped to manage their conditions by working with primary care trusts and GPs, and they are given suitable training to ensure that they are ready for jobs. This condition management programme is arguably the most imaginative and successful part of pathways to work. It recognises that an individual's condition is what initially brought them on to incapacity benefit, but it also recognises that work is sometimes the best way of dealing with a deteriorating illness.

Fundamentally, the pathways to work programme is such a success because it focuses on what people are able to achieve rather than writing them off as incapacitated. There are hundreds of stories to illustrate that. When people who have been off work because of sickness for many years arrive reluctantly for their first work-focused interviews, they are nervous and lacking in self-confidence, but they are being given the chance to rebuild their self-esteem through condition management and work, and they have the feeling that their life is being given back to them.

To get even more parochial, at the start of the pathways to work pilot in Derbyshire, the Staveley neighbourhood management project commissioned the Derbyshire unemployed workers centre to carry out a study of barriers to employment. Staveley had a long history of coal mining and heavy manufacturing, which used to make up the majority of the work. The pit closures and the loss of manufacturing continue to have a devastating impact on employment in the area. Many of those people in Staveley who are now long-term incapacity benefit claimants would have been usefully employed in light duties when we still had a mining industry in North-East Derbyshire. There is no mystery behind the high number of people claiming incapacity benefit, as there is no mystery behind the high crime levels and poor health.

The unemployed workers centre's study is a very small study of about 10,000 people, but interestingly, it reflects absolutely what is happening nationally. The vast majority of people want to go back to work and the vast majority of them have welcomed the pathways to work pilot. Most people who had claimed incapacity benefit before the start of the pathways to work pilot had received no help from employment services. Now those same people welcomed work-focused interviews with Jobcentre Plus and looked forward to a return to work.

Every month, Jobcentre Plus personal advisers in Derbyshire interview about 700 incapacity benefit claimants. These figures are small but they are really significant. Of those 700 people, 150 find work every month. This is not scratching the surface; this is real success, and the feedback is positive not just from those who are being helped off benefits and into work—advisers and employers are massively enthusiastic about being involved in these pilots.

One of the really exciting developments in Derbyshire is the pathways agreement with Tesco, which is offering tasters and in-work support to benefits claimants. If we can roll out to the rest of the country not just the pathways to work models but the enthusiasm that comes with them, we shall be taking a huge step towards greater social inclusion and greater equality. This is the right direction for welfare reform. It is not a punitive agenda designed to force people into work; it is a positive agenda, which helps people to stay in work and allows them to develop themselves and improve their economic circumstances.

To conclude, I want to point out again that our welfare reforms have been ongoing, they have been targeted and they have been coherent since 1997. We have tried wherever possible to break down barriers to work. We have recognised that health does not have to be a barrier to working. Over 3 million people with long-term illness or disability are at the moment in work. Work and well-being are two sides of the same coin. Our welfare system must be flexible to suit changing needs, but it must provide opportunities for people to work and greater support for those who cannot work. Our Labour Government's answer is to make policy to suit individual need. Pathways to work, which has been rolled out to a third of the country, has demonstrated that a personal advice strategy to help people into work has meant that twice as many people leave benefits and find jobs as before. Most important, they are staying in those jobs.

The Opposition day motion calls upon the Government to deal with the increasingly urgent need for welfare reform. We are reforming welfare, and we have been doing so since 1997. I hope that after this debate the Opposition will support us both in our progress and our successes to date.

6.38 pm

Mr. David Heathcoat-Amory (Wells) (Con): We called this debate in our own time with the aim of giving the Government an opportunity of clarifying and explaining their own policy, and we did so in a genuine spirit of inquiry on behalf of many millions of claimants, who want to know what the Government mean by reform. The hon. Member for North-East Derbyshire (Natascha Engel) said that the Government are in a continuous reform programme. All I can say is that we have not noticed that. The windy rhetoric that accompanied the first election victory of the Labour Government has simply not been carried into practice.

Again, in this short debate many questions have been raised and almost no answers have been provided, so I do hope that when the Minister gets to her feet to wind up the debate she will start to give us some hard answers to some of the hard questions that we have asked—not least by my hon. Friend the Member for Bury St. Edmunds (Mr. Ruffley), who in an excellent short speech asked, in effect, which side is the Department on: the Prime Minister's, or Back Benchers'—or perhaps its own side? That triangulation is going on between different bits of the Government and the Labour party, and it is profoundly damaging to any real or genuine reform.

For instance, we have not got to the bottom of the incredible shrinking Green Paper on welfare reform, which the Prime Minister promised immediately after the election. In fact, I think that it was the first promise that he made in May this year. He said that the Green Paper would be produced by the new Secretary of State by July this year. I join other hon. Members in welcoming the new Secretary of State to his position, but I hope that, despite the fantastic turnover of Secretaries of State in the Department for Work and Pensions, he will survive long enough to see the publication of his own Green Paper.

The victims of the continuing confusion and delay are not just successive Secretaries of State and Ministers, but more importantly, the benefit claimants themselves who are trying to grapple with a system of increasing complexity that is not only beyond their own comprehension, but very often a bafflement to those whose job it is to administer the system. The National Audit Office made some observations on that only earlier this month. It pointed out that the very

[Mr. David Heathcoat-Amory]

complexity of the system is itself an inducement to fraud, because those who are administering the system are trying to process vast quantities of information, often of a very personal kind, and—in the language of the NAO report—that

> "may persuade some people that fraud is a risk worth taking."

We need a massive simplification programme as part of the reform, but we know that benefit claimants are not part of the debate at all. The real dynamic is between No. 10—the Prime Minister and the policy unit—on one side and the Department on the other. The Prime Minister generally cries, "Forward." The Department cries, "Back."

Edward Miliband: May I take the right hon. Gentleman to a point of substance in the debate: the nature of the pathways to work programme? Earlier, the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) said that the programme did not apply to existing claimants. In fact—I have checked this—11,000 existing claimants have volunteered for the programme, and from February 2005, the programme has been applied to more existing claimants. Will the right hon. Gentleman correct the record on that point?

Mr. Heathcoat-Amory: No. The hon. Gentleman is making a mistake. My right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind) was referring to the Green Paper programme, which will not apply—at least initially—to existing claimants, but only to new ones. Of course the pathways to work programme, to which he was not referring, applies to new claimants. That is a simple category mistake, and I ask the hon. Gentleman to refer to the *Official Report*.

Edward Miliband: Will the right hon. Gentleman give way?

Mr. Heathcoat-Amory: No: I will not give way again. I have answered the hon. Gentleman's point.

What we had in February this year was a five-year plan. Despite its rather Stalinist title, it gave us some indication of how the Government wish to split incapacity benefit in two: one benefit more appropriate for those who will never work, and other benefit to become a pathway back into the world of work. We did not agree with all the substance in the February paper, but it was at least reasonably specific and somewhat detailed. So imagine our surprise when, on 7 October this year, we went back to what are called the "Principles of Welfare Reform".

Remarkably, in eight months, the Government have gone from fairly specific proposals to very general principles. The world was rather surprised that the new policy on welfare reform was summed up in various phrases. That document says:

> "We will create a new relationship between the individual, the family and the wider community."

It continues:

> "The Government will tackle dysfunctional behaviour head-on, and use the wider strength of neighbourliness and community to provide support through a range of interventions."

What support? What interventions? We have got beyond principles; we want to know what the Government are going to do. Of course the reason why the Government are now taking refuge in vacuous and general phrases is that No. 10 has vetoed the specific proposals that the Government announced back in February.

Another factor in all this, of course, is the purported discontent among Labour Back Benchers, but what we need from the Government now are some answers. We want to know how the Government want to put those principles into action. Will they still pursue the split in incapacity benefit in the way that they set out back in February? We also want to know what has happened to the promised review of housing benefit. That has not been mentioned in the debate, but in the Queen's Speech, Her Majesty read out the following sentence:

> "My Government will introduce legislation to reform support for housing costs."

Will the Minister for Employment and Welfare Reform tell us when she responds to the debate how that is progressing? Her Majesty may not want to know the answer, but the House does.

Mary Creagh (Wakefield) (Lab): Will the right hon. Gentleman give way?

Mr. Heathcoat-Amory: I hope that the hon. Lady will forgive me; I must reply to some of the points made.

The hon. Member for Yeovil (Mr. Laws) referred to pensions. We did not hear a word on pensions from the Secretary of State, although pensions form part of both the motion and the Government's amendment. Of course the truth about pensions is that the halving of the savings ratio under the Government has dealt a body blow to the entire concept of private sector provision. The reason for that goes back, again, eight years to 1997, when in almost the Government's first fiscal action, they removed dividend tax credits from private pension funds. The Government's siphoning of money from the private sector pensions into the Treasury has gone on year after year. If the Prime Minister wants to pick a fight with a Department, I suggest that he should do so not with the Department for Work and Pensions, but with the Treasury and the Chancellor, because that is where the damage to pensions has been done.

In 1997, our pensions system was an acknowledged international success. We had more private sector pensions under management than the rest of Europe put together. That fact has been alluded to many times by the right hon. Member for Birkenhead (Mr. Field) and other hon. Members of all parties. That policy is now in ruins. Instead, the Chancellor's contribution to welfare reform—and his main legacy from the Treasury—will be a vast extension of means testing. Again, that has been alluded to in the debate. Almost half of all pensioners are now subject to means testing and the proportion is increasing. So the Treasury is responsible for not only the policy, but the shambolic administration of child and pension credits, as we know from our surgeries and advice centres, and the developing, unresolved mess that that is producing.

In the debate, we have seen again the wide and growing gap between Labour's words and deeds. Despite repeated promises of reform, the welfare system is complex, badly targeted and sets up perverse incentives. It is prone to error, fraud and abuse. It lets down the taxpayer and those whom it is supposed to help. We should be having an open debate on how to change the system, instead of which it is a subject of repeated wrangles and leaked memos between No. 10 and the Department. It is time that the House expressed its displeasure and dismay about this continuing state of affairs, and I urge all my hon. Friends to vote for the motion.

6.49 pm

The Minister for Employment and Welfare Reform (Margaret Hodge): I urge right hon. and hon. Members to reject the Opposition motion and support the amendment.

We have had a short debate, but there have been several thoughtful, valuable and eloquent contributions, especially from Labour Members. It is bizarre that Her Majesty's loyal Opposition called a debate on this matter. Opposition days give Opposition parties the opportunity to lay out their alternative stall on what they would do if they were in government, but the official Opposition utterly failed to do that. Let me cite just one phrase from the speech made by the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind). He said at some point during his very long contribution that logic is the art of going wrong with confidence. That meaningless and illogical phrase attempts to mask the fact that the official Opposition have no ideas, no policies and no understanding of the issue.

I am happy to welcome the Conservative party's belated conversion to the importance of welfare reform, but most people will share Labour Members' cynicism and think that its newly born interest has more to with short-term opportunism than long-term opportunity. Today's somewhat pathetic attack on our record was a cover for a policy vacuum, rather a recipe for serious welfare reform.

Sir Malcolm Rifkind: If the right hon. Lady is upset by the attack on her record, will she explain what she meant when she was quoted in *The Herald* in Glasgow as saying that the Government have done "sweet nothing" on the subject of welfare reform?

Margaret Hodge: I am always delighted to put the record straight, so I am pleased that the right hon. and learned Gentleman has given me the opportunity to do so. I make many speeches about the matter and always say that during the Conservatives' 18 years in government, they allowed increasing numbers of people—up to 2.7 million—to languish on incapacity benefit, without giving those people any help or support to return them to work.

The Conservatives are informed by their lasting values, which lead them to want to slash benefits across the piece so that they can cut taxes. The Labour Government, however, are informed by the lasting values that we have consistently articulated of opportunity for all those who can, combined with security and support for all those who need it.

Mary Creagh: Does my right hon. Friend agree that Conservative proposals to use the private and charitable sectors to deal with the most difficult cases involving incapacity benefit would lead to cherry-picking, if output-related funding were used? Does she agree that the proposals represent an attempt by the Conservative party to divide people into the deserving and undeserving poor?

Margaret Hodge: We certainly would not endorse any policy that cherry-picked people off incapacity benefit. However, the voluntary sector, especially, can play a legitimate and strong role in supporting people on incapacity benefit back into work.

Mr. Dunne: Will the right hon. Lady give way?

Margaret Hodge: Not now; I have only a few minutes left.

I welcome the opportunity that the official Opposition have given us to remind all hon. Members and, most importantly, the public about the Conservative party's abysmal record on welfare and to draw attention to the Government's successes. I shall respond briefly to several of the contributions that were made.

The hon. Member for Yeovil (Mr. Laws) added little to the debate. He was good on analysis, but, as usual, short on solutions that add up, especially given his party's most recent commitment not to increase taxation. My hon. Friend the Member for Birmingham, Hall Green (Steve McCabe) made a feisty speech and reminded us that the right hon. and learned Member for Folkestone and Hythe (Mr. Howard) was the Minister for unemployment. My hon. Friend highlighted the importance of understanding the nervousness that individuals face on the journey of incapacity benefit reform.

The hon. Member for Bury St. Edmunds (Mr. Ruffley) got a lot wrong. I think that he would not take interventions because he did not want to be corrected, so I would like to correct one point for the record. People who move from benefits into work have the entitlement to come back on to that benefit level. Indeed, we are extending the time for that to two years from April 2006 so that we can deal with the insecurity that some people feel.

John Bercow: Will the Minister take an intervention in the interests of correction?

Margaret Hodge: One quick one.

John Bercow: It is always a pleasure to listen to the Minister—I say that in all seriousness—but we are entitled to be clear about the historical record. Is she saying that she was misquoted by *The Herald* in Glasgow in so far as she was alleged to have said

> "we have done sweet nothing",

or is she simply saying that she is now embarrassed and has changed her mind? Which is it—I think we ought to be told?

Margaret Hodge: I am in some difficulty because I have not actually seen the quotation. However, I have dealt with the issue already.

[Margaret Hodge]

I congratulate my hon. Friend the Member for North-East Derbyshire (Natascha Engel) on her passionate and strong speech. She pointed out the importance of work to individuals and the way in which work and well-being are two sides of the same coin. She showed a proper understanding of the issues and the way in which we can bring down the number of people on incapacity benefit.

I agree with the right hon. Member for Wells (Mr. Heathcoat-Amory) about simplification of the benefit system. We are attempting to do that day in, day out, whereas when his party was in government it failed even to think about the measurement of fraud. The Conservatives never measured fraud, let alone took action to reduce it, whereas we have done that successfully.

Let me put on record the fact that the right hon. Gentleman and his party are wrong to suggest that existing benefit claimants cannot take advantage of the opportunities in the pathways to work pilots—they can, they do, and they are returning to work. It is absolute nonsense to suggest that we are not talking to interested groups about welfare reform. The Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Stirling (Mrs. McGuire), and I have done that. Indeed, our new Secretary of State has already visited several groups that would be affected by the proposals that we shall put before the House and the country when we publish our Green Paper.

The debate has given us the facts with which to judge which political party is fit to tackle welfare reform. The simple fact is that we are completely divided—*[Laughter.]* No, we are completely divided across political parties on the reasons behind the programme of welfare reform and the purpose of it—*[Interruption.]* Perhaps Conservative Members should listen to this.

Labour Members are committed to our agenda because we see it as a means through which we can unlock opportunity for all so that all can find jobs and individuals can support themselves and their families, realise their potential, enjoy the sense of purpose and self-worth that comes with work and develop a network of friends and companions. We are committed to our agenda because we recognise it as a means of eradicating poverty from British communities and British society. We are committed to our agenda because we understand that by realising individual potential, we can build a stronger economy in the more competitive global environment in which we have to live.

For the Conservative party, the agenda is benefit cuts to finance tax cuts. It is about fostering individual greed at the expense of wider interests and needs. Compassionate conservatism is about dismantling the active welfare state and destroying the support and opportunities that we in government have created. The Conservatives' policies in government created dependency, chaos, incoherence and despair.

The words of the Opposition motion give us a clear indication of their incoherence and direction of travel, whereas the Government's record on welfare reform is one of which we are immensely proud. The challenges that we face in the immediate and long term are complex and important, but the platform that we have built is strong, the values that inform our approach are right, and the task of translating those values into programmes is one we welcome and on which we shall deliver. The truth is that the Conservative party has not just lost the argument, it has lost the plot.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 232, Noes 309.

Division No. 104] **[7 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie

Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moore, Mr. Michael
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Newmark, Mr. Brooks
Oaten, Mr. Mark
Osborne, Mr. George
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Ayes:
Mr. David Evennett and
Mr. Henry Bellingham

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Benton, Mr. Joe
Berry, Roger
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr. George
Howells, Dr. Kim
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy-Fry, Sarah
McDonagh, Siobhain

McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Miliband, Edward
Mitchell, Mr. Austin
Moffat, Anne
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Price, Adam
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salmond, Mr. Alex
Salter, Martin
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Dr. Richard
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Winnick, Mr. David
Winterton, Ms Rosie
Wishart, Pete
Wood, Mike
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Joan Ryan and
Mr. Parmjit Dhanda

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

Mr. Deputy Speaker *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House welcomes the Government's consistent commitment since 1997 to pursue welfare reform to create an active, enabling welfare state where rights match responsibilities; supports the recent publication of the Principles of Welfare Reform, which builds on the foundations laid out in A New Contract for Welfare, published in 1998 and the Department for Work and Pensions' Five Year Strategy of February 2005; commends the Government's achievements in helping 2.1 million children out of absolute poverty since 1997; recognises the success of the New Deals, through which over 1.2 million people have moved into work; notes that new claims for incapacity benefit have been cut by one third since 1997; further recognises the importance of the National Pensions Debate in creating a dialogue with the public and building a consensus on pensions reform; further welcomes the progress made on tackling disability discrimination, opening doors for disabled people to remain in or return to work; in contrast, condemns the shameful record of the Opposition who spent more on administering the Child Support Agency than they paid out in maintenance and who allowed those on unemployment benefit to hit three million twice whilst also trebling the numbers on incapacity benefits between 1979 and 1997, costing the taxpayer billions and condemning millions of people to a life of benefit dependency.

Climate Change

Mr. Deputy Speaker (Sir Alan Haselhurst): We now come to the debate on climate change. I have to announce to the House that Mr. Speaker has selected the amendment in the name of the Prime Minister.

7.14 pm

Mr. Oliver Letwin (West Dorset) (Con): I beg to move,

That this House endorses the principle of a cross-party consensus on carbon reduction.

The motion was tabled by my hon. Friends and myself, as well as by Liberal Democrat Members.

When we last held a debate on climate change in the House, Government Members reasonably requested us to put before the House a more emollient motion if we sought consensus on the way forward on climate change and carbon reduction and to remove from that motion any vestige of criticism of the activities of Her Majesty's Government. We could not have obliged more than we have done this evening. Liberal Democrat Members and I have concocted a motion that does not offer any criticism whatsoever of the Government but seeks consensus on the need for consensus. As someone inclined to emollition I cannot imagine a more emollient solution.

Colin Challen (Morley and Rothwell) (Lab): Can the right hon. Gentleman clear something up for me? I find a great deal to recommend in the motion, but will the hon. Gentleman oblige me to vote on it?

Mr. Letwin: I am grateful to the hon. Gentleman for making an intervention—uniquely, in my experience—that enables me to progress my speech. I hope that the motion will not be forced to a vote. That lies not in his hands but in the hands of the Government Front Bench team and the Whips. If they choose, as I hope they will, not to force the matter to a vote we should be delighted. We shall have to wait and see how Ministers respond.

Mr. Jeremy Browne (Taunton) (LD): Does the right hon. Gentleman agree that it would have been helpful if the Government had added their amendment to the motion rather than seek to delete it?

Mr. Letwin: That would have been a possibility, but in the spirit of seeking consensus and avoiding criticism I shall assume that the Government would have done so if the hon. Gentleman had recommended it in advance.

The broad framework around which the hon. Member for Lewes (Norman Baker) and I seek consensus is well known to Members who attended our previous debate. I do not want to dwell on it in detail, as it would bore the House, so I shall remind hon. Members who attended that debate and inform hon. Members who did not that we do not imagine for a moment that consensus would consist of point-by-point agreement on every possible policy relating to climate change, which is manifestly impossible. Nor do we imagine that it will go beyond, at least at first, the establishment of common ground on principles on which the Minister for Climate Change and the Environment and I broadly agree. The nation should have a settled framework of year-by-year targets and requirements for carbon reduction, and that framework should include the appointment of a well-articulated independent body capable of informing Parliament on a regular basis of whether, as we look forward many years, the Government's policies are calculated to achieve those targets to a 90 per cent. or a 10 per cent. degree of probability, or whatever is the judgment of that independent body.

Mr. John Gummer (Suffolk, Coastal) (Con): If such a framework were set up, should not the Government be prepared to accept that it could be used to investigate the view that they are talking to their advisers on the basis that they will not meet their Kyoto promises, which is very damaging?

The Minister for Climate Change and the Environment (Mr. Elliot Morley): No, we are not doing so.

Mr. Gummer: Advisers certainly say that that is the case. Should not the Government refuse demands from the European Union that we should break our word on our emissions limit? Should they not also accept that we ought to ban hydrofluorocarbons instead of being the dirty man of Europe and opposing attempts to ban them?

Mr. Letwin: My right hon. Friend has an extraordinary record as a successful Secretary of State for the Environment and is a beacon of light to the Government in that respect. However, I shall not pursue the line of inquiry that he recommends because I hope that the answers to his questions are in the affirmative, that the Government and succeeding Governments will recognise not only where they are succeeding, but where they are failing, and that that will occur not in the spirit of pointing the finger, but in the spirit of seeking, as a nation, to achieve real and sustained progress.

Mr. Morley: I was surprised at the comments from the right hon. Member for Suffolk, Coastal (Mr. Gummer), who is generally well informed on these matters. I want to make it clear that there is not the slightest intention that the Government will renege on their Kyoto agreements. We are well on track to meet our Kyoto targets—one of the very few industrial countries to do so. We expect not just to meet our Kyoto commitments, but to surpass them.

Mr. Letwin: I shall not pursue that debate, although as the Minister well knows, though it is probably true that the Government will just meet their Kyoto greenhouse gas emissions targets, the reduction in carbon that both the Minister and I would like to see is not happening. It will be recognised by the Minister, because he has recognised it on previous occasions, that after a period during which the dash to gas created significant carbon dioxide reductions, more recently it is a combination of what has happened on adipic acid and the performance of farmers that has largely rescued the Kyoto targets. So there is considerable force in what my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) said, as the Minister knows.

[Mr. Letwin]

I hope that across the Chamber this evening, rather than engaging in defensive and offensive manoeuvre, we can get to the point where we understand that as a nation we face a very serious problem, and that we can agree on a framework for tackling it.

Tony Baldry (Banbury) (Con): My right hon. Friend is in danger of being far too kind to the Government this evening. Did he not see the report by *The Economist*? In their election manifesto in 1997 the Government promised to reduce emissions by 20 per cent. In their 2001 general election manifesto they promised to reduce emissions by 20 per cent. Nothing has happened. It is only now that they are proposing to set up a review next year to work out how they meet their Kyoto targets. I caution and counsel my right hon. Friend not to be too kind to them.

Mr. Letwin: I understand the temptation on the part of my hon. Friend and others to point out uncomfortable facts, but in the end, those are not uncomfortable facts for the Government. They will probably sail on without anybody in this country, alas, caring as much as they ought about those things. It will be other issues that bring about the downfall of the Government, in all probability. We in the Chamber all know that. Alas, the danger that arises in relation to the points that my hon. Friend makes is a danger for the country. That is why it is so critical that we translate good will into action.

Chris Ruane (Vale of Clwyd) (Lab): In the interests of consensus, I agree with the right hon. Gentleman that targets should be set. One of the targets that the Government have set is 10 per cent. renewables by 2010. To achieve that, there will be a massive roll-out of offshore wind farms, the first of which will be off my constituency—200 turbines. Do the right hon. Gentleman and his party support such proposals?

Mr. Letwin: We will in all probability need to see a considerable extension of renewables in this country, if we are to get anywhere near meeting the targets that we seek. I accept that there will frequently be constraints against which those bump up and tensions that they create, and as a nation we will have to accept some things that we do not find comfortable. I do not know the particularities of the case that the hon. Gentleman cites. I would be happy to come and look at it for myself.

We must understand that it is not for us in the House or for Governments to make decisions about particular technologies, to pick winners or to advance the causes of this or that. It is for us—this is the onus of what the hon. Member for Lewes and I are trying to do in the process in which we have engaged—to attempt to bring it to the attention of the political establishment of this country that we need a settled framework which is translated through market incentives into the production of appropriate solutions, which will be wide ranging in nature. So politicians determine direction, and the market responds with solutions. That does not mean that it will be easy or that there will not be tensions or conflicts. It means that instead of debating particularities in the House, we can debate the general thrust and create a set of arrangements that deliver against targets.

Mark Tami (Alyn and Deeside) (Lab): Will the right hon. Gentleman give way?

Mr. Letwin: No. I shall make progress, if the hon. Gentleman will forgive me. I shall happily give way to him later.

My purpose in launching the debate is to engage in an inquiry. I want to try to understand what I genuinely do not fully understand—whether there is the basis for cross-party consensus. That depends on the answer to the question: what is it that the Prime Minister and other Ministers have been saying over the past few months, and what is the position that they take? I say that in a spirit of genuine inquiry, as I think will become evident in the remainder of my remarks.

There are three questions that need to be examined. The first is the relationship between carbon reduction and economic growth; the second is the relationship between targets and technology; and the third is the relationship between UK actions and global actions. Everybody in the Chamber today—looking around me, I see many who have concentrated on these matters for many years—will recognise that around those three sets of issues revolves much of the answer to how we approach climate change.

It is in relation to the three issues that the recent statements by the Prime Minister and other Ministers cause the inquiring mind to ask where exactly the Government are headed. Are they headed in a direction that can create the basis for the cross-party consensus that we seek?

I shall start with a pessimistic interpretation of those remarks and move on to an optimistic interpretation. I hope that that will set the scene for the Minister to cast light on where we are as a country and as a group of people engaged in a seminal political discussion. The pessimistic interpretation has been offered by some of the lobby groups and it is this: that the meaning behind, and perhaps to some extent in, the Prime Minister's recent statements is that the Kyoto process is dead, that domestic targets will largely be abandoned hereafter, that it is impossible to combine economic growth and serious and binding international and national targets, and that we should therefore do what we can to promote technological solutions that help to alleviate the amount of carbon being produced, engage in activities such as emissions trading, express aspirations and hope for the best. I think that I have given a more or less accurate summary of what the pessimists assert is the meaning of the Government's actions.

I am loth to come to the conclusion that those are the meanings behind what has been said, and much that has been said does not [illegible] that interpretation. There is a basis for hoping that that is not what the Government mean. Yes, I have read various articles and it is difficult to know which means what. I shall now put the optimistic interpretation, and if the Minister in his response can give us a clear idea where the Government stand, that will be an enormous step forward.

Richard Ottaway (Croydon, South) (Con): My right hon. Friend mentions that the Kyoto process is dead and looks to technology to provide a solution. Does he agree that one of the reasons why Kyoto is dead is because of the United States, yet it is the United States that probably has the most to offer in providing technological expertise and investment, which will help us in the long term to achieve the sort of consensus that he seeks?

Mr. Letwin: My hon. Friend has mistaken my meaning. I am not saying that the Kyoto process is dead; I do not believe that the Kyoto process is dead; and I am not even sure whether the Prime Minister thinks that the Kyoto process is dead. I was trying to say that on a pessimistic interpretation of what the Prime Minister said, one might have thought—some of the green lobby have concluded that this is what he thinks—that the Kyoto process is dead.

Bringing the United States, China and India into the process is critical, and technology is an enormously important component in doing so, and it is also true that the United States is a significant contributor to bringing technology into the process. This is my question: does the Prime Minister believe that Kyoto and binding targets are dead, because they are not consistent with economic growth and hence cannot bring in China and India—and, while we are at it, Brazil and Russia? The pessimistic interpretation is that is what he believes.

Turning to the optimistic interpretation, I hope that the Prime Minister and the Government recognise that a combination of growth, energy security and carbon reduction is needed—I am fairly confident that the Government believe that; I certainly believe that; and I expect that the hon. Member for Lewes believes that. We have got over the idea that there is a choice—in my view, it is a false choice—and I think that the Government have, too, between growth and energy security on the one side and carbon reduction on the other.

If it is true that the Government have got over that false dichotomy, this is the next question: do they also agree that we must recognise that neither the UK alone nor even the EU can make a significant difference to the amount of carbon in the atmosphere and hence to prospects for climate change? I am fairly certain that the Government accept that proposition because it is, after all, a matter of fact. Returning to the point raised by my hon. Friend the Member for Croydon, South (Richard Ottaway), I think and hope that the Prime Minister's remarks should be interpreted as meaning that the way to bring China, India and the US to the table is to identify technologies that will enable those countries to combine economic progress and growth with the reduction of carbon.

John Robertson (Glasgow, North-West) (Lab): The right hon. Gentleman has been speaking for eight minutes, and I cannot see the consensus. [HON. MEMBERS: "Eighteen minutes."] That long, eh? If he wants to create a consensus, he should put forward some ideas that we can discuss. So far, he has put forward no ideas. Is he relying on his new hon. Friend, the hon. Member for Lewes (Norman Baker), to do that for him?

Mr. Letwin: If the hon. Gentleman does not understand that when it comes to building a consensus, it matters how the various parties view the fundamental questions that we are dealing with, then he is not as acute as I had hoped. It is important to understand where the Government are coming from and whether it is the same place as Opposition Members are coming from, because if we are coming from the same place, there is a real chance of obtaining agreement, and if there are fundamentally divergent views, there is not a real chance of obtaining agreement. The proposition is perfectly clear.

Alistair Burt (North-East Bedfordshire) (Con): Will my right hon. Friend advise me on an area in which growth is evident and in which a response to climate change issues would mean a great deal? Given the new building and development that is taking place around the country, does he believe that a certain percentage of new building in this country should include sustainable energy facilities, such as solar panels and domestic wind turbines? If we were to reduce domestic energy usage across the country, it would make a profound difference to how people see energy and carbon reduction.

Mr. Letwin: As my hon. Friend has implied, there is no doubt that if we are to achieve anything like the 60 per cent. reduction in carbon emissions by 2050, which we need to achieve to play our part in getting to the international target of 550 parts per million, we must take considerable further steps on building regulations, energy efficiency in the home and micro-generation, because the Government's own figures, perfectly sensibly, rely heavily on energy efficiency as the major component—it constitutes almost half of the total—of how they hope to achieve those targets. We are nowhere near those targets yet, because building regulations have not been sufficiently organised.

Several hon. Members *rose*—

Mr. Letwin: I shall start on the right and move across, because of my ideological disposition.

Paddy Tipping (Sherwood) (Lab): Does the right hon. Gentleman believe that the pessimists are offering a false dichotomy between technology, new ways of working and targets? When we consider the post-Kyoto situation in 2012, does he believe that we should use both levers—technology and targets? Is that the way to find the consensus that he seeks?

Mr. Letwin: Oh yes, abundantly. I am not surprised that the hon. Gentleman and I agree, because I have often heard him speak on the subject, and I more or less agree with everything that I have heard him say. As a result of his intervention, I shall advance my argument by one stage: I hope that the meaning behind the Prime Minister's remarks is that the Prime Minister recognises that we must build from the bottom up—from an understanding of the technology to an understanding of how the technology can allow countries such as China, India and the United States, consistent with their own competitive positions, to engage in economic growth while reducing carbon emissions. I hope that he hopes that it will be possible to build on top of that a second round of binding international targets, which would show that Kyoto is not dead—incidentally, such targets should be vastly more effective and ambitious than those

[Mr. Letwin]

in the first Kyoto treaty and broadly encompass the whole world of carbon producers. That is what I hope that the Prime Minister believes; that is what I think that the hon. Member for Sherwood (Paddy Tipping) believes; and that is certainly what Opposition Members are now largely unified in believing. My argument is that if we all believe that, it is an extraordinarily strong basis for consensus.

Mark Tami: Like the right hon. Gentleman, I hope that we can reach an agreement in this House that will last for many years. Although his new-found allies may speak well in this House, however, at a local level they seem to oppose every new form of energy generation, whether it is renewables or other technologies.

Mr. Letwin: I do not think that that is fair. I have spent the better part of my political life fighting off Liberal Democrats who were trying to take my seat, so I have some experience of their campaigning techniques. It is not only Liberal Democrats and the Labour party, but Conservatives—this will always be true of all parties and all politicians—who respond to a considerable degree to local circumstance and to concerns other than those about climate change. We must all understand that each and every one of the technologies that the hon. Member for Sherwood and I believe need to be brought forward have constraints, some of which are environmental constraints. There is a continuous tension between each technology and something. In some cases, the tension is between a technology and a resource; in some cases, it is between a technology and the economics of the situation; and in some cases, it is between a technology and the environmental consequences for the landscape or cityscape. We should not deride one another across the House if we exhibit some of those tensions, which are an inevitable part of democratic politics.

Mr. David Heathcoat-Amory (Wells) (Con): Are not targets without the means to achieve them dangerous, because they provide an illusion of progress that is not followed through on the ground? We all know that with rising worldwide energy use, the only realistic way of meeting the threat of climate change is a nuclear power programme. All else is sophistry, illusion and wishful thinking. Is that not the consensus that we should be building worldwide?

Mr. Letwin: My right hon. Friend and I do not wholly agree, although I agree with a large part of his remarks. We will not make progress simply by having targets or even by translating those targets into market incentives. We will make progress only if the market incentives are then translated into action in the form of technologies that work, that combine energy security with carbon reduction, and that allow economic growth. One of those technologies may very well be nuclear. However, the existing nuclear power stations constitute a reduction of about 5 per cent. in our total carbon output. The entirety of our electricity supply industry constitutes only about 40 per cent. of our carbon production. Very much wider steps will need to be taken than merely on one particular type of plant, be it nuclear or otherwise, in this country and elsewhere. Whether we consider the power sector and carbon sequestration, disaggregated power sector, microgeneration, and energy efficiency in the home, vehicles and the substitution of traditional engines by hybrids and biofuels, or air travel and what we do to constrain the emissions from that, we are considering a vastly wider range than the "nuclear or not nuclear" debate has allowed for.

I would say to my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) that I fear that the Prime Minister's habitual brilliance in highlighting particular items in order to carry the political day has led him to overstretch the importance of nuclear power and the debate around it because he believes that that will allow us not to focus on the many other things that are, in many cases, very much more difficult to achieve. Yes, let us keep an open mind about nuclear as a part of the solution, but let us not suppose that it can ever be the full solution—or, indeed, that any amount of power plants of any kind can ever be the full solution.

Several hon. Members *rose*—

Mr. Letwin: I will give way twice more and then I am going to progress to the end of my speech. I hope that no hon. Member will condemn me for speaking for a long time, as most of it has been taken in responding to interventions.

Mr. David Hamilton (Midlothian) (Lab): The right hon. Gentleman says that there are wide-ranging solutions to the host of issues that we face. Surely one of those issues must be the fact that billions of tonnes of coal reside in this country, giving us an edge against many of our European competitors and linking the economy with how we deal with climate change. Carbon capture is an extremely important area, and we should not throw it out of the discussion.

Mr. Letwin: I entirely agree with the hon. Gentleman, just as I agreed with my right hon. Friend the Member for Wells that nuclear may be an important component. Carbon sequestration or capture may well play a huge part, not only in this country but in China and India, because undoubtedly coal stations will need to be built in great number. Of course, it is not yet a well-established technology, but we all have high hopes that it will become so and that it will become affordable.

Mr. Mike Weir (Angus) (SNP): I hope to be part of this emerging consensus, but I am particularly worried about nuclear, which my party cannot support and I suspect that the Liberals cannot support it either. Can the right hon. Gentleman define what he means by technologies, because a technology such as nuclear may be as bad as a polluting one such as coal without the proper technology to clean it up?

Mr. Letwin: I do not anticipate—neither does the hon. Member for Lewes—that we will ever reach complete agreement on each item that lies under the umbrella. We are trying to reach agreement on the shape of an umbrella that will protect us from a rainstorm. We may then have different views of what to put under it, agreeing on many and disagreeing on some—for example, nuclear power. What I mean by technologies is a vast range of technologies, some of which are highly controversial and some of which are not controversial at all. Very few people believe that improving the cladding in roofs is a controversial measure. I suspect that very few people would think it wrong for someone to have a dish-sized windmill on their house, although one currently has to apply for planning permission for one of those but not for a dish, which is rather an oddity. We must ensure that the structures that we create bring forward the lowest-cost solutions that are compatible with achieving the carbon targets. Only then do we have to start arguing about the fine detail of whether there are particular technological solutions that for some reason or other some people cannot stomach.

Gregory Barker (Bexhill and Battle) (Con): My right hon. Friend is rightly focusing on the range of exciting technologies that are out there, in contrast to the Prime Minister's mono-focus. Is he aware, though, of the work that is being supported by the Bush White House? We disagree with so much of its approach to climate change, but it has directed billions of federal dollars into the hydrogen economy. The brain drain that that is causing from other areas around the world into US universities is striking. Does he have any ideas on how we can encourage that sort of research to come back into the UK?

Mr. Letwin: My hon. Friend makes a very good point. In fact, the United States as a whole has been making huge advances, not only in carbon reduction but in measures to help carbon reduction hereafter. Many of those have been at state level, but some have been at federal level. What my hon. Friend says is abundantly true. Billions have been invested in forward-looking activities such as trying to promote carbon capture and, as he says, the hydrogen economy. We should be grateful to the United States for investing that money and making that effort. I agree that it would be good if we, too, were to participate in that endeavour.

Mr. Morley: It seems to have escaped the right hon. Gentleman's notice that it was announced more than 18 months ago that the UK and Japan are collaborating on clean fuel technology, which includes fuel cells, hydrogen and hybrid power. Collaborating with major G8 nations and the United States is an important way forward. He would be very wrong to think that the UK is ignoring those approaches.

Mr. Letwin: That is to be welcomed.

I return to the key question. Is the pessimistic interpretation right, or is the optimistic interpretation right? Is the Prime Minister saying that he has come to the conclusion that when the chips are down economic growth and carbon reduction cannot go together and we cannot have targets intervening between the two; or is he, as I hope, espousing the view that we need to start by advancing the technology, then persuade the rest of the world that one can combine carbon reduction and growth, bind the world into targets, and thus bind ourselves into targets over the long term and be able to translate those through market incentives into real action through technological change?

If he is saying the latter, then there is the basis for a splendid agreement between the two sides of this House—that is, the three parties and perhaps the smaller parties as well—about the framework. I hope that through the medium of this debate and others that may follow it, we can get to the point—I accept that this is difficult for any Government to do—where the Government say, "In the national interest, we are willing to lay down the normal process of claiming credit for the Government when things go right and knocking down the Opposition whenever possible", and instead try to create a series of arrangements which mean that over a 50-year period, come one Government or another, we continue with a settled set of targets, an institutional framework that brings those repeatedly to the attention of Parliament, and a political apparatus that makes it well-nigh impossible for any politician to go against that trend and very easy for any politician to go with the trend despite the democratic pressures that will be exerted at any given election.

That may be too optimistic a hope, but it is my hope this evening. If the Minister is now going to reaffirm, as I hope, that my optimistic interpretation of the Prime Minister's remarks is the right one, he will in that selfsame set of utterances be justifying the hope that we can arrive at the cross-party consensus that would give him a basis for not resisting our motion.

7.49 pm

The Minister for Climate Change and the Environment (Mr. Elliot Morley): I beg to move, To leave out from "House" to the end of the Question and to add instead thereof:

> "welcomes the leadership shown by the UK Government internationally on climate change, and the important progress made at the July Summit and at the recent meeting of the Dialogue on Climate Energy, Clean Energy and Sustainable Development; further welcomes the recent announcement of the Renewable Transport Fuels Obligation and looks forward to the publication of the climate change programme review; recognises the importance of building greater understanding and support among all sectors of society for action on climate change; and further welcomes new ideas and contributions from all quarters that help to reduce carbon emissions."

I thank the right hon. Member for West Dorset (Mr. Letwin) for initiating the debate on climate change. It is an important issue and the discussion gives me an opportunity to outline the Government's policy progress and tackle some issues that have confused the debate. Some of them are based on misunderstanding, but others are based on malice. However, I shall deal with those matters later.

Climate change is the greatest environmental challenge that the world faces. I therefore welcome the fact that, at least in this country, there is a general political consensus about the need for action and the threat that climate change poses. The debate is about how far we go, what we do and the sort of mechanisms that we put in place. I explained that to a Conservative Canadian Member of Parliament. The Conservatives in Canada stated in their manifesto that if they won the election, they would withdraw from the Kyoto protocol. I explained that that was not the position in this country, where there is general political consensus. I hope that he took that message back.

[Mr. Elliot Morley]

The Prime Minister has taken a strong international lead on the matter. Even his detractors would accept that he has put climate change at the top of the political agenda, especially this year, given our G8 and EU presidencies. That is why we are also committed to implementing our ambitious domestic programme. I emphasise that 2005 has been a milestone year in relation to climate change. In February, the historic Kyoto protocol entered into force after its ratification by Russia. That ratification owed a great deal to lobbying by the Prime Minister and our actions to encourage Russia to do that.

The UK's G8 and EU presidencies have focused the international community's attention on climate change. In December, 10,000 people will meet in Montreal for the United Nations forum on climate change convention. That will be a crucial meeting, not least because we have to begin the process of looking to Kyoto's second commitment period, which is 2012.

There appeared to be confusion among some hon. Members who intervened earlier. We have a binding commitment under the Kyoto protocol to reduce greenhouse gases in the UK by 12.5 per cent. by 2012. We are on a reduction of 12.5 per cent. now. Figures are likely to go up and down because of the different sorts of pressures on emissions. However, we have no doubt that we are well on target not only to fulfil our goal by 2012, but to doing better than that.

We have another target—a voluntary, domestic, national target of reducing CO_2 by 20 per cent. by 2010 and by 60 per cent. by 2050. That is a self-imposed national target, not a legally binding agreement. It is a commitment by the Government to go beyond our obligations under the Kyoto treaty.

Colin Challen: I congratulate my hon. Friend on accepting another voluntary target. He has agreed to accept the 25-5 challenge to reduce his personal carbon emissions by 25 per cent. in five years, and no later than 2010. Several other Members who have accepted that challenge are present. I am not allowed to name them, but they are here and they are making that personal effort. Does my hon. Friend agree that the one way that we can establish a consensus is by acting on our words, not simply spouting all the time, thereby demonstrating that we mean what we say, take the matter seriously and are prepared to take action ourselves?

Mr. Morley: I accept that. Taking action on climate change is important globally, nationally, regionally and individually. All of us can do a great deal about our lifestyles. That is why I have made such a commitment. Like many hon. Members, I consider my impact on the environment and try to reduce it.

Richard Ottaway: I think that the Minister was looking at me when he made his remarks about Kyoto. I accept that he may well hit his Kyoto targets. He may or may not hit his other domestic targets and we can argue about that. However, it all pales into insignificance if countries such as India, China and the United States do not hit their targets. Cutting our emissions by 1 or 2 per cent. is nothing compared with the output of the Chinese economy, which is growing at 3 or 4 per cent. a year.

Mr. Morley: In all fairness, that argument is advanced often and there is some truth in it. When the United States alone accounts for 25 per cent. of global emissions, it is essential to engage with it and get it to take action. It is also true that while India and China do not have to have legally binding targets under the principle of common but differentiated responsibilities in the Kyoto protocol, they are enormous emitters. Their emissions have been increasing year after year. It is precisely for those reasons that the Prime Minister has been considering the way in which we can engage countries such as India, China and the United States, and especially how we can get India and China to do more when they will not accept binding targets.

Mr. Gummer: I understand the Minister's problems and he knows that I generally support what he is trying to do. However, let me bring him back to the 20 per cent. figure. The right hon. Member for Oldham, West and Royton (Mr. Meacher) gave me some hell in the Chamber because the Labour party made that commitment in opposition. When it came to power, it reiterated it. If the Minister is now telling me that achieving the 20 per cent. is not possible—I warned him that it would be difficult—will he understand that we shall keep him to it? It may be a voluntary target, but if this country does not manage to meet it, the rest of the world will believe that we have let it down on the most important issue that confronts us. The Government will not stand up and say, "We're going to do it. This is how we're going to do it. These are the tests that we'll use. We'll have independent checks every year." That undermines our belief in the Government's integrity and intelligence on the matter.

Mr. Morley: It is true that the 20 per cent. target was a manifesto commitment—we were the only party to do that. It is a difficult target and we knew that when we made the commitment; I do not want to be dishonest about it. However, I believe that we can fulfil the target. We are attempting to do that. It is why we have the climate change review, which we will publish in due course. That will give some indication of the additional steps that we intend to take to move us towards the 20 per cent. target. Although it is true that, in common with every major industrial country, emissions have risen in the UK, if it were not for the steps that we have taken since 1997 there would be an additional 8 per cent. increase in CO_2. I freely acknowledge that we need to do more. That is the point of the review. As the amendment makes clear, we welcome contributions from other organisations and, indeed, other parties to our approach and the sort of measures that we should take.

Mr. Tobias Ellwood (Bournemouth, East) (Con): Let me follow the comments of my hon. Friend the Member for Croydon, South (Richard Ottaway) on Kyoto. All the efforts that we make in this country pale into insignificance when China, India and the United States create 2.7 billion tonnes of carbon emissions compared with the 483 million tonnes that all the Kyoto countries put together produce. What exactly is the Minister doing to get those countries on board? If he cannot do that, all our efforts, whether they are bicycles or wind farms, are a complete joke.

Mr. Morley: Yes, I shall be very glad to do that. In fact, I intend to cover those points in my speech, so I hope that the hon. Gentleman will listen carefully to what I have to say. I have just acknowledged that the UK accounts for 2 per cent. of global emissions. The EU, of which we are a member, accounts for about 24 per cent. However, if every country took the attitude that this problem is too difficult to tackle because the Americans are not doing anything and because China and India are producing huge emissions, we would never make any progress at all. This country is trying to take the lead in this area, and I am proud of that.

Paddy Tipping: Is not the Minister being too modest? Is it not a fact that the Prime Minister has recently had discussions with China and India, and that he has talked to the Russians about this? Is it not also the case that the next G8 summit, in St. Petersburg, is going to consider climate change? Finally, will my hon. Friend comment on the efforts that he and the Prime Minister have made to persuade the Russians to sign the Kyoto treaty? Those are strong arguments that counter the siren voices from the Conservative Benches.

Mr. Morley: As part of our commitments, the Prime Minister, my right hon. Friend the Secretary of State and I have met our Russian, Chinese and Indian counterparts. In fact, we have been advocating international action and trying to build international consensus for many years. I shall return to these points in a moment.

John Barrett (Edinburgh, West) (LD): Will the Minister give way?

Mr. Morley: I should like to make some progress.

It would be for the benefit of the House if I outlined what measures the Government have put in place to deal with climate change. First, in regard to our domestic commitments, the Government introduced the climate change levy, which will have saved 3.7 million tonnes of carbon by 2010. The climate change agreements that go with the levy have already saved 4.6 million tonnes of carbon up to 2002. This Government introduced the world's first national carbon trading scheme. We also introduced company car tax reforms in 2004 that changed the whole focus on company cars, which account for the biggest share of the new car market. Instead of giving tax discounts on the number of miles travelled, we now give them according to a car's emissions. That represents a big change and it has had a big impact on sales.

It was this Government who introduced a lower rate of vehicle excise duty for low-carbon vehicles, and who established the Carbon Trust to work with business to help it to reduce carbon emissions. We also established a target of obtaining 10 per cent. of our energy from renewable sources by 2010, and introduced the renewable energy obligation certificates. We introduced the energy efficiency commitments—we are now moving into their third phase—which involve the energy companies helping their customers to achieve energy efficiency. We have also recently announced that we are to introduce a renewable transport fuel obligation, which is designed to save more than 1 million tonnes of carbon a year. That proposal has been warmly welcomed.

We are one of the few major industrial countries that is on track to meet its Kyoto targets, and we have now achieved a 12.5 per cent. reduction in greenhouse gas emissions. We are, I understand, the first Government in the world to take a decision to offset all Government air travel from April next year. We have already offset all the air travel involved in travelling to our G8 conferences, and we have used the money from that to invest in a clean development mechanism scheme in Cape Town in South Africa. I believe that we are unique among Governments internationally in that regard.

This Government have also set up a review of the economics of climate change, which is important in regard to dealing with its impact on gross domestic product, the potential benefits, and the cost of doing nothing about climate change. We have also brought forward proposals from the Commission under our EU presidency to include aviation in the European carbon trading scheme.

Mr. Nick Hurd (Ruislip-Northwood) (Con): Will the Minister give way?

Mr. Morley: Those are just the domestic issues, and I want to go on to the international issues, but I am happy to give way to the hon. Gentleman.

Mr. Hurd: One of the stated ambitions of this Government's presidency was to advance the inclusion of aviation into the next round of emissions trading. Will the Minister update the House on exactly what progress they have made, as of the end of this month?

Mr. Morley: As of the end of this month, the proposals have come forward from the Commission and they are on the agenda of the December Environment Council, at which we hope to reach agreement with the Council to take the necessary steps to include aviation in the EU scheme post-2008. That is the earliest that it could be done because of the procedures that have to be followed in the European Parliament.

Mr. Weir: The Minister missed out the Energy Act 2004 from his long list. It introduced measures relating to renewable energy and to the capping charges for renewable transmission from Scotland. That has largely been undermined by the transmission charging regime recommended by Ofgem. I know that the Minister's colleague in the Department of Trade and Industry, the Minister for Energy, the hon. Member for Croydon, North (Malcolm Wicks), has announced a change for the island areas, but no change has been made in the highland areas of Scotland. Will the Minister tell us whether such a change is under consideration?

Mr. Morley: The hon. Gentleman should be aware that measures have been put in place to support hydro energy in the Scottish highlands. That would also have the effect of reducing transmission costs because of a small increase across the whole of the national grid,

[Mr. Morley]

which would benefit the people in remote Scottish areas. I am sure that he will appreciate the Government's taking those measures.

Mr. Peter Ainsworth (East Surrey) (Con): In the Minister's long list of the Government's efforts—[HON MEMBERS: "And achievements."] Well, some achievements. The point that the Minister made was that the Government had succeeded in mitigating what would otherwise have been a bigger problem. However, in the spirit of co-operation that we are trying to achieve this evening, I should like to say that I believe that the Government are trying hard on this issue. The fact that they are not succeeding as fast or as much as we would like is due to the fact that this is a really difficult problem to solve, domestically and internationally. The Minister has accepted the need for international co-operation, through which all of us on the planet can make progress. It is sad, however, that he saw fit to table his amendment to the Opposition's motion, and I would like him to explain why he felt that that was necessary. Does he not think that it sends out the wrong message to people who are seriously looking for political consensus and leadership on this crucial issue?

Mr. Morley: As always, the hon. Gentleman makes a reasonable point, and I intend to address it. I understand the argument for consensus. However, just as he wished to ask a number of questions about the Prime Minister's view, I need to ask a number of questions about where the Opposition stand on certain issues. If we are to explore these issues, we must also explore the disagreements. I would ask him to read the amendment carefully—he will see that it is written in a way that leaves open the option of working together and of treating the proposals on this serious international problem in serious and mature manner.

Dr. William McCrea (South Antrim) (DUP): I accept that the Government are earnestly and genuinely trying to make achievements on climate change. May I ask the Minister, however, what the special relationship between our Prime Minister and President Bush has achieved in regard to making significant changes in the American stance on climate change?

Mr. Morley: I believe that there have been changes in the American stance—an example is the outcome of the Gleneagles agreement. A bottom-up approach is being taken in parts of the United States, involving certain states, cities and even major American companies such as General Electric and DuPont, arguing for a framework of emissions reduction. That there are changes taking place was also reflected in a recent vote in the Senate. To be honest, I would not have expected to see such a vote even two years ago. Some of the changes have been as a result of our engagement—although not only that of the UK—with the Americans at all levels, not just with the federal Government, but with individual states. I recently attended a conference promoted by the Climate Group, which is a voluntary group consisting of American and Australian states, British companies and a range of international companies, all of which want to go further and faster than their Governments are doing. We have encouraged and supported them because we want to work at all levels.

Patrick Hall (Bedford) (Lab): Will the Minister give way?

Mr. Morley: I should like to make some progress.

At this point, it is worth saying a few words about what we have done in relation to our international engagement. Just as we are proud of the progress that we have made domestically, we are proud of what we have done in terms of global leadership. Making climate change one of the two key themes for the G8 focused attention on it, and the Gleneagles summit agreed on a package of measures to combat the problem, together with a new dialogue between G8 countries and emerging economies such as China and India and a statement on the importance of climate change.

The first meeting on the dialogue was held in London on 1 November. Significantly, it was attended not just by the G8 countries, but by the five big emerging economies: India, China, Brazil, Mexico and South Africa. That is an example of the use of our facilities and influence to build an international consensus and to establish how we can work together to deal with some of the requirements of countries such as China and India.

The round table for G8 Energy and Environment Ministers was the first of its kind and was very successful. We hosted a major international science conference at the Hadley centre in February, which informed some of the sceptics—who, I am glad to say, are becoming fewer and fewer—about the science of climate change. Under our EU presidency, we held an informal Agriculture and Environment Ministers' council on climate change. Such a council had never been convened before. Under our presidency, an EU-China summit was held that led to an agreement with China on the pioneering and developing of clean coal technology. Of course, the Chinese will use their coal because they have huge coal reserves. Then there was the EU-India agreement. We talked to India about renewables and about the possibility of co-operating with India on, in particular, the clean development mechanism. There was also an EU-Russia agreement, which was referred to by my hon. Friend the Member for Sherwood (Paddy Tipping). It was agreed that Russia should become the next president of the G8 and that energy efficiency would become one of its key themes. We have been involved in important international work.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): I understand that earth observation and environmental monitoring were important subjects at the G8 summit and that the UK emphasised their importance. A decision on the global monitoring for environment and security satellite is due in December, and DEFRA is the lead Department when it comes to that important decision at the ministerial meeting on the European Space Agency. Rumour has it that the UK will put in a paltry £2 million, although we really need to put in £11 million if we are to hold our own in the international community. If the rumour is correct, will the Minister immediately go back to the Department and think about investing the £11 million that British industry and the sector really need?

Mr. Morley: We certainly need to invest in monitoring technologies. We were involved recently in support for the satellite that was designed to monitor the decline of ice sheets in the Arctic. Unfortunately, that satellite came to a premature end, but I will look into the hon. Lady's serious point and write to her.

Adam Afriyie (Windsor) (Con): As a member of the Science and Technology Committee, I welcome much of what the Minister has said, especially about carbon sequestration and international co-operation. I am a bit puzzled, however. Our motion states:

> "That this House endorses the principle of a cross-party consensus on carbon reduction."

I cannot see the Minister's problem with it. Perhaps he will explain.

Mr. Morley: I will, if I am given the chance.

Joan Walley (Stoke-on-Trent, North) (Lab): We have been talking about consensus in the House and in the UK, and about the Government's work in terms of leadership to secure international consensus. In the light of all the good work that the Government have done and the leadership shown by the Department and the Prime Minister, will my hon. Friend give us an idea of the international agreement that he hopes will emerge when the Kyoto agreement needs to be replaced? When we speak of international consensus, the question of the successor to Kyoto must be the most pressing issue.

Mr. Morley: We certainly want an effective second phase following Kyoto. I think that it should include targets, but I also think that we should take a sensitive approach to its application, especially in regard to countries that are not obliged to adopt targets. We should consider how we can persuade those countries to become involved in the reduction of emissions.

Patrick Hall: Will my hon. Friend give way?

Mr. Morley: I will, but after that I shall make some progress because I know that others wish to speak.

Patrick Hall: Does my hon. Friend agree that no country will take these issues seriously unless the whole world is convinced that it is possible to combine economic growth with tackling climate change? Although we must not be complacent, it should be borne in mind that during the period in which we reduced carbon dioxide emissions by 12.5 per cent., the UK economy grew by well over 30 per cent. That suggests that it is possible to combine two processes, so we are well placed to urge others to take such issues seriously and drive the political will.

Mr. Morley: It is true that ours has been one of the strongest rates of economic growth in Europe, and I think that we can demonstrate that we have reduced emissions during that period of economic growth. I do not accept the argument that reductions in emissions and economic growth cannot be achieved at the same time. Of course there are implications to be addressed, and some have asked why we should act when our emissions are so much smaller than those of other countries, but action on climate change promotes energy efficiency, new technology, productivity and a whole new sector of energy industries. We should not be afraid to say as much, and as a country we are not.

John Barrett: Do not figures released last week by the World Health Organisation provide one of the strongest reasons for action? According to those figures, 150,000 fatalities and 5 million diseases a year are directly linked to the increasing temperature on the planet.

Mr. Morley: I entirely agree. Global warming has a number of severe implications, and the spread of disease is one of them. Others are desertification, water problems, difficulties with crops, rising sea levels and storm intensity. The more scientific papers I read and the more I learn about such issues, the more concerned I am about climate change and the more convinced I am of the need to take action.

As I have said, I welcome consensus on what is an important global issue. Understandably, we have our political disagreements, but there is an enormous amount of consensus and co-operation between all parties in Committees, including Select Committees. We should not be ashamed of that, or worry about it—it is right and proper. However, let me say this to the right hon. Member for West Dorset—and I intend to answer his questions. He talks of year-on-year reductions, but where are his policies? How will he achieve those reductions? What taxes will he raise? What measures will he introduce? I welcome his thoughts and his suggestions, but this is the second debate that we have had on this subject, and so far we have heard nothing about what he and his party intend to do. Consensus requires a measure of agreement on the politics involved.

We have some disagreements with the right hon. Gentleman on climate change. He knows what they are, but I shall remind him of them nevertheless. We strongly disagree with the Conservative party's opposition to wind energy because wind is an important aspect of renewables. Other renewables are coming on-stream and we are encouraging that, but about 70 per cent. of renewable energy will come from wind. The right hon. Gentleman's party is opposing the development of wind farms wherever they are proposed, and it must be said that the Liberal Democrats are not much better in that regard. If that continues, we shall never make any progress.

Mr. Letwin: The Minister must know that we are not opposed to wind energy. As a matter of fact and as I said earlier, we are not opposed to any particular form of energy. Each form of energy poses constraints and problems, and it has to be looked at case by case. Of course we are in favour of allowing local communities a degree of discretion to decide where these things are suitable and where they are not, but that is not the same as being opposed to wind energy. The Minister's own Government support a system of planning precisely because they accept that there are such constraints. I do not believe that there is much between us on wind energy and certainly not enough to justify not having a consensus on the overall framework.

Mr. Morley: The problem is that there may not be much between myself and the right hon. Gentleman, but

[Mr. Morley]

in a debate on wind energy that was initiated by the official Opposition, some Conservative Front-Bench Members frankly painted a picture of wind energy as generally akin to supping with the devil or having the anti-Christ on our fields. I am not quite clear whether that is the right hon. Gentleman's or his party's position, but it certainly needs to be clarified. The right hon. Gentleman also supports the scrapping of the climate change levy, but it has made an enormous contribution to reducing energy consumption in this country and we do not see how scrapping that levy makes a contribution to fighting climate change. Finally, although I do not levy the charge against the right hon. Gentleman, who I have not heard commenting on the matter, every time that there is a dispute about fuel prices and we have demonstrators on the streets, official Conservative spokespeople jump on the bandwagon and demand that the Government cave in immediately to the demonstrators by cutting fuel duty and fuel taxes. Again, that is not an area of consensus between us.

Mr. Peter Ainsworth: The point about the fuel protest illustrates precisely why we need cross-party collaboration on these issues—in order to prevent that sort of opportunism, which any Opposition party will be tempted to engage in when life gets tough. There will have to be tough decisions. However, the Minister has illustrated exactly why he should support my right hon. Friend's motion this evening.

Mr. Morley: I have no doubt about the sincerity of the hon. Gentleman's views on these issues, but the problem is that I have no idea where the official Opposition stand on the issue of fuel duty—and I would like to know.

Speculating about the Prime Minister's comments provides another problem. The right hon. Member for West Dorset claims to be seeking a consensus, but he did not properly read what the Prime Minister has written, spelling out where he stands on all these issues. The Prime Minister's views were more than clarified in the recent article in *The Independent*, which I highly recommend to all Members who want to know where the Prime Minister stands on targets and binding commitments. It is all spelled out in great detail. The right hon. Gentleman read that article, but was still keen to quote not what the Prime Minister said, but what people who claimed to be saying what the Prime Minister said—because it suited their particular agenda. We have to do better than that. Rather than ignoring fact and repeating fantasies, people who want clarification are free to ask for it. That is the spirit of consensus. If people ask for clarification, the Prime Minister, my right hon. Friends and I will be only too happy to provide it.

I accept the need for a stable framework that is not affected by political changes. Our progress on carbon reduction is now independently audited by the National Audit Office, as well as the United Nations forum on climate change. We already have independent bodies that monitor what we are doing in respect of emissions and progress. Nothing is to be gained from what the right hon. Gentleman proposes, even though I am not particularly against it, because we already have it. Let me make it clear that we are always happy to give credit to people who make real contributions and real progress. It is important to realise that we as a Government cannot achieve progress in climate change alone. We need support from local authorities and civil society, and we need backing from our scientists and international support. Yes, we also need political support in respect of achieving a consensus.

As to what the right hon. Member for West Dorset said tonight, no one has said that Kyoto is dead. The Prime Minister played a key role in getting Kyoto in place and is committed to it. We have to face reality in respect of the views of India and China, which has influenced some of the Prime Minister's comments, but what he said about India and China has sometimes erroneously been applied to the UK. There are real difficulties in turning around the current trend of emissions, but I believe that it can be done. It is false to claim that it is an argument about technology versus targets; we need both. This country has demonstrated real progress in tackling climate change and we have provided a real international lead.

In conclusion, I invite the right hon. Gentleman to read the amendment that we tabled today. If he does, he will see that it embraces proposals to give the Opposition the opportunity to judge that the Government have real policies on climate change and that they are committed to them. I am afraid that the Opposition have often been opportunist in the past and it is important that they are not seen merely to be backing empty gestures. Our amendment leaves the door open. If the right hon. Gentleman is serious about a consensus, I invite him to withdraw his motion and support our amendment.

8.26 pm

Norman Baker (Lewes) (LD): I am certainly serious about achieving consensus, Mr. Deputy Speaker, and I believe that the right hon. Member for West Dorset (Mr. Letwin) is, too.

My first question is whether the threat from climate change is serious. The answer is manifestly so—and it is judged to be so by probably every hon. Member in the House, by the Government's chief scientist and by 99.5 per cent. of scientists. The number is increasing all the time. Is climate change becoming increasingly serious? Yes, it is, and evidence from the last six months has been frightening, as the figures supplied by scientists are proving to be underestimates of the speed at which climate change is kicking in, and underestimates of its impact on developing countries and, indeed, on our own shores. The matter is becoming more rather than less serious and at a faster rate of knots than ever before.

My second question is whether sufficient progress is being made both internationally and domestically to limit greenhouse gas emissions. I fear that the answer is manifestly no. I am aware that the Government have taken steps this year to ensure that the issue is put firmly on the international agenda and I acknowledge that some progress has been made. I particularly welcome the sensible engagement with China and India and I also welcome the review on the economics of climate change, which will go a long way towards establishing the cost of doing nothing and the cost of doing something. It will enable us to present to other countries the facts of the matter as we have put them together and hopefully bring about some international consensus on what actions need to be taken. So to be honest, in most respects—bar one, which I shall mention now—I doubt whether the Government could have done much more internationally.

Dr. Roberta Blackman-Woods (City of Durham) (Lab): I know that we are striving for consensus this evening, but if the Liberal Democrats are so interested in reducing greenhouse gas emissions, why did Liberal Democrats in my constituency vote against the congestion charge, and why, extraordinarily, are they against creating bus lanes to support our new park and ride?

Norman Baker: I am sorry that I gave way to that intervention. I do not know the facts of the situation that the hon. Lady describes, so I will not comment on it. This is not about pretending that one party is whiter than white—or greener than green—or that every other party is faulty in all respects. That is the old politics, and the right hon. Member for West Dorset and I are trying to get away from it, rather than encourage it. I hope that the hon. Lady will take my response in the constructive spirit in which it is intended.

On international negotiations, the caveat that I want to outline for the Minister is one that I have mentioned before. The Prime Minister, with the best of intentions, is trying to bring President Bush on board, as he should; but I caution him against paying too high a price to get a piece of paper signed by the President. The concern has been expressed—the right hon. Member for West Dorset raised it earlier, as have others—that over the summer and in September, the Prime Minister showed signs of wavering in his commitment to targets. He undoubtedly did show such signs, but as the Minister rightly says, an article in *The Independent* has hopefully put that fear to bed. If the Department for Environment, Food and Rural Affairs has managed to bring the Prime Minister back on board, that is all to the good, but international agreement cannot be achieved at any price. If it is achieved through signing a piece of paper, that piece of paper will not be worth having.

Of course we want the US Administration on board, and the way to get them on board is to strengthen the commitment within the US to tackling climate change. We can do that by standing firm in the European Union and elsewhere; by supporting the north-eastern American states that have emissions trading schemes; by supporting Senator John McCain, who is pushing such issues within the Republican movement; and by supporting Arnold Schwarzenegger and the 130 mayors who have signed an agreement. I again caution the Minister and the Prime Minister that getting President Bush to sign a worthless piece of paper will not achieve our aims.

Have we taken sufficient action domestically? No, we have not. The Minister read out a list of the Government's actions and, in some regards, achievements. I happily confess that some achievements have been recorded, and I welcome them. I am bound to say, however, without being churlish, that most of them date from the early part of the Government's tenure, rather than the later part. Nevertheless, those achievements are significant and might not otherwise have occurred, so I welcome that so far as it goes, but the reality is that there is a lot more to do.

Carbon emissions are increasing. Indeed, in the past two or three years, they have increased by 3 per cent. compared with 1997 levels, and there is no indication that they are slowing down. In answer to my recent parliamentary question, the Minister said—extrapolating the most recent figures—that we could miss our Kyoto targets for the next four or five years. I am not saying that we are going to miss them, but that threat is there. I do not want us to miss them and nor does the Minister; that is why we are collectively trying to find a way of ensuring that they are met, and surpassed as far as possible.

Why have we not achieved our domestic goals? There are a number of reasons why, one of which is that it is sometimes difficult for the Government to take the decisions that they know are necessary, because they fear the political consequences of doing so. Fuel duty was certainly a case in point. In 2000, the pressure from fuel protesters was enormous.

Mr. Peter Ainsworth: The hon. Gentleman will doubtless agree that the longer Governments go on putting off difficult decisions, the harder those decisions are when they eventually have to be taken.

Norman Baker: Indeed, and we would rather give the Government a soft landing than a hard one.

That leads me to aviation—an issue that the Government have yet to grasp because they are concerned about the political consequences of doing so. They want to enter into the European emissions trading scheme in respect of aviation; so do we, and so do the Conservatives, so there is consensus on this issue. But I do not regard that as sufficient. Further action has to be taken, as the Minister probably admits privately. The reality, however, is that he and his colleagues will be reluctant to go further in case the national papers produce headlines such as, "Government hit airline travellers", or "Blair puts £25 on your air ticket". Of course the Minister is concerned about that; he is a politician and he is worried about the consequences of such an initiative. But we are trying to give the Government a mechanism for taking decisions that they, and we, know may be necessary, but which are politically difficult for them to take.

Mr. Morley: Of course we, as politicians, have to take into account certain consequences, but it is not simply a question of that so far as aviation taxes are concerned. The question is: what is the most effective fiscal measure? Some charter airlines have imposed a £20 fuel surcharge, but it has had not the slightest effect on passenger numbers. I do not doubt that, theoretically, people could be priced out of the market, but rationing travel on the basis of who is rich enough to pay for pollution does not accord with social equity.

Norman Baker: I did not suggest that, in fact, and the Minister should listen more carefully. A number of mechanisms are possible—ending the "single till" approach to airline pricing, implementing an emissions charge, or reforming airport passenger duty. Various options are available, and they might add to the Government's armoury when it comes to tackling the effect of aviation on climate change.

Colin Challen: Does the hon. Gentleman agree that many of the taxes proposed to deal with carbon emissions would be rather regressive and hit poorer people harder than others? In that context, does he support the concept of domestic tradable quotas, the subject of my private Member's Bill last year? Under the system, which offers a way to deal with the problem in a progressive manner, people have a carbon cap and are allowed to trade their carbon allocations.

Norman Baker: That concept makes up the fifth point in my five-point speech, so I will bring it forward. I agree that tradable quotas do offer a way to move matters on. It has the attraction of being liberal—with both a small "l" and a big "L"—in that it allows people to limit carbon emissions by their personal actions. It gives them choices, and at the same time information about what those choices are.

For example, the system means that people would be given information on their airline tickets about the number of rail journeys that would be equivalent to their flight. Deductions from their carbon emissions allowances would be made to cover their airline journey, with the result that they might have to buy more allowances from someone else further down the line. Under those circumstances, people might choose to travel by rail, but they would do so having had access to the relevant information. They would have the freedom to make their own choices about how they travel.

Colin Challen: It was remiss of me not to congratulate the hon. Gentleman also on signing up to the 25-5 challenge, by which he aims to reduce his personal carbon emissions by the year 2010.

Norman Baker: I thank the hon. Gentleman. I have taken drastic action in that respect, although it is proving difficult to make further cuts. However, I shall do my best to live up to the challenge.

The empowerment of individuals generally is important. Personal carbon allowances are one option, but the personal production of energy is another. Why do we have to have an energy system based on huge units—nuclear or coal-fired power stations, or even wind farms—that are situated miles away from centres of population? Why not have decentralised energy, so that people can have a say about what they use? That was the burden of the private Member's Bill introduced last year by the hon. Member for Morley and Rothwell (Colin Challen). Such a system would allow people to sell excess energy to the grid and it would also offer security of supply, as people with wind turbines on their houses are not liable to be cut off.

Mr. Boris Johnson (Henley) (Con): Will the hon. Gentleman say who would distribute the personal carbon allowances? What would be the penalties for failure to comply?

Norman Baker: The honest answer is that there is a lot more work to do on the proposal. We are moving towards taking radical measures to tackle climate change. A number of economists have suggested the carbon allowances approach: implementing the allowances could be achieved in a variety of ways, but none of them is particularly easy. My suggestion is that we could start with the transport sector, which is self-contained and could be ring-fenced. However, if the hon. Gentleman is asking whether we have solutions that we can distribute around the House, the answer is no, we have not.

Another reason why too little is being done about climate change is that it is not high enough up the political agenda. By our actions, we are trying to correct that. We could do with some help from the media—a point that I regularly make—which insist on treating climate change, if they deal with it at all, as a purely scientific matter. They give the impression that no politicians of any party, including those in the Government, have anything to say about it. I, for one, am fed up with reports on the "Today" programme or stories in the broadsheets that go into great detail about horrendous and apocalyptic things going on in the world but which contain no comment from any politician. That means that no Minister is put on the spot and asked what is being done about the subject of the story, and the opinions of Members of Parliament are not sought either. Such stories and reports exist in a vacuum, outside the political process, so it is not surprising that politicians do not make progress on environmental matters. I hope that the media will reform their approach to these things.

What should we do about policies that, collectively, are failing to deliver domestically the reaction to climate change that we need? The motion has been tabled by both Conservative and Liberal Democrat Members, and follows on from earlier debates and initiatives undertaken by myself and the right hon. Member for West Dorset. It wants to deal with the problem of climate change by putting it higher on the agenda, and telling the media that the story is political as well as simply scientific. It is designed to make it easier for the Minister and the good guys in government to argue with people who are perhaps less enlightened in other Departments, such as the Office of the Deputy Prime Minister. I hope that it will also help the Government to take difficult decisions in the knowledge that they will not be exploited for narrow party reasons.

That is how the motion attempts to help the Government. I want action on climate change, and I want the problem to be tackled. That is one of the reasons why I am in politics. I am trying to make it easier for the Government to take the right decisions. That is what we are collectively trying to do.

Michael Connarty (Linlithgow and East Falkirk) (Lab): Only one Opposition Member has mentioned the biggest contribution we could make on climate change—nuclear power. The Liberals have a principled opposition to nuclear power, but countries such as China and South Africa are going nuclear, even though they have massive coal stocks, because they realise that nuclear is the cleanest form of power.

Norman Baker: I do not agree that it is the cleanest source, and we could have a long debate about nuclear energy—as we doubtless will in due course. It is not for this country to dictate to others the choices they make in energy supply, but I am convinced that we can deliver security of supply and meet our energy demands through renewable sources, energy efficiency and cleaned up fossil fuel.

We will have the argument about nuclear power later, but that subject brings me to the issue of consensus. Last time we had a debate on climate change, I was asked how I could possibly want to do business with the Conservatives when their position on the climate change levy is so dreadful. Indeed, the Minister mentioned that today. Let me make it plain. I do not share all the Conservatives' views on the environment, and they do not share mine or those of my colleagues. That is not a requirement. We are not entering a coalition or seeking to agree every dot and comma for a joint Administration. We are setting off down the road and seeing how far we can get with a common policy. At some point, we will fork off and go in different directions—*[Interruption.]* I said, "Fork off"! However, it makes sense to go as far down the road together as we can—and I include the Government—instead of picking on differences and saying, "Well, you're in a different party so we are going to find a reason to disagree with you. We will pick some council that has done something unhelpful and make an issue of that, instead of trying to address the issues of climate change." That is not the response that members of the public want to hear. They want a proper, concerted response that proves that MPs are taking climate change seriously. That requires a different approach from us.

The Government should not be defensive on this matter. They should not feel that they always have to engage in normal, adversarial politics. They should not feel that they would be weakened by engaging with Opposition parties to find a consensus on climate change. The Minister, who cares about these matters, will find that liberating.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Michael Lord): Order. There is a 10-minute limit on speeches from now on, but several hon. Members are seeking to catch my eye, many of whom are likely to be disappointed. It would be helpful if some Members could take less than their allotted span.

8.43 pm

Colin Challen (Morley and Rothwell) (Lab): I hope to reduce my emissions this evening as much as possible. I shall start by reiterating two requests. The first is that we do not have a Division this evening. It would not serve any useful purpose and most of us agree with most of what is on the Order Paper without sending the wrong signal to people outside. The issue is the subject of intense debate and we are seriously looking for consensus. Much common ground has been covered this evening, and that is welcome.

I chair the all-party group on climate change, which has members from both sides of the House, including the smaller parties. I have referred to the 25–5 challenge, and if any Members who have not signed up would like to do so, they can see me afterwards. The challenge involves trying to reduce one's personal carbon emissions by 25 per cent. in five years—by 2010. That will send out a signal to our constituents, and other people who may be role models in society, that we are doing something and not simply making speeches and asking others to do things that we are not prepared to do. Although there has been much common ground, the all-party group is about to launch an inquiry into whether cross-party consensus is possible or desirable—a suggestion that, coincidentally, appears in the motion.

Having thought about the subject, I think that such consensus is both possible and desirable, although some people may say that it is not possible and we have heard a few of the reasons this evening.

John Barrett: Does the hon. Gentleman agree that we are well on the way to all-party consensus, as those parties that have already agreed to it represented about 65 per cent. of the electorate at the last election?

Colin Challen: That is possible. But when I wake up in the morning and listen to John Humphrys interviewing different Front-Bench spokespeople, I often want to go back to sleep again. Sometimes I would rather that the Front-Bench spokespeople agreed with each other and that John Humphrys found somebody else to intimidate.

Is cross-party consensus desirable? We should consider what that means for collective responsibility. We may not agree on nuclear power as a solution—that is quite possible, as we shall probably soon find out. However, if we appear to disagree on climate change, that sends out damaging signals. People might say that the Opposition wanted consensus because they wanted to get their hands on the decision-making process without collective responsibility.

In Denmark, after a long consensual process, all the parties, both in and outside government, signed up in July to about eight measures to reduce energy use and improve energy efficiency. I realise that the Danish electoral system is different from ours, which produces different results, but at least the Danes were able to agree positively on those measures. We should consider emulating that approach.

Another example, although not one that I particularly favour, is offered by Finland, which recently agreed to go ahead with its fifth nuclear reactor. In the 1990s, the Finnish Parliament rejected that option, but a couple of years ago a free vote was marginally in favour of the nuclear option. However, despite cross-party consensus and a free vote, the Greens left the Government.

The "stop climate chaos" initiative is building consensus between development and environmental non-governmental organisations. I hope that shortly there will be an initiative in the House so that all the party groups can work together to parallel and reflect what is happening outside in civil society. Perhaps we could develop the same sort of consensus that produced "Make Poverty History". Indeed, it is crucial that we do so. "Make Poverty History" is marginally less important as an all-embracing issue than climate change, although they have an impact on one another.

Earlier this autumn, I was looking for consensus between the party leaders. What better place to start than their conference speeches? Members may recall that this year we heard nine leadership speeches at three party conferences. If anyone wants to read the efforts of all the leadership contenders, they are available in the handy little publication that I have produced, entitled "Carbon 2 Share".

[Colin Challen]

Sadly, climate change was completely absent from the speeches of some of the leadership contenders of one party. I am pleased that one of the leading contenders for the Conservative party crown has now come out with some sensible ideas, such as independent carbon accounting and auditing—described as a model based on the Monetary Policy Committee. A question was put earlier about whether domestic tradable quotas would require penalties. An independent source of information on carbon counting and how the system works would have more credibility and engage people much more.

I hope that the inquiry of the all-party group on climate change will take place early in the new year. It will pose serious questions about how we should proceed, and about the obstacles. A few years ago, the Prime Minister and leading individuals from the other parties came together to form a cross-party consensus on the euro, and it was a fiasco. It went nowhere. That is an example of consensus going wrong. In Sweden, there was cross-party consensus on that subject, and consensus among the media, including broadcasters, and the people rejected it. In fact it was anticipated that they would reject it, despite the great sense that the establishment supported it. We must ask profound questions, such as whether people might feel that this consensus was a politicians' artifice, created to hoodwink them into actions that they did not agree with. It is possible that domestic tradable quotas could be such a thing.

I want to finish by saying that I am not getting Bill crazy, but tomorrow I shall present a Bill. It will be launched officially on Thursday in Committee Room 6 at 1 o'clock, and Aubrey Meyer, director of the Global Commons Institute, will be present. The Bill will be called the Climate Change (Contraction and Convergence) Bill, and it is the other half of the Domestic Tradable Quotas (Carbon Emissions) Bill. This is the international framework that has been proposed to frame all of our considerations, and consensus, and negotiations. It is what is called a full-term framework because it covers the entire process. It is not just about setting one target for next year and one for 10 years' time, and keeping our fingers crossed that we shall be able to deliver, perhaps as a result of a piece of technology. Instead, we shall be able to benchmark what we do against the contraction and convergence model. It will demand of us all quite an effort to achieve that kind of thing in the international negotiations that we face.

There is an analogy with early Christendom. What would have happened if the early Christians had gone to Rome and said, "We are not going to bring down the Roman empire, or even change the views of the emperor"—I think we know who the emperor is in the present-day world—"so let's just give up. Let's pack it in, because we cannot change their opinions; we shall just get tossed to the lions"? They did not stop because of that argument.

John Smith said that even if a country cannot achieve its international consensus, it should lead by example. I think that we should lead by example because if we do not, personally, nationally and internationally, nobody will believe that we mean what we say. Contraction and convergence is the only workable model. I have looked at all 40 of the models that the Minister mentioned in a recent debate—40 models that were provided by the Pew centre in its report. Some of those are simply a reading of the literature, extracted from an academic journal, and are not really models at all.

Contraction and convergence is fully worked out. It is comprehensive. It has the flexibilities—it allows for trading. It also meets the objections that the Byrd-Hagel resolution posed, back in the time when Kyoto was being negotiated, for any President—Clinton or Bush and any successor. The Byrd-Hagel resolution in the Senate said that the United States should not enter into an agreement that did not involve all countries. That was the sense of it. It was an agreement not simply for the developing world, but for all countries, including the developing ones. More recently, the McCain-Lieberman state of the Senate resolution has moved the debate on, albeit with less of a majority than the Byrd-Hagel resolution.

Contraction and convergence can meet the objections. It is a logic that we are not really seeking to avoid. "Contraction" means that we shall reduce our carbon emissions to the recommended levels: a 60 per cent. reduction on today's emissions by 2050. In fact—

Mr. Deputy Speaker: Order. I think the hon. Gentleman has met his target.

8.54 pm

Mr. Boris Johnson (Henley) (Con): The Minister has been rather hard on the Opposition for failing to come up with a practical policy proposal about which the House could form a consensus tonight. He is being very unfair on my right hon. Friend the Member for West Dorset (Mr. Letwin). None the less, I am going to provide a single policy initiative, which I am sure will meet universal approval among Labour Members and my hon. Friends. It would save money for people on low incomes, cut pointless bureaucracy, reduce the burdens on local councils and, of course, reduce carbon emissions, and in doing so, supply not just hot air but hot water and, indeed, central heating.

We all know that one of the major causes of CO_2 in the atmosphere is household emissions—far bigger than vehicle emissions—and 75 per cent. of those emissions comes from heating and boilers. We now come to a peculiarity, and I want to use the debate to draw it to the Minister's attention in the hope that he can clear it up tonight. It would be a wonderful thing if he did so. He might like to come with me to the lovely village of Sonning Common—one of the largest villages in south Oxfordshire—and if he would be so kind as to come, he would see a large estate full of semi-detached houses built in the 1960s, with an attractive array of south-facing roofs. Mrs. Ann Anley, who lives in one of those houses, has written to me to explain that she has a plan, which I am sure that the Minister and, indeed, all hon. Members would support.

For an outlay of £3,000, Mrs. Anley can add to her roof a wonderful panel by which she can heat her water. It is a photovoltaic pump. I do not know the exact technical details. The Ministers is nodding sagely; he knows of what I am about to speak. It is a wonderful thing. She assures me—I have no reason to doubt her, since I have taken the trouble to look up her plans on the internet—that she can reduce her carbon emissions by half a tonne of CO_2 a year and that she can supply up to 70 per cent. of her hot water needs in doing so. It is a good thing that the installation is subsidised by the Government—the Minister is nodding again—to the tune of £400. We all support that. The kicker is that she has to get planning permission. I refer back to the very prescient words of my right hon. Friend the Member for West Dorset, who pointed to the absurdity of having to get planning permission to install a small windmill on a roof.

Nia Griffith (Llanelli) (Lab): On Friday 11 November, time ran out for the Management of Energy in Buildings Bill precisely because of the determination of the right hon. Member for Bromley and Chislehurst (Mr. Forth), ably aided and abetted by the hon. Member for Forest of Dean (Mr. Harper), who did their utmost to talk out that Bill. I should like to ask the right hon. Member for West Dorset (Mr. Letwin) if he can explain that sabotage by two Conservative Members.

Mr. Johnson: Henley.

Nia Griffith: To be fair to the hon. Gentleman, I meant the right hon. Member for West Dorset, because he was present for the debate and I assume that he will sum up. Am I right, Mr. Deputy Speaker?

Mr. Deputy Speaker: The hon. Lady is seeking to catch my eye later. Perhaps she has said enough for the time being, and the hon. Member for Henley (Mr. Johnson) can respond to that.

Mr. Johnson: I am most grateful to the hon. Lady for her intervention. It is precisely to address the point that she makes that I seek to build a cross-party consensus tonight on the very issue in hand. The problem is that this good lady—indeed, anyone who wants to do so—must get planning permission.

Mr. Morley *rose—*

Mr. Johnson: I think that the Minister is about to intervene to say that the need for planning permission will be revoked on these questions.

Mr. Morley: The hon. Gentleman is on to a serious point. I understand that rooftop installations do not necessarily need planning permission, but there is confusion among local authorities about whether or not they do. I am glad to say that my hon. Friends in the Department of Trade and Industry have recently launched a consultation exercise on micro-generation that seeks to look at barriers to those devices. Part of that is intended to address the planning system to ensure that there are no anomalies.

Mr. Johnson: I am grateful to the Minister for that intervention because we are inching towards progress. I am tempted to say that he agrees with me, but I want to ram home the case a little further. To convince him, may I point out that the device that Mrs. Anley seeks to install is only 2 ft by 4 ft and only 8 cm thick, but to get planning permission, she must pay a non-negotiable flat fee of £135. She must then get an architectural artist to produce drawings of her house, which, as you will readily appreciate, Mr. Deputy Speaker, will push her costs well over £200. Everyone in the House will agree that it is complete madness on one hand to subsidise the project to the tune of £400, and on the other hand to force the good lady to spend more than £200.

It is of no disrespect to the beautiful village of Sonning Common to say that not every house in it is an architectural gem beyond price. The estate in question, which I hope the Minister will visit with me, is not yet deemed to be a critical part of our national heritage. As my right hon. Friend the Member for West Dorset has already pointed out, it is absurd that we allow houses throughout the country to sprout great Murdoch excrescences that pump trash into people's homes. Indeed, one can build the most extraordinary things with no planning permission whatever—I have done so myself—in the form of tree houses, sheds and heaven knows what, yet this single beneficial improvement to the lady's house is forbidden without planning permission.

What do we do now? We do not content ourselves with the discussion process that the Minister outlined. I hope that he will tell the councils that he rightly says are in doubt what is allowed and what is not allowed. He should use all the plenipotentiary powers in his possession as Minister for whatever he is to indicate—I will read this out for the benefit of those who need to take it down—that class C under statutory instrument No. 418, the Town and Country Planning (General Permitted Development) Order 1995, does not apply to solar panels. If councils remain in doubt, I hope that the Minister will use his good offices and all his influence to ensure that they are in doubt no longer.

I have read some of the correspondence from councils, which are receiving more and more applications for solar panels because they are becoming more popular. I think that we can all agree that we should encourage them. The Minister himself said that this is not just a national or international question, but a question of our own individual actions and of taking our own initiative to reduce our carbon emissions. Addressing the matter would be a perfect way in which he could encourage and assist that. I very much hope that I have succeeded in my brief speech in forging the consensus that the Minister sought earlier on a single, practical policy. I look forward to hearing later that he is going to do a little bit more than set up a committee in the DTI to clarify matters, because this needs to be done urgently, and he is the man to do it.

9.3 pm

Mr. Michael Meacher (Oldham, West and Royton) (Lab): It is widely accepted—the debate has confirmed it—that the Government so far have a pretty good record on climate change. We played a significant role in securing the Kyoto protocol in December 1997. We chaired the European Council in 1998 that produced agreement on the allocation of carbon reduction targets among all EU member states. We then produced a programme for countering climate change that was probably the most detailed and extensive of any country in the world. It is fair to say that we have been consistently proactive and effective in international negotiations to push the climate change agenda. We have been one of the only two or three countries in the

[Mr. Michael Meacher]

EU on track to meet our Kyoto target by 2010—so far, so good. However, there appear recently to have been disturbing shifts in policy that I fear are beginning to undermine that excellent record, which is why I have been prompted to speak in the debate.

A few months ago, British officials started lobbying in Brussels to try to persuade other EU countries that the successor regime to be implemented after Kyoto ends in 2012 should contain no targets or time scales. That is of course what President Bush wants, but it would defenestrate the entire global effort to stop and reverse global warming.

Then, a few weeks ago, the Prime Minister stated at a private conference in New York that the way to deal with climate change was not through the Kyoto mechanisms, but by more research and development in improved technology, as has been referred to. In other words, it should be business as usual, but with more scientific ingenuity to try to lessen the catastrophic consequences. I profoundly disagree with that approach.

If the world is to achieve the exceedingly exacting target of cutting greenhouse gas emissions not just by 5 per cent., as Kyoto requires, but by 60 per cent. by 2050, which scientists say is necessary to reverse global warming, a post-Kyoto international treaty that lacks targets, time scales and mechanisms is, to be honest, hardly worth the paper on which it is written. If that is the line that we are now taking as the presidency of the EU at the Montreal conference of parties, which is starting next week—I hope that I am wrong—it is a seriously retrograde step.

We will never solve the problem through business as usual plus merely improved technology. Welcome and useful though that new technology may be, we will do so only if we remove the causes of climate change: the burning of fossil fuels. To those such as the Prime Minister who seem to fear that that will inhibit economic growth—there has been a good deal of discussion about that in this debate—I say that helping developing countries to do that via the clean-development mechanism, which was specifically put into the Kyoto protocol, will not dumb down economic growth. It will increase the opening up of vast new international markets for climate change mitigation and adaptation.

That worrying shift in strategy—there have been some confusing signals, so I am not absolutely clear about the policy—is now beginning to seep into other more specific areas of policy. Over the summer, the national allocation plan targets that set out the carbon dioxide limits that are allowed for each industrial sector were increased by the Government, in one case above the levels already agreed by the EU Commission, as a result, of course, of industrial lobbying. I believe that I am right in saying that we are still intending to take the Commission to court in order to force it to accept that 3 per cent. increase. I hope that I am wrong, but if I am not, we should think about that again.

The building of 250,000 new homes—this point has been made and I very much agree with it—in the south-east of England offers a great opportunity to ratchet up the low energy-efficiency standards in housing, but as far as I can see, so far it has not been taken up.

The fastest rising cause of greenhouse gas emissions is of course transport, yet too little has been done to replace the fuel duty escalator, which was so abruptly dropped in the face of the lorry drivers' blockade of oil refineries in 2000. I know that some things have been done, but certainly not enough.

Air travel, which may soon become the single biggest generator of greenhouse gases, is—let us be honest—being strongly promoted by the DTI. In addition, the Government heavily subsidise the airline industry—all Governments have done so—so that real-terms fares are falling year on year. The Government impose no tax on aviation fuel, which is a huge discrepancy when compared with the undoubtedly high tax on petrol for cars. They are now proposing a huge expansion of airports and a 300 to 500 per cent. increase in air travel in the next 30 years. All I can say is, fine, I know people want to do that, but I should like to be told how that is compatible with achieving a 60 per cent. reduction in greenhouse gas emissions by 2050. Now we are being told that the only way in which we can reach our Kyoto targets—

Mr. Boris Johnson: Will the right hon. Gentleman give way?

Mr. Meacher: I will, although I hope that it will be a serious intervention compared with the speech that the hon. Gentleman has just made.

Mr. Johnson: I take it that the right hon. Gentleman does not therefore agree that planning permission should be revoked in the case of solar panels. Is he saying that that is a frivolous suggestion? On the point of air travel, I have had the pleasure of meeting him several times at airports—at Cagliari most recently. Is he seriously suggesting that people should give up their pleasure of holiday travel?

Mr. Meacher: No one is saying that. No one is suggesting that people should give up their car or air travel. I am simply saying that the rate of expansion is incompatible with the requirements that scientists say we must meet if we are to achieve the targets to reduce climate change. We must find a way of reconciling what people want with what is absolutely necessary to stop climate change. I cannot give the answer today, but that is exactly what we need to examine.

Mark Pritchard (The Wrekin) (Con): One way in which we could meet those targets is through the increased use of biofuels. Allscott, the British Sugar factory in my constituency, certainly wants to produce sugar beet for biofuels. Does the right hon. Gentleman think that we need more discussion of biofuels and greater demand for them?

Mr. Meacher: The Government are looking seriously at the question of biofuels. Fuels containing 5.75 per cent. of biofuels are helpful to the workings of engines and are good for the environment, so I welcome the proposal.

We have been told that the only way in which we can reach our Kyoto targets is through the renewal of civil nuclear power. Whatever the opinion of Sir David King, the chief scientific adviser, that is patently untrue. Our target is a reduction, as the Minister rightly said, of 12.5 per cent. by 2010. Even with recent slippages, largely because of the shift from gas back to coal, we are still on track to achieve at least a 14 per cent. reduction. However, we are not doing considerably better, as many of us would like, because of the reasons that I have spelled out and, importantly, because we have made glacial progress in promoting renewables. The Minister is nodding, and I am sure that he agrees with me.

We fall well short of the 10 per cent. target for 2010. On current trends, we will fall well short of the 10,000 MW target for combined heat and power by 2010, and we have not made any commitment to the EU goal of 20 per cent. renewables by 2020. It has even been proposed—I hope that the Minister will say that this is wrong—that the funding support for the burgeoning solar industry should be largely withdrawn. The Prime Minister appears to be gearing up to renege on the energy White Paper of February 2003, which was produced by his own Government and proposed no new nuclear build and a major switch to renewables. He is doing so despite the enormous downsides of nuclear, which is more expensive than wind power, coal and gas and which, over the past 50 years, has accumulated taxpayer liabilities of no less than £56 billion according to the Nuclear Decommissioning Authority. It generates colossal amounts of waste—10,000 tonnes at present, and 0.5 million tonnes according to the Department of Trade and Industry at the end of the century—which Governments have tried, genuinely but fruitlessly, to dispose of. Nuclear plants create a major terrorist risk. They are surrounded in every case, studies show, by cancer and leukaemia clusters. The risk, however small—I am sure that it is very small—of a catastrophic nuclear accident can never be ruled out entirely.

I am not seeking to knock nuclear, but simply wish to make the point that we do not need it. As an offshore island, we have enormous wind power capacity which we have not tapped. Experts, however, have calculated that it is sufficient to provide our entire electricity requirement four to six times over. We need to be much more determined in our pursuit of carbon reduction policies across the piece, and I shall end by suggesting a few.

We should demand—I am sure this is what we want to do—that air travel be brought within the Kyoto protocol, from which it was excluded under American pressure in 1997. We should extend UK participation in the EU emissions trading scheme. It would certainly seem, from the leak of the Government's climate change review, which I have seen, that they are minded to do that, which is good. We should tighten building standards significantly in new build in order to achieve a major boost in energy efficiency, and we should—I do not know why we have not done this—reintroduce the excellent idea of standard assessment procedure ratings for all home sales.

We should introduce innovative proposals to give people incentives for carbon reductions in transport. For example, there is the idea of a fee-bate, which entails giving people a rebate of, for example, £3,000 or £5,000 if they buy a car below, say, 1200 cc. The rebate would be paid for by a fee or charge of the same amount on the sale price if people buy a large gas guzzler. I shall stick my neck out as others have done in the debate, including my hon. Friend the Member for Morley and Rothwell (Colin Challen), who has honourably pursued the issue. To sensitise people to the way their activities may generate greenhouse gas emissions, we should consider the gradual introduction of domestic trading quotas. Of course—

Mr. Deputy Speaker: Order. The right hon. Gentleman has had his time.

9.16 pm

Mr. Nick Hurd (Ruislip-Northwood) (Con): I am grateful for the opportunity to follow the right hon. Member for Oldham, West and Royton (Mr. Meacher), whose credibility and sincerity in the matter are well known.

The Government amendment asks us to congratulate them on the leadership that they have shown on climate change. It is ironic that in the same amendment they also ask us to welcome the publication of a climate change programme review, which was set up in acknowledgement of the probability of failure—specifically, the failure to hit the 2010 carbon dioxide reduction target that is at the heart of that claim to effective leadership. The logic is tortuous. The more honest truth is that the global challenge of climate change faces a vacuum of credible leadership, not least with the imminent departure of the Prime Minister, at the very point when we reach a critical crossroad in the run-up to 2012 and the expiry of the Kyoto treaty.

The issue remains riddled with uncertainties, both in terms of risk and the cost/benefits of alternative approaches to managing that risk. It is clear that we are living a dangerous experiment with current levels of carbon concentration in our atmosphere. We are at 381 parts per million and growing, according to Sir David King, at 2 parts per million per annum. We do not know what a safe level is. The working scientific assumption is 550 parts per million, which is thought to be compatible with an increase of 2° this century. Even if we could stabilise concentrations at 550 parts per million—and it remains a huge "if"—we face, in the words of Sir David King, very severe impacts around the world, leaving aside the impact on biodiversity.

The scale and pace of these impacts are uncertain, but the message from the scientific community is that the risks are rising, not falling. The political response to the challenge to date has been the pursuit of international treaties to impose a top-down interventionist centralising solution. We should be honest and recognise that that has failed. Fifteen years of political effort went into producing the Rio agreement and the Kyoto treaty. They are milestones of a sort, but on a journey that has not taken us very far in controlling emissions or incentivising the technology breakthroughs that offer our best chance. They represent a vessel holed below the waterline by the absence of the big polluters—the USA and the emerging giants.

In the absence of a lead from the superpower, Britain—Margaret Thatcher and Tony Blair—has tried to take a lead but has found the going tough. The Prime Minister acknowledges that he is rethinking his international strategy. Although he inherited a healthy platform for showing Britain as a role model for how to cut emissions without sacrificing growth, emissions have risen since 1997. It seems that everything, including

[Mr. Nick Hurd]

climate change policy and energy policy, is up for review again, and the non-governmental organisations are lining up to express their disappointment and frustration.

Where do we go from here? First, we must take stock of the priorities. As has been pointed out in numerous interventions from the Opposition Benches, the most urgent priority must be to minimise the carbon intensity of industrial development in China, India and Brazil. If we do not, we will find ourselves locked quickly into an even higher level of carbon concentrations. The solution, as the Prime Minister knows, lies in technology. That technology is increasingly available, whether it be micro-generation, solar, wind or new generation nuclear power, clean coal or hybrid cars, but it is relatively expensive.

Colin Challen: The hon. Gentleman and I both serve on the Environmental Audit Committee. Sir David King told us last week that the target for reductions by 2050 is closer to 80 per cent. than 60 per cent., which shows us that the task is urgent. Does he agree that the necessary technologies must be brought on stream now and not in 10 or 15 years' time?

Mr. Hurd: The hon. Gentleman has anticipated my second point, which is key: how can we accelerate the development and deployment of those technologies to make them more affordable? Why should we expect countries such as China to pay a premium for their basic infrastructure as they develop? The response of Governments must surely focus on this question: what can we do to accelerate the deployment, development and sharing of technology? That makes not only environmental sense, but commercial sense, because it is in our interests to grow those markets, which is a point that is not lost on the French. I did not hear anything in the Minister's remarks to suggest that the Government are any clearer on how to accelerate and share the technology.

As has been said, a further priority must be to establish a framework for an agreement post-2012, which is do-able and would bind the big polluters into a common objective. As most people know, the challenge lies in reconciling the objectives of countries at different stages of development, and there is no shortage of ideas on the table—for example, the ideas set out by the international climate change taskforce make good reading.

The Government are going to Montreal in two weeks' time to open negotiations, but this House knows nothing of what is in their mind. It would be so much more effective if Ministers went to that conference having established a consensus. At the moment, the situation is a complete mystery, possibly even to them.

My third point does not come up often enough in these debates. An urgent priority for Governments must be to support a sustained effort to reduce scientific uncertainty on the impacts and correlations between emissions growth and temperature increase. We desperately need the debate to be framed by more certainty, and an urgent role for Governments is to support that scientific process.

The fourth priority, which has been raised throughout the debate, is the urgent need to engage consumers and businesses, who will be agents of sustainable change. Arguably, that is the greatest political failure of the past 15 years. The key argument to win is that it is in the world interest to reduce the carbon intensity of our development. The chance of a stable climate with less pollution is not the only prize. Reduced dependence on the major producers of fossil fuels should mean greater energy security, which is a big issue for the United States and a growing issue for Britain. The law of supply and demand means that fossil fuels will become more expensive, and it is therefore in our economic interest to develop a cost-effective alternative.

Last but by no means least, the development of low-carbon technology will create a new global market that can help to drive more sustainable economic growth. The way forward surely lies in focusing minds on that win-win analysis, because the politics then becomes easy. At the famous summit in New York, which the Prime Minister attended, President Clinton discussed a clean energy future:

> "If people really thought it was the next biggest way to create a new generation of jobs in every continent in the world, nobody would be fighting about the deadlines; they would be fighting to get there ahead of the next person."

I believe that he was right.

What is Britain's role? We have an opportunity to show the world that it is possible to reduce carbon emissions without sacrificing growth, but we must put our house in order because emissions have risen since 1997, and we are undermining the argument. When one engages with non-governmental organisations or submissions to Committees, it is clear that we could do so much more. Sonning common cries out for solar panels.

Mr. Boris Johnson: I cannot think of anything more serious or more practical that this House could do tonight to alleviate the problems of climate change than to get rid of the ludicrous burden of the £135 charge, in addition to the cost of architectural drawings, that falls upon people who want to install solar panels.

Mr. Hurd: I thank my hon. Friend for that intervention; I could not agree more. I hope that the Minister responds on behalf of Sonning Common.

There is much more room for the Government to send clearer market signals to consumers, businesses and investors about policy direction in terms of what kind of energy mix we want and the desire to grow markets for cleaner cars and cleaner fuels. They should set a much better example in terms of the standards that we expect from manufacturers of cars, electrical appliances and new homes. The Environmental Audit Committee produced a report that showed the Government's deficiencies in setting standards for public procurement. They are spending £500 billion of our money—a serious amount.

The Government should be doing more to develop market instruments that will get them out of the business of picking winners. In the European Union emissions trading scheme, which was very diluted and weakened in its first phase, lies the key opportunity to set a real price for carbon that will change the framework of this debate.

All this is in our national interest and in the global interest. It is do-able with political will, and it would be helped by political consensus. I am therefore very disappointed by the Minister's reaction to our motion. The major breakthrough required is the inclusion of the United States of America and the giants, and the emergence of an American President who sees it as being in the interest of the United States to lead this debate, not follow it.

9.26 pm

Alan Simpson (Nottingham, South) (Lab): I join other Members who have expressed a preference for the House not to divide on these issues tonight. I feel that it would put us all in a strange position if we were asked to choose between voting for the anodyne or the out-to-lunch. It is difficult to choose between those who advocate some good things or other good things without specifying what they are. We have to move this debate, which is the most important of our lives, on to a whole series of practicalities about how we not only address the challenges of climate change, but learn to live differently and better as a result of meeting them.

I will resist the temptation to go into the details of my new house, which I have turned from a derelict building into a place where we will be able to live and where we will ultimately generate 50 per cent. more energy than the house consumes. I am happy to talk later to the hon. Member for Henley (Mr. Johnson) about how to do that. From my micro-experiences, I have learned a whole series of things about the macro issues that we have to address as a society.

Every stage of this issue is riddled with contradictions. For me, not the least of those is that, as a socialist, I have to acknowledge that perhaps the Prince of Wales has a greater understanding of how to meet the challenges of climate change than does this Parliament. In the next decade, we will face four interconnected crises relating to climate change—crises of food security, water management, energy security and insurability. To emphasise the scale of the latter crisis, it has been calculated that this summer's girls' night out between the hurricanes of Wilma, Rita and Katrina has resulted in higher insurable damage than America has ever known. There has been £56.8 billion-worth of insurable damage as a result of this year's catastrophes in the US.

The cost of that will be borne not only in the US but virtually everywhere. We will have our own experiences of that. When the flash floods hit Boscastle, Carlisle, the Vale of York, Oxford or the Medway towns, they are not going to make the same distinctions between rich and poor. They will sweep everything away and we will find ourselves in a society facing a different divide—that between the unemployable and the uninsurable. When that happens, the Government will be faced with very angry populations asking how we provide security in their lives. We do not have much time to change the way in which we think about meeting those challenges.

We must move on from old to new agendas. In other parts of the world, especially in other parts of Europe, there is a different agenda for markets that will provide sustainable water use and sustainable agricultural systems. However, those markets are post-globalisation in their presumptions. Their frameworks of production and distribution are regionalised. They reduce product miles, urban congestion, the distance of accountability between the producer and the consumer, and they set up fresh lines of sustainable, local accountability as well as sustainable, localised production.

The same will be true of energy. Some hon. Members have criticised the Government's chief scientist, Sir David King, for being a Government spin merchant, but it is much more appropriate to criticise him for trying to sell lousy science. I want to tackle that head on. Those who try to pretend that the only solution to a secure energy future is to go backwards with a new generation of nuclear power will be proved in the next five years to be conducting a Maginot line debate between sad old men trying to work out how to win the last war.

An American environmental entrepreneur called Amory B. Lovins has tried to set out how we construct different markets around sustainability. He began by doing that in his Rocky Mountains institute, where he reduced the energy requirements to less than the cost of one 100W light bulb. It uses existing technologies to minimise waste and to generate and recycle heat that we are already using. He points out that if one takes the energy inputs from a power station, for every 100 inputs into the energy system, the end user has access to less than 10 per cent. One can stand in front of any power station in this country and see 60 per cent. of energy inputs going up in steam into the atmosphere. That is a colossal waste. We could run the country on the energy that we throw away. That is the biggest challenge but our mentality stands in the way of change.

I found that in my house I could get into net metering. I can have a system that puts more energy back into the grid than I take out of it, but I get paid a pittance in the process. We can change that if we get out of a rigged energy market that tells the energy system, "You have a one price in and a one price out process."

Lynne Jones (Birmingham, Selly Oak) (Lab): I have concerns about my hon. Friend's suggestion that David King advocates bad science. Perhaps a more realistic proposition is that he has no confidence that the necessary investment will go into ensuring that our energy consumption is reduced by investment in energy conservation and the sort of measures that he advocates. Perhaps that is why he advocates nuclear power.

Alan Simpson: I understand that point but I will not budge from my initial contention, which is that nuclear power was never economic. We have not worked out who should pay the £56 billion to £80 billion of clean-up costs from the last generation of nuclear power before we work out who will pick up the costs of another generation of nuclear energy.

Lynne Jones: I entirely agree with my hon. Friend that the Government appear prepared to advocate investment in nuclear technology but not in energy conservation. David King probably finds himself having to deal with that.

Alan Simpson: I understand that point, but let me draw the House's attention to a completely different approach. If we step outside this country, we see that 50 per cent. of Denmark's energy is generated by local energy systems; in the Netherlands, 60 per cent. is

[Alan Simpson]

generated by decentralised energy systems. When motorways are built in the Netherlands, the hot-road sub-surface of the motorway is harnessed to provide energy and heating for houses. Every kilometre of road that is built provides the energy and heating for 100 houses. In this country, we are not even beginning to look at local energy networks, although they are infinitely more efficient than our national energy system, which leaks like a sieve.

We need to make that shift in thinking, to catch up with what is going on in other countries and to follow the lead being taken by some of our major cities. I have said before in the House that the Mayor of London has committed the capital city of this country, which currently consumes more energy than the whole of Portugal, to being energy self-sufficient within a decade. The international agreement that he is trying to broker with other major cities is that 20 of the world's biggest cities will all be energy self-sufficient using sustainable and renewable resources by 2020. That draws on the thinking of how to do things differently, which is already practised in other parts of the world.

We need a shift in market rules, a shift to thinking about decentralised energy and a shift in the requirements that we have for our buildings. In Berlin today, 80 per cent. of new buildings are required to generate their own energy. We make no such requirements of own built environment. Some of the architects and property developers here should be in prison for the buildings they are throwing up. Those buildings are the gas guzzlers of the built environment, yet they pass for modern buildings. They are a massive source of carbon consumption and they are profligate in the way in which they are constructed.

Mark Pritchard: We have heard about the Government taking international leadership. Do they not also need to take domestic leadership? Is not the public sector, across the parties, the worst user of energy and the poorest performer from an energy efficiency point of view?

Alan Simpson: I would be happy for the Government to set targets for their own Departments, but Members should also set targets for their own lives. We are dead good at blaming other people for failing to take a lead, but do we take that lead ourselves? Do we heck as like! We are all on the line on this. We need to create new approaches to ethical and sustainable markets in relation to the way we live, treading lightly on the environment of the future. We need to create markets in conservation rather than consumption, markets that reward what we put back rather than what we take out. If we look at what is happening in the world outside this House, we can see a new consensus forming in civil society around the principles of sustainability. The problem is that the House is not part of that consensus.

9.37 pm

Bill Wiggin (Leominster) (Con): Many interesting comments have been made during this debate, which confirm that we have all come to see climate change as a real and dangerous threat. The debate started with my right hon. Friend the Member for West Dorset (Mr. Letwin), and I take my hat off to him for his efforts to achieve consensus. I am not a particularly good consensus person, which is why a lot of my speeches are made in here. My right hon. Friend, however, could not have done more or gone further to encourage the consensus that he so rightly believes in. I pay tribute to the way in which he explained the purpose of this debate, and the fact that the Prime Minister's mixed messages mean that we need to find out from the Government where we are going to get to. I also pay tribute to the way in which he explained the difficulty involved in striking a balance between economic growth and reducing carbon emissions, and between adopting UK-centric or global policies. His efforts were humbling to me; even when he talked about Liberal Democrat campaigning techniques, he was exceptionally generous. He concluded with a particularly clear understanding of what consensus would enable, and the various layers and targets that it involved.

I felt, however, that the Minister was less than charitable—uncharacteristically for him. He listed the Government's achievements, although he seemed to recognise the growing concern about climate change throughout the House following the numerous interventions. He made six points about Conservative policy. He said that he needed to know where we stood on wind energy, scrapping the climate change levy and fuel protestors. He also mentioned the Prime Minister's comments. He ended by saying that he had left the door open.

At that point, the hon. Member for Lewes (Norman Baker) explained consensus in what I considered to be a helpful and constructive manner, until he spoke of "forking off". I forgave him for that immediately, because I realised that he was trying to say that while we would not agree on every part of the way forward, we did agree that a way forward was essential.

My hon. Friend the Member for Henley (Mr. Johnson) talked about photovoltaic roofs and planning permission. He made the immortal comment that "the Minister for whatever it is" should acknowledge the importance of the subject. I submit that there could be no finer advocate of solar panels on behalf of his constituent. My hon. Friend had a single, practical policy, he made his case vociferously and eloquently, and I am sure that his constituent will sing his praises from her rooftop in years to come.

The right hon. Member for Oldham, West and Royton (Mr. Meacher) delivered all the parts of my speech that I have now abandoned. He made an important and, perhaps, a rather harsh attack on the Government, citing the lack of speed and progress on this vital issue. His was an interesting and valuable speech. He said that we did not seem to be doing enough of the right things, which is obviously a worry for all of us.

My hon. Friend the Member for Ruislip-Northwood (Mr. Hurd) also spoke of real worries about progress on climate change. He said, perhaps a little unfairly, that Rio and Kyoto had failed, but went on to talk about why policies were up for review and about the disappointment felt by non-governmental organisations. I agreed with what he said about carbon emissions from China, India and Brazil. I also agreed when he said that the solution was technological. He put his case very eloquently, especially when describing Britain as a role model for the rest of the world, and suggesting that economic growth along with carbon reduction was the most important progress that we had achieved. He rightly pointed out that the duty of the House was constructing market frameworks rather than picking winners. He made an excellent speech.

Last time we debated this subject, the hon. Member for Nottingham, South (Alan Simpson) described himself as a heretic. Like me, he sought no vote on the motion, which I considered helpful. He also spoke of the four apocalyptic crises that would befall us, affecting food security, water security, energy security and insurability. That tied in helpfully with an e-mail that I received today from the Association of British Insurers, which stated:

> "we need to stop putting people, jobs and property in harm's way. A quarter of Environment Agency objections to development consents on flood risk ... are being ignored by planning authorities ... the houses we build now need to withstand the weather of the 2050s and later ... flood defence investment needs to defend existing property".

The ABI believes that there will be a major crisis in insurability. So the heresy of the hon. Member for Nottingham, South has become apocalyptic. I always enjoy listening to his speeches. He also made a number of constructive suggestions tc help us to catch up with the rest of the world.

I think that the scientific evidence on climate change is conclusive. In the past 30 years alone, the average temperature in August has risen by 0.3° C in a decade. The subsequent warming of our planet has caused sea levels to rise by an average of 20 cm in the last century. As we have seen repeatedly and with great loss of life this summer, extreme weather events such as the hurricanes which have tormented the Gulf of Mexico are becoming far more frequent. Our ecosystems are being transformed at an unprecedented pace, and increases in ocean acidity and temperature threaten the world's diverse sea life.

Governments across the world have recognised the problems associated with climate change, and over the past two decades concerted efforts have been made to take action. There have been high-profile discussions at Kyoto and Rio, in which many Conservative Members past and present have been involved. We in the UK, however, cannot afford to be complacent. We should not only do more to save our own environment, but take a lead on the international stage to show countries how changes can be made successfully without slowing economic growth.

Robert Key (Salisbury) (Con): Is my hon. Friend as convinced as I am that local authorities have a huge role to play? It is all very well looking at the international position, but local authorities and their planning decisions have, as in so much else, a huge role to play. Unfortunately, they are not yet playing it.

Bill Wiggin: I partly agree with my hon. Friend. He will know that when it comes to recycling, the top authorities are Conservative-run. Some authorities are doing their best, but my hon. Friend is right that we could all do more. He will have heard the contributions from Labour Members, particularly on what people can do as individuals. Responsibility starts at home and can be spread through local authorities all the way to the Government and then on internationally. I agree with my hon. Friend on that.

Despite progress made on reducing emissions of nitrous oxide and sulphur hexafluoride, our primary objective must be to reduce carbon dioxide emissions, which are causing the most damage to our environment and may well lead us to miss our Kyoto targets. We obviously hope that that will not happen.

Helen Goodman (Bishop Auckland) (Lab) *rose—*

Bill Wiggin: If the hon. Lady will forgive me, I will not give way, as I want to allow the Minister as much time as possible to answer the points raised in the debate.

It is a shame and surprising to note that the average car emissions from new cars sold in the UK in 2004 were a worrying 31.4 g per kilometre above the EU target of 140 g per kilometre by 2008. Things are clearly not going the way we want. The failure to reach our own targets would serve as a damning indictment of our efforts to tackle climate change. It is essential that we reach and surpass those targets if we are to make a difference to our own environment and set an example to others across the world. How else can we expect other countries to heed our voice on the need to fight climate change? It should be our international duty to lead, not simply to follow.

On this side of the House, we do not doubt the honourable intentions of the Government to act against climate change, but we question the Government's ability to make much difference. Back in 2000, the Prime Minister announced that

> "the greatest threat to our environment today is climate change."

In 2004, the Prime Minister remarked:

> "Our effect on the environment, and in particular on climate change, is large and growing."

However well intentioned those words, they mean nothing without action. Procrastination is the adversary of success. On climate change, it is the sworn enemy of our ability to safeguard the environment as the inheritance of future generations. My greatest concern is a doubt whether, despite all the words and promises, the Government's approach to finding real solutions will be felt in years in to come.

We have spoken before about consensus. On this side of the House, it has already been acknowledged that climate change is an issue on which we must all fight together. We want to work across party lines so that effective and agreeable solutions can be found and implemented. That is why I hope that we will not divide tonight.

9.48 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight): The Minister for Climate Change and the Environment stated in his opening speech that climate change was the greatest environmental challenge that we face. There is no longer any significant doubt about the scientific basis for action, and I was pleased to hear the hon. Member for Leominster (Bill Wiggin) say the same. It has been recognised internationally, stimulating more action and discussion on the issue this year than ever before.

Impacts are felt all around us, as I can see in my role as the UK Minister responsible for biodiversity. I am grateful to the hon. Member for Ruislip-Northwood

[Jim Knight]

(Mr. Hurd) for mentioning that in passing. Biodiversity is an excellent indicator of the effects of climate change. By the end of the century, climate change and its impacts may be the biggest cause of biodiversity loss and the change in ecosystems service globally. Over the past 50 years, humans have affected ecosystems more rapidly and more extensively than in any comparable period of human history—largely to meet rapidly growing demands for food, fresh water, timber, fibre and fuel. That has resulted in a substantial loss to the diversity of life on earth.

Species such as the polar bear, the mountain gorilla and the river dolphin are all under real threat due to climate change. The loss of these great animals would be a tragedy in its own right, but that loss of biodiversity would also expose the human population to greater threats of disease, and to threats to our livelihoods. I commend to the House a document analysing the effect of climate change on migratory species, published last month by the Department for Environment, Food and Rural Affairs. It was much discussed at the conference of the parties to the convention on migratory species. Another such conference is taking place this weekend in Kenya.

The Prime Minister has demonstrated—

Mr. Ellwood: Will the Minister give way?

Jim Knight: I will if I am given just a little more time; bear with me.

The Prime Minister has demonstrated his commitment to tackling climate change by placing it at the top of the agenda for our G8 and EU presidencies this year. We are also committed to implementing our ambitious domestic programme. The current review of the UK climate change programme, which will be published at the turn of the year, will set out how we will achieve our targets for 2010, 2012 and 2050 across Government Departments. We have seen that the economic impact of cuts in greenhouse gas emissions need not be prohibitive, so long as Governments introduce sensible policies, combined with a wide range of low-carbon technologies.

I want to reiterate our position, as set out by the Prime Minister and my DEFRA colleagues, for the benefit of my right hon. Friend the Member for Oldham, West and Royton (Mr. Meacher), among others. We do not believe that the Kyoto protocol is dead, and we do believe that any future international agreement should include binding targets. The Prime Minister said in his article in Saturday's edition of *The Independent* that

> "we need an international framework and emissions targets which take us beyond Kyoto's 2012 commitments . . . I am showing the path we need to follow if we are going to agree internationally binding targets which all can sign up to . . . Too much of the debate over climate change has become polarised between those who advocate compulsory targets and those who advocate technology. For me this is a false choice. The technology is the means by which we will achieve those targets."

His commitment is very clear.

Lynne Jones: Will my hon. Friend give way?

Jim Knight: I will take some interventions once I have made a little more progress.

The UK wants a new global framework for action that goes beyond 2012, and which should include binding targets for developed countries. We do not believe that quantified binding targets should be a condition for the involvement of developing countries. We look forward to next week's conference in Montreal, which we hope will represent the next step in an important process. In the build-up to that conference, we can be proud that under this Government, we are leading Europe on achieving our Kyoto targets, and leading the world in achieving the international consensus that we need in order to take urgent action to manage and reverse climate change.

Several hon. Members *rose—*

Jim Knight: I shall take interventions from the hon. Member for Bournemouth, East (Mr. Ellwood) and my hon. Friend the Member for Birmingham, Selly Oak (Lynne Jones) only.

Mr. Ellwood: I am very grateful to the Minister for giving way. I grew up not with the backdrop of the second world war or the cold war, but with the huge concern of global warming and climate change. I hope that everybody in this House can look in the mirror and ask themselves with confidence what they are doing individually on this issue. Does the Minister agree, however, that the public are looking at us and asking what we are doing internationally to contain global warming and climate change?

Jim Knight: As I sketched out—I hope that the hon. Gentleman was listening—we are taking a lead through our presidencies of the G8 and the EU. I have no time to take another intervention, but I challenge him on a future occasion to name any country in the world that is doing more on this agenda than we are.

Lynne Jones: I accept what my hon. Friend is saying, but why are the Government reducing expenditure on the replacement for the clear skies programme? Less money is being spent on encouraging individuals to upgrade their domestic energy supplies to incorporate renewables. My point is that there is a feeling that the Government are moving away from encouraging renewables, and putting all their eggs in the basket of nuclear power as a way of reducing CO_2 emissions.

Jim Knight: My hon. Friend will be pleased to know that we are investing in a new Department of Trade and Industry scheme to replace the clear skies programme. *[Interruption.]* It is a successor scheme, as my hon. Friend the Minister for Climate Change and the Environment says from a sedentary position.

This was a good debate and the hon. Member for Lewes (Norman Baker) made points similar to those made by the right hon. Member for West Dorset (Mr. Letwin). It makes me wonder why he has changed so rapidly from his position back in March, when he thought that the Tories were toxic when it came to climate change. He rejected their calls then for all-party consensus, but I accept that events have moved on and that the intentions behind the policy are honourable.

My hon. Friend the Member for Morley and Rothwell (Colin Challen) chairs the all-party group and is very knowledgeable on these matters. Like my hon.

Friend the Member for Nottingham, South (Alan Simpson), he asked that there should be no Division this evening. I shall repeat that call for the Opposition to withdraw their motion, in the interests of cross-party consensus.

My hon. Friend the Member for Morley and Rothwell also mentioned the "Stop Climate Chaos" campaign, which is a very useful initiative.

Several hon. Members *rose—*

Jim Knight: I will not take any more interventions. The hon. Member for Henley (Mr. Johnson) made a memorable contribution. The whole nation is looking forward to his devoting all his time to politics and making similar practical policy proposals from the Opposition Front Bench. I suggest that he should also talk to his local planning authority—I do not know whether it is Conservative—about planning charges and the process through which people have to go to get planning permissions.

Mr. Boris Johnson: Will the Minister give way?

Jim Knight: I am sorry, but I am not taking any more interventions. My hon. Friend the Member for Llanelli (Nia Griffith) intervened on the hon. Member for Henley to remind the House that it was Conservative Members who talked out the Management of Energy in Buildings Bill when it was debated here.

My right hon. Friend the Member for Oldham, West and Royton was generous in his praise of the good record of the Government, especially in the days when he was in office. He was slightly less generous about their record since, and I cannot go through all the points that he made. However, I can say that the standards covering Government-financed buildings will be raised in April, when a new code of practice will be introduced. I hope that that will satisfy some of my right hon. Friend's concerns in that respect.

The UK has made taking forward the inclusion of aviation in the EU emissions trading scheme a priority for our presidency of the EU. We therefore welcome the publication of the European Commission's communication on the matter, which sets out a clear framework that we anticipate will be taken forward next year. In addition, I was pleased that my right hon. Friend the Member for Oldham, West and Royton responded to an intervention by mentioning the transport fuel obligation, which will encourage the use of biofuels.

The hon. Member for Ruislip-Northwood made an interesting and thoughtful contribution, which I enjoyed without necessarily agreeing with everything that he said. He spoke of the need to reduce scientific uncertainty, and I do agree about that. That is why, in anticipation of our EU presidency, we organised in February a conference at the Hadley centre in Bracknell. The aim was to bring the science together, and we need to continue that good work.

My hon. Friend the Member for Nottingham, South made another thoughtful contribution, in which he admitted to being a fan of the Prince of Wales' approach to climate change. That was good news for me, and I was interested to hear it. He also talked about nuclear power, as my right hon. Friend the Member for Oldham, West and Royton had earlier. That difficult and controversial matter will be addressed in this Parliament, but no decisions have been made as yet.

I fear that the idea of an all-party consensus is no more than a fig leaf from the Opposition. On the face of it, the motion is tempting: there is all-party consensus that climate change is a serious global problem that we should all work together to solve. However, I fear that, beneath the all-party consensus that the right hon. Member for West Dorset proposes, the Opposition have nothing left in terms of policy.

Where is the Opposition policy around which consensus could be built? The Conservatives opposed the climate change levy, and they oppose wind-power projects at every turn. Every time there is a fuel protest, they make noises to oppose the level of fuel duty. That is why the hon. Member for Lewes called them the toxic Tories back in March.

I therefore urge the Opposition to withdraw the motion and to come back when Tory Front Bench Members are able to present a credible position across all shadow Departments. Failing that, the House should vote down the motion and in that way show its support for the Government's global leadership on this matter, for our action nationally, and for our desire to do better.

Mr. Patrick McLoughlin (West Derbyshire) (Con) *rose in his place and claimed to move,* That the Question be now put.

Question, That the Question be now put, *put and agreed to.*

Question put accordingly, That the original words stand part of the Question:—

The House divided: Ayes 233, Noes 296.

Division No. 105] **[9.59 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fabricant, Michael

Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Green, Damian
Greening, Justine
Greenway, Mr. John
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Kramer, Susan
Lait, Mrs. Jacqui
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey

Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben

Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil

Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. Henry Bellingham and
Mr. David Evennett

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Benton, Mr. Joe
Berry, Roger
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Borrow, Mr. David S.
Brown, Lyn
Brown, rh Mr. Nicholas
Browne, rh Mr. Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tor[illegible]

Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Durkan, Mark
Eagle, Angela
Eagle, Maria
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg

Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacDougall, Mr. John
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, Edward
Moffat, Anne
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Speller, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Kevin Brennan and
Mr. Ian Cawsey

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House welcomes the leadership shown by the UK Government internationally on climate change, and the important progress made at the July Summit and at the recent meeting of the Dialogue on Climate Energy, Clean Energy and Sustainable Development; further welcomes the recent announcement of the Renewable Transport Fuels Obligation and looks forward to the publication of the climate change programme review; recognises the importance of building greater understanding and support among all sectors of society for action on climate change; and further welcomes new ideas and contributions from all quarters that help to reduce carbon emissions.

DELEGATED LEGISLATION

Mr. Deputy Speaker (Sir Alan Haselhurst): With the leave of the House, I shall put together motions 3 and 4.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

PENSIONS

That the draft Financial Assistance Scheme (Appeals) Regulations 2005, which were laid before this House on 26th October, be approved.

That the draft Financial Assistance Scheme (Modifications and Miscellaneous Amendments) Regulations 2005, which were laid before this House on 26th October, be approved.—*[Mr. Alan Campbell.]*

Question agreed to.

EUROPEAN COMMUNITY DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),

DECLARATION ON EU DEVELOPMENT POLICY

That this House takes note of European Union Document No. 11413/05, Commission Communication: 'Draft Joint Declaration by the Council, the European Parliament and the Commission on the European Union Development Policy'; and supports the Government's view that poverty eradication must remain the overarching objective and that the document clarifies the role and added value of the European Community.—*[Mr. Alan Campbell.]*

Question agreed to.

Travellers (Middlewich)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Alan Campbell.]*

10.15 pm

Ann Winterton (Congleton) (Con): The issue of Gypsies and Travellers and their need for accommodation is highly topical, and I am grateful to the House for the opportunity to raise the matter on the Floor of the House and to seek some much-needed clarification from the Government. There are two matters that concern Congleton borough council: first, demand for additional caravan sites for Gypsies in terms of their location and size; and, secondly, the stationing of caravans belonging to Gypsies and Travellers within the curtilages of the residential properties that they have purchased. At the moment, the second issue appears to be located only in one part of the borough—Middlewich.

Middlewich has approximately 30 houses owned by Gypsy families with multiple caravans compacted in their garden areas. The adopted Congleton borough local plan contains policies that relate to Gypsy caravan sites, and there are a number of criteria against which planning applications will be judged. A number of permissions have been granted for small sites, but recently there have been incidences of illegal encampments, notably at Cranage. The latter would provide enough material for another debate, but I want to focus this evening on the second issue that appears to be peculiar to Middlewich, which historically has had a number of Gypsies among its population.

An increasing number of Middlewich residents have raised concerns about various domestic operations and activities undertaken by Gypsy families more recently settled in the town. Specifically, residents query whether those families are in breach of planning legislation by hard surfacing the whole or a major part of their gardens; by installing elaborate decorative railings; by keeping and using one or more caravans in their gardens; and by installing shower and lavatory blocks and electricity points in the gardens to facilitate living in the caravans.

For the past two years, the CW10 residents action group has been trying to establish why our local authority allows mini-caravan sites in the cartilage of dwelling houses without the need for planning permission, licence conditions such as those for health and safety, or enforcement, which are the normal requirement for any land where the intensification of use has occurred—that is, where a material change of use has taken place.

The council has considered the issues and two barristers, each specialising in Gypsy-related planning law, have been consulted. Their advice is that caravans do not need planning permission if they are ancillary or incidental to the use of a dwelling house. What is incidental varies according to the particular facts of each case, and to ascertain those facts, the proper approach is to investigate and judge each case on its merits, taking into account, first, the degree to which each caravan is functionally connected with and subordinate to the use of the dwelling house. For example, to what extent do those who sleep in the caravans use facilities in the house? Do the caravans provide independent living accommodation or are their occupants dependent on facilities in the house, too?

Secondly, the relative scale of accommodation available in both the dwelling house and the caravan must be taken into account. For example, caravans providing sleeping accommodation for a small overflow of family members may well have a subordinate, functional link to the main house, but may not where the caravans provide more accommodation than the house itself. Thirdly, account must be taken of the relative size of the dwelling house, its garden and the caravan. The larger the first two and the smaller the latter, the more likely it is that a subordinate, functional link exists. Fourthly, the relationship between the occupants must be taken into account. Extended family groups are more likely to share functional links.

To help to decide whether caravans are incidental or require planning permission, enforcement officers would need to ask each family questions along the following lines. Who lives in the house? Who lives in the caravan? What is the relationship between those people? What size of rooms and what kind of facilities exist in the house and caravan, and who uses what? How are utilities such as electricity, gas, water and waste shared? Are any payments shared? Is rent paid? What are the family's intentions for the proposed use of the caravans, including time scales?

The borough council considers that hard surfacing of part or all of the garden will generally be permitted development and that the erection of decorative railings will follow normal permitted development rules that apply to all means of enclosure. Likewise, the construction of shower and lavatory blocks might require planning permission, or might be permitted development, depending on the usual spatial allowances that apply to all residential properties.

Congleton borough council's stance has been that multiple caravans sited in the gardens of houses are permitted development because they are incidental to the enjoyment of the dwelling house and occupied by extended family members.

Mr. Peter Bone (Wellingborough) (Con): The situation that my hon. Friend is describing reflects exactly what is happening in part of my constituency in Rushden. Several caravans form part of something that is, in my view, a permanent structure, and local residents are incensed that planning action is not being taken.

Ann Winterton: My hon. Friend describes the reason for the debate, and I am sure that the Minister has heard his comments.

A planning application or site licence are not required for such caravans, and the number of caravans allowed in a single curtilage cannot be limited. However, the CW10 residents action group has found that siting multiple caravans in the gardens of houses is a material change of use and not permitted development. Putting a dwelling in the curtilage of another dwelling is always a material change of use and, in turn, cannot be incidental to the enjoyment of the dwelling house, so surely planning permission is required. Furthermore, the same group believes that an extended family member includes three generations of the same family—grandparents, parents and their children—but not other independent family units, such as aunts, uncles, cousins and so on.

My constituents and I would be grateful to receive clarification from the Minister on a considerable number of questions, not least whether caravans are assessed for council tax purposes as additional facilities. On enforcement, paragraph 29 of circular 01/94—Gypsy sites and planning—states:

> "Some kinds of activity will not fall within the definition of 'development' in section 55 of the 1990 Act, and will not therefore require planning permission. Any gypsy living in a dwellinghouse will not require planning permission to use a caravan within the curtilage of the dwellinghouse, provided that the purpose is incidental to the enjoyment of the dwellinghouse as such. A caravan within the curtilage of a dwellinghouse may have a number of ancillary uses for which planning permission would not be required. For example, it could be used for additional living accommodation, provided that it remained part of the same planning unit as the dwellinghouse and the unit remained in single family occupation."

Is the above definition for a single caravan, or an unlimited number of caravans, being permitted to be stationed in the garden of a house without the need for planning permission? When would that definition no longer apply so that planning permission would have to be sought by the occupants of the dwelling house? To what extent would the usage of caravans in the gardens of a property fall under the definition of being incidental to the enjoyment of the dwelling house? When would the usage of the caravans fall outside that definition? Furthermore, would the intensification of caravans in the garden of a house be classified as incidental to the enjoyment of the dwelling house?

Paragraph 29 of circular 01/94 says:

> "A caravan within the curtilage of a dwellinghouse may have a number of ancillary uses for which planning permission would not be required."

Under the above definition, what would the usage of the caravan be if classified as ancillary use? What would its usage be when it falls outside that definition? Are there any time limitations for caravans to be stationed in the gardens of a house under the definition of incidental to the enjoyment of a dwelling house? What about the impact on neighbouring properties?

If the primary use of the dwelling house remains residential and within one planning unit, would it be possible for more than one caravan to be sited without the need for planning permission? Furthermore, would caravans stationed in the garden of an unoccupied house be incidental to the enjoyment of that dwelling house? If so, are there any time limitations without the need of planning consent? When would such cases require planning consent?

Under the Town and Country Planning (General Permitted Development) Order 1995—the GDPO—when would the stationing of caravans in the curtilage of a dwelling house fall within the definition of permitted development? Would the number of caravans and extent of use have any bearing on that definition? Also, under the same GDPO, when would the stationing of caravans in the garden of a house fall within the definition of material change of use, and would the number of caravans and extent of use have any bearing on that definition?

When would provisions on the health and safety of the occupants of the caravans, the dwelling house and their neighbours come into effect if multiple caravans, cars and vans are compacted into the curtilage of a single dwelling house? Who would be ultimately responsible for ensuring that those checks are carried out?

When would the following extract from the Office of the Deputy Prime Minister's "Planning Guide for Householders" apply to the stationing of caravans in a single residential curtilage? The following are examples of when one would need to apply for planning permission:

> "If you want to divide off part of your house for use as a separate home (for example, a self-contained flat or bed-sit) or use a building or caravan in your garden as a separate residence for someone else";

or

> "If you want to make additions or extensions to a flat or maisonette (including those converted from houses)."

When would the following extract taken directly from a letter to the CW10 residents action group from a planning policy adviser at the Office of the Deputy Prime Minister apply in connection to multiple caravans stationed in the garden of a house? I quote:

> "Each local planning authority has to take a view on whether any particular activity amounts to 'development' within the meaning of section 55 of the main Act. There are two types of development—'operational', such as building or engineering work, and 'material change of use of land'. A boat or vehicle would be a chattel rather than a building or a structure, so could only be considered as development if it represented a material change of use of land (eg, if someone set up a commercial boat-repair business in what was supposed to be his back garden).
>
> Similarly, a caravan, as defined under section 29(1) of the Caravan Sites and Control of Development Act 1960, as modified by section 13(1)(b) of the Caravan Sites Act 1968 is not a building. However, if someone started using one as a self-contained dwelling within the curtilage of a dwellinghouse the local planning authority would require a planning application for change of use of land. Putting one dwelling into the curtilage of another is always a material change of use".

Will the Minister please specify a rule of thumb when determining who will fall under the definition of extended family used in planning guidelines? Moreover, when would that definition no longer apply in respect of a family member? Finally, when would permanent occupation of caravans require planning consent within a single residential curtilage, and when would permanent occupation not require planning consent?

Given the complexity of planning law and that to judge the facts and degree of each case would involve significant intrusion into the lives of the families concerned, it might be appropriate for the Government to be invited to consider changes to planning legislation to clarify the issues. One suggestion from Congleton borough council is that a limit be imposed on the number of caravans permitted to be kept within the residential curtilage of a property to no more than one, whether occupied temporarily, permanently or not at all. Above that limit, planning permission would be required, and it would be clear to all where the distinction lay. It would then be a matter for the local planning authority, when required to determine an application for more than one caravan, to balance the merits of each case in the light of the development plan and any other material considerations.

I would appreciate the Minister's clarification of those important issues, which are of understandable concern to the residents of Middlewich. There seems to be one rule for one group of people, but my constituents

[Ann Winterton]

want equity among all local residents, and they want planning regulations to be unequivocal in application. I have gone into considerable detail about the matter, and I am happy for the Minister to write to me if he cannot respond to all the points that I have made in this short debate.

10.31 pm

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick): I congratulate the hon. Member for Congleton (Ann Winterton) on securing this debate and I hope to provide the clarification that she seeks. However, she posed some detailed questions about the legislation, which I accept were entirely appropriate, and I therefore undertake to write to her to ensure that in due course we cover all the points that she made.

We recognise the difficult problems that can arise when trying to find suitable accommodation for Gypsies and Travellers, and the hon. Lady will acknowledge that we take these issues seriously. We have been working hard and we will continue to work hard to find solutions to try to alleviate the distress to everyone concerned. The hon. Lady asked a number of detailed questions about the location of caravans in back gardens, and I shall attempt to answer them as fully as possible. However, as I said, I shall write to her in due course, because I do not think that I will cover every point that she made.

The hon. Lady asked to what extent the usage of a caravan would fall outside the definition of being

"incidental to enjoyment of the dwelling house".

A caravan is not a building. Stationing one on land is not itself "operational development" that requires planning permission, although associated works such as the provision of infrastructure and hygiene facilities may well be. Under planning law, householders can park caravans in their gardens or driveways indefinitely, provided that no material change of use of land occurs. However, in certain circumstances, the placing of a caravan on land may change the principal use of that land, which would amount to development in the form of a material change of use of land. It is for that reason that the use of land for an occupied caravan generally requires planning permission.

The hon. Lady asked whether adding extra caravans would still be incidental. A householder is entitled to use caravans as extra accommodation without planning permission, provided that the occupants continue to use the house, for example, the kitchen or bathroom. If, on the other hand, a caravan is there for another purpose not incidental to the enjoyment of the main dwelling, known as the dwelling house—for example, it is inhabited quite separately from, and independently of, the dwelling house—planning permission for change of use of the land would, generally speaking, be required. As it would result in the creation of a new planning unit, such permission may well not be granted in a residential area. If a caravan was being used in connection with a commercial purpose, the local planning authority may decide that an unauthorised change of use of land had occurred, for which planning permission should be sought.

The hon. Lady also asked whether there were any time limits relating to the stationing of caravans, and whether it is possible for more than one caravan to be sited without the need for planning permission. As I stated previously, caravans can be stationed indefinitely in someone's garden or driveway, provided that no material change to the use of land occurs. There is no legally defined limit on the number of caravans that can be stationed in gardens before planning permission is required. However, if so many caravans were stationed in the garden of a house that they ceased to be incidental to the principal use of that land, the local planning authority could require a planning application, or take enforcement action against the unauthorised change of land use.

Mr. Alan Meale (Mansfield) (Lab): Can my hon. Friend deal with a point relating to the advice that the hon. Member for Congleton (Ann Winterton) mentioned in connection with extended families and their use of caravans? As we know, many Gypsies and Travellers have a wide family base and their extended family is much wider than the norm. I hope that my hon. Friend will clarify the situation and give us the Government's view of what is and is not legal in planning terms.

Jim Fitzpatrick: I shall respond to my hon. Friend's intervention when I deal with extended families later. I hope to provide some clarification of the points raised by the hon. Member for Congleton and by my hon. Friend.

The hon. Lady invited the Government to set a limit on the number of caravans permitted to be kept within the curtilage of a property, and urged that no more than one caravan should be permitted, whether occupied temporarily, permanently or not at all. The Government's view is that the limit of one caravan would be a disproportionate burden on local authorities, which would have to deal with large numbers of planning applications, and a disproportionate burden on all those who enjoy using caravans, whether from the Gypsy and Traveller or settled communities. The current law allows flexibility for local authorities to determine the merits of any case as to whether the stationing of a caravan or caravans constitutes development requiring planning permission.

Mr. Bone: Has any research been done on how many houses have more than one caravan?

Jim Fitzpatrick: The hon. Gentleman makes a reasonable point. I will refer later to the review being undertaken. Given the strength of feeling and the problems caused by multiple parking, officials in the Department will want to consider the question as part of the review.

Ann Winterton: The issue is not just multiple parking; it is multiple living.

Jim Fitzpatrick: The hon. Lady made that very clear in her contribution. I apologise for not acknowledging that.

The hon. Lady asked whether a caravan would need planning permission if it were stationed in the curtilage of an unoccupied dwelling house. The answer would depend on the circumstances in each particular case. For example, it would not be reasonable to require planning permission if the house was unoccupied while the owners were away on holiday and had left a caravan in the back garden. However, if a caravan was being used as the sole residence of a family and was stationed in the garden of an unoccupied house that was not used at all by the family, the local authority might consider this to be a material change of use of land, as the caravan was not ancillary to the enjoyment of the main dwelling house.

The hon. Lady asks what uses might be considered ancillary. Examples could include uses such as storage, home office, additional sleeping accommodation and garden shed. In respect of the question that she asked about council tax, it is for the valuation office or the local authority to determine whether there has been a change in the value of the house resulting from additional development, which would alter its council tax banding.

The hon. Lady quotes from the "Planning Guide for Householders", an explanatory guide that gives examples showing when planning permission is needed. In answer to her question, and as that booklet states:

> "Planning permission is needed to place a caravan in your garden as a separate residence for someone else".

A separate residence is clearly not ancillary to the use of the main dwelling house.

In relation to the responsibility for health and safety issues for caravans in gardens, in the first instance it would be for the environmental health officer of the local authority to assess whether there were any health and safety issues caused by use of caravans within a tight space surrounding a dwelling house. The environmental health officer is under a duty to contact other relevant agencies, including the local fire authority, if he or she believes that they need to be aware of the concentration of caravans. Local residents who are concerned should therefore contact their environmental health officer in the first instance. Finally, the term "extended family" is not a legal one, and it must be given its ordinary, everyday meaning. The question whether a person is covered by the term is a question of fact that needs to be determined by looking at the particular circumstances of the case.

Siting caravans in back gardens seems to be one solution Gypsies and Travellers have identified in response to the lack of authorised sites. Some 25 per cent. of all Gypsy and Traveller caravans in England are on unauthorised sites. I understand that Congleton district council is actively investigating whether there has been any breach of planning control with a view to possible enforcement action. The Government take the view that local planning authorities should take appropriate enforcement action if they consider that an unacceptable breach of planning control has occurred, and they have a range of tools at their disposal.

The hon. Lady has concentrated on planning matters in relation to Gypsies and Travellers. However, she has raised the issue of instances of unauthorised encampments in her constituency in the past, and I thought it might be useful if I set out the Government's wider policy towards unauthorised encampments by Gypsies and Travellers. Our aim is to reduce the tensions between Gypsies and Travellers and the settled community, and in some cases unauthorised camping can be dealt with through negotiation. However, in other cases firm and prompt action is necessary: firm action to enforce against encampments in inappropriate places; firm action to provide the right sort of authorised sites, in appropriate locations; and where people are unwilling to respect the rights of others, firm action to enforce against antisocial behaviour and environmental damage. Where persistent and repeated offences occur, action must be relentless in upholding the law.

There are a range of powers for use by private landowners, the police and local authorities to deal with unauthorised encampments and associated problems such as antisocial behaviour. I have every sympathy with those encountering problems over enforcement action, where there has been vandalism and criminal damage. The powers are there—it is a question of using them effectively.

Unauthorised sites can cause many serious problems and distress for local communities. The key to a reduction in both unauthorised camping and the siting of caravans in locations inappropriate for planning reasons is to increase the supply of authorised sites. The Government are committed to the firm but fair use of enforcement powers against unauthorised sites and antisocial behaviour linked with increasing site provision.

Ann Winterton: It might be worth mentioning that on the illegal encampment at Cranage, I inquired about the costs of some of the statutory duties. For example, the situation cost the police in Cheshire—this figure includes the pension contribution, which one must include—£5,800. That does not include the cost of cleaning up the site, the environmental health officer and all the rest, which is a huge expense on the back of local council tax payers.

Jim Fitzpatrick: The hon. Lady has made some valid points. Options are available to local authorities to claim compensation from those who cause damage. The penalties are quite stiff, and it is a matter of using those enforcement powers to make sure that those who cause the damage and distress ultimately pay for those actions that cause such difficulty for many in the settled community.

Many local authorities have not responded sufficiently on providing sites to meet local needs in their areas in recent years. To be fair, however, some local authorities have done a great deal. Under the Housing Act 2004, local authorities will be required to carry out accommodation needs assessments for Gypsies and Travellers, as they do for the settled community, and also to draw up a Gypsy and Traveller accommodation strategy to ensure that need is met. We will issue guidance on how to carry out accommodation needs assessments in due course, but in the meantime we will seek to facilitate the sharing of good practice between local authorities and other players, and we will do all that we can to help local authorities find a way to share provision.

[Jim Fitzpatrick]

Local authorities should identify land that could be used for the provision of new public and private sites, which is why it is important to place an obligation on local authorities to identify land as part of their planning process. Under the new draft Gypsy and Traveller planning circular, there is a requirement on local planning authorities to allocate sufficient land for sites, which is effectively a "duty". As part of the new planning process, local authorities will have to identify sites suitable for Gypsies and Travellers as part of their local development framework. The regional planning body will have to assess regional need for Gypsy and Traveller sites based upon local accommodation needs assessments made by local authorities—

The motion having been made after Ten o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned accordingly at fifteen minutes to Eleven o'clock.

House of Commons

Wednesday 23 November 2005

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

NORTHERN IRELAND

The Secretary of State was asked—

Security Situation

• 1. **Mr. Henry Bellingham** (North-West Norfolk) (Con): If he will make a statement on the security situation in Northern Ireland. [29664]

The Secretary of State for Northern Ireland (Mr. Peter Hain): We continue to see dramatic improvements in the security situation compared with the height of the troubles and paramilitary attacks continue to decrease. Those dramatic improvements could not have occurred without the enormous sacrifices made by the security services over 35 years. Today marks the fifth anniversary of the award of the George cross to the Royal Ulster Constabulary by Her Majesty the Queen. That award recognised many cases of exceptional valour, which we remember again today.

Mr. Bellingham: Although conventional terrorism is obviously under control, it has been replaced by a ruthless form of racketeering, which is being carried out by both loyalist and republican paramilitaries. Does the Secretary of State share my concern that parts of the Province are descending into anarchy? Surely now is not the time to disband the two Territorial battalions of the Royal Irish Regiment.

Mr. Hain: On the home battalions of the Royal Irish Regiment, discussions are currently taking place about compensation for those affected and their families, and I hope that it will be as generous as possible, because they deserve no less. On the overall situation, it is true that there is still too much criminality. Indeed, the feud between the loyalist groups in the summer was largely about gangsterism rather than the original political objectives of the Loyalist Volunteer Force and the Ulster Volunteer Force. It is also true that there is still criminality among republicans, and the Assets Recovery Agency and the Organised Crime Task Force are cracking down on it together with the police.

Dr. William McCrea (South Antrim) (DUP): A BBC television programme that was aired last night revealed that the police have warned a friend of the late Robert McCartney that there is a threat to his life from the Provisional IRA. How does that sit with ministerial statements that the Provisional IRA has turned its back on terrorism, and why will that organisation be rewarded in a debate later today?

Mr. Hain: I have received no evidence from the police or any other quarter about a threat to Robert McCartney witnesses or friends by the Provisional IRA, but I have received reports that individual republicans in that locality have made threats. Those matters are being dealt with by the police and arrests have taken place, and we will continue vigorously to crack down on such activities.

Lady Hermon (North Down) (UUP): Will the Secretary of State outline the precise level of engagement by any of the loyalist paramilitaries with either the de Chastelain commission or the Independent Monitoring Commission?

Mr. Hain: I know that the hon. Lady takes a close interest in that matter, which she has discussed with me, and I am grateful for her interest. We hope that some of the loyalist groups will start to engage with the de Chastelain commission, and it is important that they do so. I understand that some preliminary contacts have been made and it is important that they progress to allow us to reach the same end as that achieved with the Provisional IRA.

Mr. Andrew Robathan (Blaby) (Con): Was the Secretary of State ever a supporter of the troops out movement? If so, has he changed his mind?

Mr. Hain: I dealt with those matters a long time ago. Following the Good Friday agreement, all the old arguments were transformed, including that one.

Lorely Burt (Solihull) (LD): Will the Secretary of State comment on any recent incidents of loyalist violence? The Independent Monitoring Commission October report covers March to August this year, but there were loyalist riots in September over the Blackrock parade and the LVF has stated that its feud with the UVF is over. To emphasise the point raised by the hon. Member for North Down (Lady Hermon), have any loyalist paramilitaries met the decommissioning commission? If the LVF means what it says, it should give up its weapons, too.

Mr. Hain: I think that the hon. Lady is referring to the Whiterock parade, but she has made an important point. I agree with her that it is important that the LVF, the UVF, the Ulster Defence Association and any other loyalist paramilitaries give up their weapons and engage with the de Chastelain commission, as the hon. Member for North Down (Lady Hermon) has argued.

Mr. David Lidington (Aylesbury) (Con): The Secretary of State will know that some senior members of Sinn Fein-IRA have declared openly that their intention is to establish so-called community restorative justice schemes as an alternative to policing by the Police Service of Northern Ireland. Has he seen the comments by a spokesman for the rape crisis and sexual abuse centre in Northern Ireland, who said that members of community restorative justice schemes have

> "threatened women and attempted to cover up crimes committed by those with IRA, Sinn Fein or CRJ connections"?

She continued:

> "Allowing such people power is like letting the lunatics run the asylum."

Will the Secretary of State make it clear that the Government will provide sufficient assurances in their forthcoming guidelines on community restorative justice to ensure that nothing like the appalling practices reported by the rape crisis and sexual abuse centre can recur?

Mr. Hain: Yes, I am happy to provide that unequivocal assurance. I am grateful to the hon. Gentleman for raising the matter, because a great deal of mischief and misinformation has been spread about community restorative justice schemes. The guidelines for the new schemes will be published on 5 December by the Minister of State, my hon. Friend the Member for Delyn (Mr. Hanson), when he meets the Policing Board.

Let me make it emphatically clear that, whatever claims are made by Sinn Fein members or others, these schemes, which operate in republican communities among others, are currently unregulated. We intend to bring them under proper regulation if they wish to attract public funds, although no provision has been made for that. I can unequivocally state that under our guidelines nobody who has been involved in paramilitary activity or organised crime would be allowed to work on the schemes. Appointments principles would be overseen by an independent body. There is no way in which those schemes will have a policing role in determining guilt or innocence. They will have no investigative role and will have to work with all the statutory agencies, including the police service.

Mr. Lidington: I am grateful for those words, but can the Secretary of State also assure the House that he will provide an independent statutory basis for complaints against members of community restorative justice schemes? He will know that at present there is real fear on estates in Belfast, Derry and elsewhere that if these schemes are licensed by the Government, that will amount to licensed control by paramilitary mafia.

Mr. Hain: It is emphatically not the case that any community restorative justice schemes that we endorse will in any way allow for control by paramilitary mafia, militia, or whatever else the hon. Gentleman chooses to call them. I agree with him on that. He should remember that these proposals stemmed from the community justice review some years ago and were widely endorsed on a cross-party basis. We needed to establish proper guidelines and regulation of what is now a bit of a free-for-all. In doing so, there will be an opportunity to consult, as the hon. Gentleman will see when we publish the guidelines on 5 December. We will consult him and other parties, as well as others in Northern Ireland, on the exact terms of the guidelines.

Education Administration

2. **Mary Creagh** (Wakefield) (Lab): What steps he is taking to reduce administrative costs in education in Northern Ireland; and if he will make a statement. [29665]

3. **Mr. David Anderson** (Blaydon) (Lab): What steps he is taking to reduce administrative costs in education in Northern Ireland; and if he will make a statement. [29666]

The Parliamentary Under-Secretary of State for Northern Ireland (Angela E. Smith): The Government are determined to focus resources on front-line services, not bureaucracy. Yesterday's announcement on the review of public administration included a new Education Authority replacing the functions of the five education and library boards and other support bodies. Through these fundamental changes, along with the existing measures to cut administration costs, I am determined to ensure that our children and schools see tangible benefits.

Mary Creagh: How will the organisation reforms that my hon. Friend sets out help to deal with the impact of falling pupil numbers in schools in Northern Ireland?

Angela E. Smith: My hon. Friend is right to highlight the issue of falling pupil rolls. There are about 47,000 empty desks in Northern Ireland's schools, and if no action is taken that figure could rise to 80,000 over the next 10 years. The new structures that I announced yesterday will ensure that we can be more responsive in dealing with that while placing a greater emphasis on strategic planning across Northern Ireland's schools estate. A failure to tackle the issue would put unacceptable pressure on school budgets. The measures announced yesterday will ensure that we go a long way towards tackling it.

Mr. David Anderson: The administrative changes may well result in people losing their jobs. Will my hon. Friend assure me that the work force will be taken care of, with, if possible, an agreement on no compulsory redundancies? Can the review look into the cost of duplication through segregated services? We should move much more towards an integrated education system so that we can save money and provide a better service.

Angela E. Smith: It is too early to talk about possible job losses, because current functions still need to be carried out, but I assure my hon. Friend that we will do everything possible to ensure that any redundancies are voluntary. As the Secretary of State announced yesterday, we are establishing a Public Service Commission to ensure that the work force are fully engaged and involved in the decisions.

My hon. Friend asked about duplication in the schools estate, which has been highlighted. The Good Friday agreement includes a commitment to integrated education. I have also given a commitment that parents' wishes will be adhered to.

Sammy Wilson (East Antrim) (DUP): The Under-Secretary made much of the reforms or changes that were announced yesterday. A cursory glance shows that, on top of the Department of Education, we will have a new Education Authority, a new Education Advisory Forum, a new director of children's services, a new Public Service Commission, a new Northern Ireland Network for Youth and new district youth networks in council areas in Northern Ireland. Is that pruning or increasing administration? What costs does she hope to save through the announcement?

Angela E. Smith: I think that the hon. Gentleman is having some sport with his question. There are currently 67 public bodies, which have been whittled down to 20. There are five education and library boards for a population of 1.7 million, but the new Education Authority, which replaces the five boards and the support bodies, will make a fundamental difference to organisation and cut bureaucracy. I give him a clear assurance that, as a result of the announcement, we are cutting the number of bodies that deal with the same issues.

Mr. Philip Hollobone (Kettering) (Con): Will the Under-Secretary give the comparative administrative costs of the education system of Northern Ireland and those for the rest of the United Kingdom? Will she confirm the importance of ensuring that as much money as possible goes directly to pupils on the front line?

Angela E. Smith: The purpose of the changes that we announced is to ensure that money goes directly to front-line services. I am not satisfied that the current administrative structures achieve that. It is difficult to give a comparison of costs because of the different structures in Northern Ireland and in England. I shall write to the hon. Gentleman if I can provide more detail for him. However, the purpose of the changes announced is to ensure that schools are not disadvantaged by overly bureaucratic systems that take money away from schools and put it into bureaucracy.

Kitty Ussher (Burnley) (Lab): Does the Under-Secretary agree that ending segregation in schools has an important part to play in the sustainability of the peace process? Will she undertake to discuss with colleagues in the Department for Education and Skills whether there are lessons to be learned from the operation of faith schools in divided communities in other parts of the United Kingdom?

Angela E. Smith: I assure my hon. Friend that I am in regular contact with my colleagues in the Department for Education and Skills about several issues. However, we have to bear in mind the different situation in Northern Ireland. When I talk to head teachers—indeed, the headmaster of Portora Royal school wrote to me today—I find the collaboration between schools from different sectors, which aims to ensure that pupils are brought closer together, encouraging. It is important when we consider the future in Northern Ireland that schools co-operate and collaborate to ensure that there is no sectarian divide in education.

Mr. Laurence Robertson (Tewkesbury) (Con): Although it would have been better if yesterday's announcement on the change to the Department of Education had been made in the House, we support the principle of trying to reduce administration costs. However, how much will it cost to dismantle the grammar school system? Why are the Government intent on destroying the best education system in the UK?

Angela E. Smith: Perhaps the hon. Gentleman should get his facts right before speaking at the Dispatch Box. There is no dismantling of the grammar school system in Northern Ireland. However, we are getting rid of selection. He may find it acceptable that 95 per cent. of children on the Shankill never get a chance of a grammar school education—I do not. Every child should have the opportunity to reach their full potential. He should examine the proposals more closely.

Dr. Alasdair McDonnell (Belfast, South) (SDLP): I note the Under-Secretary's comments about the consequences of the review of public administration in education and health. The jury is out on that for the moment. However, is the Secretary of State fully aware of the impact of some aspects of the review of public administration on local democracy? Is he aware that all political parties, with the exception of the military wing of Sinn Fein, oppose the proposed changes to the number of councils? If the proposals go ahead as planned, a canton or two somewhere will be under the control of one political paramilitary organisation.

Angela E. Smith: We are looking to devolve power to local councils, and one important issue is the role of those councils. Under the proposals put forward by the Secretary of State yesterday, far more functions will be carried out by local government than before. It is worth noting that the voluntary and business sectors across Northern Ireland have broadly supported our proposals to devolve more power to local councils.

Inward Investment

4. **Daniel Kawczynski** (Shrewsbury and Atcham) (Con): What steps he is taking to promote Northern Ireland as a place for foreign direct investment; and if he will discuss with the Secretary of State for Trade and Industry a long-term strategic plan to encourage greater foreign direct investment. [29667]

The Secretary of State for Northern Ireland (Mr. Peter Hain): The focus of Invest Northern Ireland's international sales and marketing effort is aggressively to promote all areas of Northern Ireland as attractive, viable locations for inward investment opportunities.

Daniel Kawczynski: I thank the Secretary of State for that answer. However, I was slightly concerned by his comments in the media, in which he seemed to suggest that Northern Ireland was too small an entity to survive by itself. Will he give us an assurance that that is not the case, and that he will do everything possible to ensure that foreign direct investment comes into Northern Ireland?

Mr. Hain: I am doing everything possible in that regard; I was doing so last week in New York, and the Under-Secretary, my hon. Friend the Member for Basildon (Angela E. Smith), is going on a trade mission to China imminently. We are pressing for increased inward investment in Northern Ireland. Indeed, only yesterday in Belfast, I met the executives of Citigroup, a very exciting project that has already brought 375 jobs into Belfast. Belfast was chosen by Citigroup over other locations in Europe, including Dublin, because it is a much better place in which to invest. These are high-quality jobs, and we are continuing to bring them in. It is not a question of the Northern Ireland economy being too small, but the business community says—it agrees with me on this—that the economy needs to be much more entrepreneurial and enterprising, to build a stronger private sector right across Northern Ireland.

Chris Ruane (Vale of Clwyd) (Lab): The southern Irish Government are one of the best Governments in the world at utilising Irish communities around the world to promote trade and investment in southern Ireland. What steps is my right hon. Friend's Department taking to use the Ulster communities around the world to promote trade and investment in Northern Ireland?

Mr. Hain: My hon. Friend has raised an important point. I was talking to exactly that community in New York and Washington last week, including senior figures in the business community who are working with the Government, and with me as Secretary of State, to find new opportunities to market Northern Ireland—now that we have a stable, prosperous Northern Ireland that is going from strength to strength—and to bring in American and other investors, who know that they will find it an excellent location in which to base themselves.

Peter Viggers (Gosport) (Con): Does the Secretary of State agree that the selling point for investment in Northern Ireland is not subsidy but the excellence of the location and the work force? May I press him further on co-operation with the Republic of Ireland, which has already worked very successfully in tourism? To what extent does he seek to work with the Republic of Ireland in promoting the island of Ireland as an inward investment location?

Mr. Hain: The hon. Gentleman makes an important point. We are anxious to take every opportunity to get more investment, including from companies based in the Republic of Ireland. We want them to come to Northern Ireland and to see that there are better opportunities there and a less overheated economy. That was one of the reasons why Citigroup decided to locate in Belfast. It could have chosen the south—indeed, it might have been drawn there in the past—but Northern Ireland, especially with its skills base, is now a very attractive place in which to invest.

Mark Durkan (Foyle) (SDLP): We have many examples of politicians being asked to resign for being economical with the truth. Does the Secretary of State recognise that he is possibly the first to be asked to resign for being truthful about the economy? Does he also recognise that, for many of us, promoting direct foreign investment in Northern Ireland would best be done in an all-Ireland context? Does he also acknowledge the lack of confidence in the performance of Invest Northern Ireland, particularly west of the Bann? In the absence of foreign direct investment, does he acknowledge the Government's duty to ensure more balanced employment in the east and west, through Government employment and public procurement?

Mr. Hain: I agree that we must focus all our efforts—as indeed we are doing, and announcements will be made in the relatively near future—on ensuring that extra jobs and investment go to the hon. Gentleman's constituency and the north-west of Northern Ireland in particular. I also agree that at a time when we face global competition from China and India, let alone more immediate competition in eastern Europe, we need to consider all investment opportunities, including co-operation across the border, to maximise opportunities for the whole island of Ireland. As the hon. Gentleman says, Northern Ireland will benefit from that.

David Simpson (Upper Bann) (DUP): I was disappointed by what the Secretary of State said about the Northern Ireland economy when he was in New York. I have been involved in the Northern Ireland business community for 25 years, and I know that it is one of the strongest communities in Northern Ireland. Will the right hon. Gentleman use his influence with Invest Northern Ireland to promote small businesses?

Mr. Hain: I do that already, as does the Under-Secretary, my hon. Friend the Member for Basildon (Angela E. Smith). But let me return to what the hon. Gentleman said at the beginning. Members of the business community, both in New York—where the comments were made—and at home in Northern Ireland, prefer honesty. Honesty about the Northern Ireland economy means saying "Yes, the economy is doing better than ever before, but the private sector is too small compared with the public sector, and there is therefore a question of sustainability." The business community wants a Secretary of State and a Government who recognise that and want to expand small businesses and the private sector, as indeed we do. It will invest in Northern Ireland more readily in the knowledge that the Government have that strategy. *[Interruption.]*

Mr. Speaker: Order. The House must come to order.

Regeneration

5. **Huw Irranca-Davies** (Ogmore) (Lab): When he next intends to meet representatives of the loyalist community to discuss regeneration. [29668]

The Minister of State, Northern Ireland Office (Mr. David Hanson): As part of my engagement with the loyalist community, over the next 12 weeks I will be meeting elected political representatives, community activists, churches and faith-based organisations, residents, women, youth, Loyal Orders and business representatives from the loyalist community. I am committed to using the results of that engagement to produce real improvements on the ground.

Huw Irranca-Davies: I was pleased to hear the long list of representatives of the loyalist community whom the Minister will meet, but will he take the opportunity to discuss the continuing criminality that emanates from some groups of ex-combatants and paramilitaries? It is one of the biggest impediments to regeneration in Northern Ireland.

Mr. Hanson: I certainly will. As my right hon. Friend the Secretary of State has said, the Government will take strong action against paramilitaries, and will ensure that criminality and paramilitary activity cease as part of the regeneration of the Province.

Sir Nicholas Winterton (Macclesfield) (Con): Does the Minister accept—

Mr. Speaker: Order. The private conversations must cease. The noise is unfair to Members who are interested in Northern Ireland questions.

Sir Nicholas Winterton: Does the Minister accept [illegible] if regeneration is to succeed, whether in loyalist areas or in other parts of Northern Ireland, there must be meaningful peace and stability? Does he accept that without a much more transparent decommissioning of arms in all parts of Northern Ireland, there will never be that peace and stability? Will he therefore make the decommissioning process more transparent?

Mr. Hanson: As the hon. Gentleman will know, the decommissioning process is ongoing. We have already received the report from the Independent Monitoring Commission following the IRA's statement in July. We are committed to ensuring that the process is transparent and open, and to building on the strong economy that Northern Ireland can have once the peace process continues. I know that the hon. Gentleman shares my wish to see an end to IRA activity, an end to criminality, and an end to paramilitary activity.

Mr. John McFall (West Dunbartonshire) (Lab/Co-op): During his discussions, will the Minister ensure that the perception that loyalists and paramilitaries are being funded is dispelled? I know from experience of the valiant efforts by church and community groups to make progress in the community. Will the Minister redouble his efforts both to deal with the funding issue and to engage with the law-abiding elements in the loyalist communities?

Mr. Hanson: The Government are particularly keen to engage with elected politicians and community groups. We recognise the need for regeneration not just in loyalist areas but in republican and nationalist areas, but we must also ensure that the Government take on board some of the challenges faced by loyalist areas. That is why a taskforce headed by the civil service is considering what we can do for loyalist and Protestant communities throughout Northern Ireland.

Mr. Nigel Dodds (Belfast, North) (DUP): As we are the elected Democratic Unionist representatives of those areas, the Government will be aware of our commitment to their social and economic betterment. Does the Minister accept that the main issues are better housing, sustainable employment and a focus on education from the earliest age right through to adulthood, all of which must be tackled as part of a strategic plan? It must, however, be properly resourced and funded. That is the challenge for the Government.

Mr. Hanson: I agree with the hon. Gentleman, and he will know that we are trying hard to consider how best to improve educational opportunity, housing and employment, particularly in loyalist areas. He will recognise the taskforce's work over the past two years, which provided the opportunity to look into those matters. I have appointed the head of the civil service to examine those issues and he will report in January or February next year. I hope that the hon. Gentleman will work with the Government to ensure that we deliver on the ground for those communities.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [30879] **David Simpson** (Upper Bann) (DUP): If he will list his official engagements for Wednesday 23 November.

The Prime Minister (Mr. Tony Blair): Before listing my engagements, I know that the whole House will join me in sending our condolences to the family of Police Constable Sharon Beshenivsky, who was tragically murdered on duty last Friday. Our thoughts and prayers are with her family at this time. I know that the whole House will also join me in sending condolences to the family of the British soldier killed in Iraq at the weekend. He was doing a vital and heroic job in helping that country towards democracy. Our country can be very proud of him.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

David Simpson: I thank the Prime Minister for listing his engagements and I concur with his sentiments and sympathy for the two serving members who lost their lives. My right hon. and hon. Friends will also concur with that. May I leave this thought with the Prime Minister? What would the British people and members of his party think of him if he offered an amnesty to the murderer of the police officer? Later on today, we will debate such matters in respect of Northern Ireland. Will the Prime Minister please comment on what I have said?

The Prime Minister: I am meeting RUC widows this afternoon, at the request of the hon. Member for North Down (Lady Hermon). I totally understand the pain and anguish that there will be about this matter, but I also hope that the hon. Gentleman understands that already, as a result of the Good Friday agreement, people convicted of terrorist offences before 1998 have been released, so it is necessary to deal with those who have not been convicted but are nonetheless suspected of such offences before 1998. That is the reason for the measure that we are introducing. As I say, I fully understand the pain and anguish that it causes, but I hope that the hon. Gentleman will also understand that it is something that has to be dealt with.

Q2. [30880] **Mr. Martin Caton** (Gower) (Lab): The Prime Minister quite rightly celebrates the start of talks on Turkey's accession as an achievement of the UK presidency of the European Union, but next month, the fine Turkish novelist, Orhan Pamuk, faces trial for public denigration of Turkey, simply because he talked about the killing of Armenians and Kurds in the early part of the last century. Does my right hon. Friend agree that a prerequisite for membership of the EU should be the protection of the right of free speech; and will he also join me in commending those people in Turkey such as Pamuk who are campaigning for that right?

The Prime Minister: First, may I tell my hon. Friend that during our presidency of the European Union, we raised that issue with Turkish justice and foreign Ministers? It is important, if Turkey wants to become a member of the EU, that it abide by the criteria for membership, including the criterion on freedom of expression. I hope, however, that my hon. Friend would also agree that Turkey has gone a considerable way down the path of reform over the past few years. I hope that these issues will also be dealt with as part of future reforms so that Turkey can proceed to EU membership, which I believe is in the interests of Turkey, Europe and the wider world.

Mr. Michael Howard (Folkestone and Hythe) (Con): I join the Prime Minister in expressing my condolences, and those of my party, to the family of WPC Beshenivsky. Her loss is a tragic reminder of the risks run by our police officers on our behalf every single time they go on duty. I join him also in expressing condolences to the family of the service man who was lost in Iraq over the weekend. That, too, was a tragic reminder of the sacrifices made on our behalf by those who are serving with such distinction in Iraq.

Last month, the Secretary of State for Health said:

> "I am assured . . . that there are adequate supplies"

of flu vaccine

> "available to GPs to ensure that anyone who is at risk and who therefore should have the vaccination can do so."—[*Official Report*, 17 October 2005; Vol. 437, c. 637–8.]

What went wrong?

The Prime Minister: What has happened is that an assessment was made of the number of vaccines that would be necessary. I remind the right hon. and learned Gentleman that we ensured with the manufacturers that more than 14 million doses would be available this year. At the end of October, however, it appeared that there would be a shortfall because more people were demanding the vaccine. The Department of Health then ordered a further 200,000 doses.

To be fair to the Department and the others involved in the planning, I should say that if everything had gone to plan, in the region of 2 million doses would probably not have been needed. It is correct to say that the demand for the doses has risen considerably, obviously as a result of people's concern. As I said, those responsible had built a very large contingency into their plans, but it appeared at the end of October that it was not large enough, and that is why they asked for more.

Mr. Howard: At least the Prime Minister, unlike the Secretary of State, has not blamed general practitioners. On 5 October—that is, not at the end of October—my hon. Friend the Member for South Cambridgeshire (Mr. Lansley), the shadow Secretary of State for Health, wrote to the Secretary of State. In his letter, he expressed concerns about the availability of vaccines. He did not get a reply until yesterday afternoon, less than two hours before the Secretary of State made her statement in this House. The British Medical Association also warned the right hon. Lady that it had similar concerns. Why did she not respond to those concerns?

The Prime Minister: First, let me inform the House of what took place earlier this year in respect of the doses that were ordered. In accordance with the normal practice that has applied since 2000–01, a meeting was held with the UK vaccine industry group, at which the number of doses thought to be necessary for the year was worked out. This year, about 4 million more doses were ordered than was the case, say, five years ago. As a result, there should have been easily enough doses to cater for people over 65 and those at clinical risk. As I said a moment or two ago, the number of doses ordered meant that there should have been a probable surplus of 2 million. That is why people thought that there would be enough to cover any eventuality, including increased demand arising from the heightened concern about flu in recent weeks. It was at the end of October that it appeared that that was not the case. In early November, therefore, a further 200,000 doses were ordered. That will mean that the number of doses manufactured is somewhere in the region of 14.5 million.

Mr. Howard: The Prime Minister has referred to 14 million doses, but that is exactly the same as the number of doses that a Health Minister, last year, told us was being made available last year. So 14 million doses last year, 14 million this year: is it not true that the Department of Health cannot tell the difference between England and the UK? In its letter to GPs this week, it said that there were only 11 million people in the at-risk groups, and 14 million doses of vaccine. However, the first figure refers to England and the second to the UK as a whole. Is it any wonder that GPs and others are in despair at the inefficiency and incompetence of the Department of Health and the Secretary of State? If the Department can so comprehensively bungle the routine administration of the seasonal flu vaccine, what confidence can people have in its ability to cope with a pandemic of bird flu?

The Prime Minister: As I have explained to the right hon. and learned Gentleman, over the past few years we have increased enormously the number of doses available. It is correct that a 100 per cent. takeup among people aged over 65 and those at clinical risk would amount to 11 million doses. However, the biggest takeup that there has ever been amounted to only 70 per cent. So even taking into account the UK-wide factor, the planners estimated earlier in the year that there would be a surplus of 2 million doses. Last year, there were more than 1 million surplus doses that had to be destroyed. It is sometimes difficult to plan accurately. They built in a large contingency, but it appears that that has not been enough and therefore they have ordered more doses.

Mr. Howard: The Prime Minister has yet again compared figures for those at risk that relate to England with figures relating to doses for the UK, as the Secretary of State did yesterday.

Now let us look at another example of incompetence. Four weeks ago, the Leader of the House, when asked if the Government could guarantee energy supplies to business and domestic customers this winter, said, "Yes, they can". Does that guarantee still stand?

The Prime Minister: Of course there will be difficulties with gas prices, because of the cold winter we are likely to have. The energy suppliers have made it clear that they are doing their level best to ensure that demand is properly met. There is not, as far as we are aware, a problem for domestic users. There is a problem for high-level industry users, but the only way to deal with that is to ensure that the industry can meet as much demand as possible from abroad. On the whole, industry prices for domestic consumers in the UK are way below the European Union average. We are not the only country with the problem, but it is not a problem that lies within the remit of the Government to resolve.

Mr. Howard: Now we know that when this Government give guarantees, they last roughly four weeks. The Leader of the House also said that the Government would plan and prepare for this winter, but the Government commissioned studies on gas supplies for large manufacturers only two weeks ago. Why has it taken until November—when winter has already arrived, gas prices are almost five times higher than they were a month ago and manufacturers have been forced to switch from gas to oil to generate electricity—to find out whether business can cope this winter? Should not that have been done months ago?

The Prime Minister: I do not think that the right hon. and learned Gentleman seriously suggests that we should have a planned economy, in which the Government buy in—*[Interruption.]* Perhaps that is what he is suggesting. Let me just tell him the facts. UK energy prices—*[Interruption.]* Well, this is a rather strange situation. I do not know whether the right hon. and learned Gentleman is suggesting that the Government should buy in energy from abroad. The Government work with the industry to ensure that it can meet demand. I repeat the fact that UK prices are actually the cheapest in the European Union and UK domestic prices are 40 per cent. below the European Union median. It is true that there will be an extra £10 billion of investment in additional energy supply, but it is not something that the Government on their own can resolve.

Mr. Howard: If the Prime Minister thinks that gas prices for British industry are cheaper than gas prices for European industry, he is living in a dream world. I suggest that the Government should have done what they are now doing some months ago. The Met Office warned us months ago that we were likely to have the coldest winter for more than a decade. The CBI and others have been warning for months of possible gas shortages. Why have the Government ignored them for so long? Why, on flu vaccines and gas supplies, have the Government proved so thoroughly incompetent? Is it not clear that the Government are on the skids and that the Prime Minister has lost his grip and is incapable of dealing with the challenges that the country faces?

The Prime Minister: Even the right hon. and learned Gentleman found it a bit of a stretch to link flu jabs with gas prices. As opposed to the situation in respect of the vaccine for flu, in which we sit down with manufacturers and help to ensure that enough is ordered, the gas market and prices depend on demand and the amount of gas available for electricity users and others to buy. The idea that the Government should make up the shortfall is utterly absurd.

Mr. Howard: I am not saying that.

The Prime Minister: Well, I do not know what the right hon. and learned Gentleman is suggesting, other than points that seem absolutely absurd. We are doing our level best to make sure, for example, that we have additional infrastructure that allows us to import more energy. That we are doing, but what we cannot do—even this Government—is affect the current situation in the energy market, which is a product of all the reasons that we know about and which, I repeat, the Government alone cannot resolve.

Mr. Marsha Singh (Bradford, West) (Lab): May I join the Prime Minister in expressing my condolences on the murder of Officer Beshenivsky? I also extend my sympathy to Officer Milburn and wish her a speedy recovery. What more can be done to tackle gun crime in this country and to assist in the safety of our officers on the beat? Although Bradford is united in its horror, shock and grief, does the Prime Minister agree that this is a time for sober reflection, not a time to call for the routine arming of the police or for the restoration of the death penalty?

The Prime Minister: As my hon. Friend says, it is important that we see, in a considered way, what more can be done. As he knows, since January 2004 anyone convicted of possession of an illegal firearm receives a mandatory five-year minimum sentence. Measures under the Violent Crime Reduction Bill will ban the sale, manufacture or import of realistic imitation firearms. The new Serious Organised Crime Agency will come into effect next April. With the agency, we are looking at the additional measures necessary to deal with organised crime. With organised crime, as we have done with antisocial behaviour in a completely different context, there will be a need for special and particular measures to deal with a very brutal new type of organised criminal gang that operates not just in this country but in other countries as well. We shall come back to the House with such proposals when we can.

Mr. Charles Kennedy (Ross, Skye and Lochaber) (LD): May I associate my right hon. and hon. Friends entirely with the expression of condolences for the families who have lost their loved ones in recent days, in such tragic circumstances, in the service of the police and our armed forces?

May I return to the opening question from the hon. Member for Upper Bann (David Simpson)? As the Prime Minister has acknowledged elsewhere, those of us who disagreed with him over an aspect of the Terrorism Bill—90-days imprisonment without charge—did so as a matter of principle. Does he recognise that the Northern Ireland measures before the House this afternoon also raise matters of proper principled judicial process? Those of us who support the Good Friday agreement readily accept that the issue must be resolved, but if justice is to be seen to be done it is surely imperative that those who have committed terrorist atrocities appear in court and answer for their crimes.

The Prime Minister: I think that the right hon. Gentleman knows why we have to deal with the issue. We have to deal it with it for a very simple reason: under the provisions of the Belfast agreement—the Good Friday agreement—those convicted of offences before that agreement, in other words, before April 1998, have been released under the prisoner release scheme. We were always going to have to deal with the situation of those suspected of, or being pursued in respect of, crimes committed before April 1998, and that is what we are trying to do. The proposals were published about two and a half years ago and are a necessary part of ensuring that we follow the process through to its conclusion. I understand the anger that they provoke; it is very natural, especially from those who suffered so much from acts of IRA terrorism. However, I believe that they are a necessary part of securing the overall agreement.

Mr. Kennedy: Why will not the Prime Minister provide direct linkage in the legislation to the early release scheme, which involves a proper court process? Many who, like the Alliance party and others, have worked tirelessly for reconciliation in Northern Ireland are asking a simple question: why will not the Prime Minister put the victims of terrorism higher up the priority list?

The Prime Minister: The special judicial tribunal has the powers of a criminal court. It is true that this is a special procedure, because the circumstances are special. As for the right hon. Gentleman's remark about putting the victims of terrorism higher up the political agenda, it is precisely for that reason that, over the past eight years, I have worked to try to make sure that the Northern Ireland peace process succeeds. If it does succeed—we have come a long way in eight years—it is sometimes because we do things that are uncomfortable and difficult, but none the less necessary. It is called, I am afraid, making difficult political decisions.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): Having just returned from the first ever Inter-Parliamentary Union delegation to the Palestinian territories, applauding my right hon. Friend's commitment to peace between Israel and Palestine, and recognising the Israeli need for security, may I ask him to make representations to the Israel Government about their building of the separation wall deep into Palestinian territory, turning old Hebron into a ghost town by building gates and turnstiles in the streets and obstructing Palestinian movements with 600 permanent checkpoints, plus flying checkpoints? Does he not agree that peace will not be possible if the Israelis persist in turning Palestine into a fragmented police state?

The Prime Minister: We have continually made representations about the wall or the fence. However, we should recognise that, in addition to trying to normalise relations between the Palestinian Authority and the Israeli Government, it is important that all forms of support for terrorism on the Palestinian side cease as well. If the terrorism stops, we have a better opportunity to make sure that relations between the two sides can be normalised.

Q3. [30881] **Simon Hughes** (North Southwark and Bermondsey) (LD): The Crown Prosecution Service in England and Wales has made welcome progress in recent years, but I hope that the Prime Minister will agree that conviction rates of fewer than two in three for sexual offences in a quarter of the country, fewer than two in three even for homicide offences in four areas, including London, and about two in three for all violent crimes leave room for improvement. Will he tell the House how he proposes to increase the success rate, so that more serious offenders are prosecuted and successfully convicted?

The Prime Minister: The main part of what the Crown Prosecution Service is doing now is working in a far more integrated way with the police to make sure that charges are properly brought and that therefore prosecutions can be successfully mounted. In respect of sexual offences, although there is an increase in the number of recorded crimes, it is important to realise that that is in part because we are asking more of the victims of sexual offences to come forward. Sometimes, however, it is difficult to secure convictions in those types of case, but we continually look at how we can improve the situation. Overall, the Crown Prosecution Service—as, indeed, the hon. Gentleman implied in the first part of his question—is working a lot more effectively than a few years ago.

Mr. Michael Meacher (Oldham, West and Royton) (Lab): My right hon. Friend told the Liaison Committee yesterday that the Government have got to take on nuclear power. Why does he believe that, when we are already comfortably meeting our Kyoto climate change target and can clearly meet future, more exacting targets with a steady expansion of renewables, when nuclear is more expensive than wind power, coal and gas, when it has already generated more than 10,000 tonnes of undisposed of highly toxic nuclear waste, when it creates an obvious major terrorism—

Mr. Speaker: Order. I think that the Prime Minister knows that the right hon. Gentleman is displeased about this matter.

The Prime Minister: Let me say to my right hon. Friend that the reason why I think that this has to go on the agenda for discussion is very simple. It is true that we will meet our Kyoto targets—the Government have played a major part in the action on climate change—but it is also true that by 2020, the amount of energy coming from nuclear power will decline from just over 20 per cent. to 4 per cent. It will be difficult to try to meet all that through renewables or additional gas. That is why we need a proper and thorough debate on the issue, and I look forward to joining that debate with my right hon. Friend.

Future Aircraft Carriers

Q4. [30882] **Dr. Julian Lewis** (New Forest, East) (Con): When he expects the future aircraft carriers to be brought into service with the Royal Navy.

The Prime Minister: We are committed to delivering this important capability in a time scale that meets the requirements of the Royal Navy. We will set the dates when the carriers will be brought into service when we are ready to commit to manufacture.

Dr. Lewis: If, as the Prime Minister now suggests, it is not appropriate to set target delivery or in-service dates until the order is placed, can he tell me why his own Defence Ministers on five occasions between April 2004 and June 2005 told both Houses of Parliament that the target in-service dates would be 2012 and 2015? Why are they no longer prepared to say that?

The Prime Minister: The reason for giving those dates was the way in which the existing carriers get phased out. Those are possible dates, but we cannot give a firm commitment to a date until we are ready to commit to manufacture. That simply cannot be done at the present time. As I say, it is perfectly possible that those dates will be the dates that we choose in the end, but at this time we cannot give a firm date until the commitment to manufacture is in place.

Several hon. Members *rose*—

Mr. Speaker: Order. This is a closed question.

Engagements

Q5. [30883] **Mrs. Maria Miller** (Basingstoke) (Con): Last week, the local inspector threw out plans for 3,000 houses in Basingstoke because he felt that local communities could not cope with the scale of building. Is it not time for the Government to stop dumping thousands of houses on Basingstoke and the rest of the south-east and to let local councils plan the future of their towns and villages?

The Prime Minister: No, I do not agree with the hon. Lady. It is important to ensure that we build enough houses in this country so that people, especially younger people, can access affordable housing. We try to do that in a planned way, but for the Conservative party to pretend that no new houses need to be built in the south at all is absurd.

Judy Mallaber (Amber Valley) (Lab): Has my right hon. Friend seen the shocking survey from Amnesty International that shows that a third of those questioned think that women who flirt or are drunk are partly responsible if they are raped? Will he support Amnesty's campaign against all forms of violence against women and assert that all such violence is totally unacceptable and liable to prosecution?

The Prime Minister: I entirely agree with my hon. Friend that it is totally unacceptable and should be liable to prosecution.

Q6. [30884] **Mr. Simon Burns** (West Chelmsford) (Con): Last night, the House debated the straightforward motion

> "That this House endorses ... a cross-party consensus on carbon reduction."

Why did the Government vote against it?

The Prime Minister: Because until we work out the means of ensuring that there is carbon reduction, it is all very well for the Conservative party to join the Liberal Democrats and insist that the Government say that we must reduce carbon by a certain amount by a certain date—actually beyond the targets that we have already set—but they also need to be prepared to say how to do that. The one time we put forward a specific measure, namely, the climate change industrial levy, the Conservative party voted against it. When it has some serious propositions to make, we will listen, but while it continues to behave as if opposition were its natural state, we will not.

Q7. [30885] **Dan Norris** (Wansdyke) (Lab): This Friday, as part of anti-bullying week, Lib-Dem controlled Bristol city council will call on its teachers not to punish or blame pupils who bully other pupils. What message does the Prime Minister have for those who adopt a no-blame approach, which, in my view, is dangerous and reckless, does nothing for the victims and does nothing to make bullies change their behaviour?

The Prime Minister: If what my hon. Friend says is correct about the Liberal Democrats, then it is an extraordinary thing for even them to do and I am shocked by it. *[Interruption.]* To describe oneself as shocked by the Liberal Democrats is perhaps an oxymoron.

I profoundly disagree with the position taken by the council. Bullying should be punished. Children who bully must be made to understand the harm that they have been doing. New sanctions are available. I am pleased that in the schools White Paper we are giving teachers an unambiguous right to discipline. It is absolutely necessary, and I pay tribute to my hon. Friend's work on that serious problem.

Gas Supplies

12.30 pm

John Hemming (Birmingham, Yardley) (LD) *(Urgent Question)*: To ask the Secretary of State for Trade and Industry to comment on the gas supply and market.

The Minister for Energy (Malcolm Wicks): The facts are that so far this winter there have been no gas shortages and supply and demand have remained in balance. Demand from gas is being met by deliveries from the North sea and the rest of the UK continental shelf, the interconnector, imports through the Isle of Grain and storage. We are also seeing a reduction in demand from gas-fired power stations and some large industrial users of gas in response to increased prices.

Gas storage levels remain full or nearly full. National Grid's daily report for 21 November shows short and long-range storage as being at 100 per cent. and 98 per cent. respectively. Medium range remains at 66 per cent. pending the new Humbly Grove facility, which is in the process of filling up.

We will continue to liaise closely with National Grid throughout the winter.

John Hemming: I thank the Secretary of State for that answer. Will he confirm that on Saturday 93 GWh were taken from medium storage and 393 GWh from long-term storage; on Sunday 138 GWh were taken from medium storage and 469 from long-term storage; and on Monday 231 GWh were taken from medium-term storage and 496 GWh from long-term storage, which has maxed out at that rate? At that rate of withdrawal, we could breach the safety monitors during winter. At what point will the Secretary of State be concerned if that continues?

Malcolm Wicks: I should point out that I am not the Secretary of State. [HON. MEMBERS: "Yet."] Let us wait until the end of the winter.

The serious point is that in terms of the gas market, supplies are taken from storage from time to time. They are then filled up. Let us remember that the North sea is this country's natural storage. The market is building—it is a matter for the market, not for the Government—more storage facilities, with 10 new projects under way. Reports from National Grid this morning say that what is happening to the spot gas price is irrational. It tells me that it is awash with gas at the moment.

Joan Walley (Stoke-on-Trent, North) (Lab): While I understand that there is an issue about gas supplies, that has a bearing on the cost of gas to intensive energy users. Will my hon. Friend ensure that as soon as the cold spell is over, the price of gas will go down to what it was before? Will he meet pottery and ceramic manufacturers, who are concerned about the effects on production capacity of the price increase to £1.60 per therm?

Malcolm Wicks: Of course I will meet my hon. Friend's colleagues from industry. Since the spring, we have met intensive users of energy and their representative bodies. Most of business buys gas in the normal way, as do domestic customers. Globally, prices for energy are rising, often linked to the price of a barrel of oil. However, our prices are often lower than the median in the rest of the European Union. That is a fact. The particular problem is with intensive users of energy, who use gas as the feedstuff for producing chemicals, for example. They—not the Government—have chosen to buy on the spot market. It is one private company signing a contract with another, and they are suffering from very high prices. We are concerned about that and we are working with them, but as was said during Prime Minister's questions, the market is a liberal, commercial, privatised market in which judgments are made by private companies. We do not need someone posing as a shadow Stalinist Minister of Power saying that the Government should take command. To put the matter in context, the companies in question, although important British industries, represent 0.2 per cent. of companies that use gas and 0.05 per cent. of all companies in the UK. I am not complacent, but we have to put the present concerns in an intelligent and factual context.

Mr. Bernard Jenkin (North Essex) (Con): But the Government are responsible for the framework for long-term investment in the security of energy supplies in this country. Industry will be astonished to hear the Minister say that we are "awash with gas" when it faces the prospect of interruption to its gas supplies. The failure of the security of UK gas supplies reflects the failure of eight years of Labour energy policy.

We have not sought to provoke unnecessary anxiety about gas supplies, but we have been raising the issue with the Department of Trade and Industry for many years. I wrote to the Secretary of State weeks ago to ask about contingency measures, but he never replied. The right hon. Gentleman promised a debate on security of supplies, but we have not had it. Is it not astonishing that the Government have held their first meetings with industry only in the past few weeks?

Can the Minister confirm that for many industries the price of gas for delivery is five times higher than it was a mere four weeks ago? Does not that give the lie to the Prime Minister's claim that we are still paying the lowest prices in Europe? The Energy Intensive Users Group says

> "Industry is already facing the highest electricity and gas prices in Europe this winter."

Will the Minister for Energy inform the Prime Minister, who did not seem to know that? Will the hon. Gentleman confirm that the emergency summit at No. 10 on 9 November concluded that there is a very high possibility that industry will have its supplies interrupted?

Now that the Minister has done all the contingency planning that he claims to have done, will he tell the House who decides which businesses are cut off and to whom is that person accountable? Is it possible that gas-fired powered stations, which affect electricity supplies, will be cut off, too? Can he assure the House that every business that might have its supplies interrupted because of gas shortages has been informed and that they will not receive a fax five minutes before the gas is shut off, as has happened before? Have businesses been informed of the criteria that will determine which ones are shut down first? How much warning will they receive?

Does not the present situation, together with the splits and disputes going on in Government, underline the chaos of the Government's energy policy?

Malcolm Wicks: The last question was the simplest and the answer to it is: no. One or two people might be trying to talk up a crisis in gas prices, but the energy companies, most of business, the DTI, National Grid and Ofgem are not part of that. The more loose and totally inaccurate talk we hear, the worse the position may become.

The companies that have chosen—they have chosen, not I—to have contracts under which they buy on the spot market are suffering from high prices. I have acknowledged that and we are talking with the companies concerned, which include chemicals companies and some of the steel companies. However, let us look at the prices for medium-sized businesses—the hon. Gentleman might want to know the facts as opposed to the bluster. For such businesses, the latest figures available—for the summer—show that the price of gas is 17 per cent. lower than in Germany, 4 per cent. lower than in France and 4 per cent. lower than the EU median, and the price of electricity is 49 per cent. lower than in Germany, 10 per cent. lower than in France and 20 per cent. lower than the EU median. Those are the facts.

As for the hon. Gentleman's reference to a meeting at No. 10 Downing street, to suggest that my Department reacted only in mid-November is totally nonsensical. If he cares to table a written question—no, I shall write to him anyway detailing our meetings. In summer, I met representatives of the oil and gas industry operating in the North sea and the UK continental shelf to make sure that they were doing the repairs and had the spares necessary to ensure that they were in the best possible position this winter. I met the supply companies on two occasions—my officials have done so more often—to make sure that they are in the best possible position this winter. In November, the industry suggested that there were one or two other actions that we might wish to investigate, and of course we listened to their advice. However, to suggest that we are not prepared is nonsense.

Paddy Tipping (Sherwood) (Lab): Has the Minister seen reports in some newspapers suggesting that domestic customers could be cut off? Will he take the opportunity to deny such scaremongering and confirm that even in the most severe winter, gas supplies to domestic customers will continue?

Malcolm Wicks: I am very happy to do so, because while we need to reassure business that its prices are not higher than the European average—we need reassurance as opposed to panic—it is even more important that householders, including some of our eldest and best, the vulnerable and the frail, are reassured. If those people hear that there may be energy cuts from reports that, in fact, are inaccurate, scaremongering nonsense, they may fear the effects of the cold weather that we are now experiencing. The domestic customer is not threatened at all, and through home energy efficiency schemes, winter fuel payments, the targeted focus of pension credit and so on, the Government are doing their best to make sure that elderly people are warm this winter. That is my first priority.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): The Minister said that his first priority is the elderly, so with the increased prices for energy, how many more people will suffer fuel poverty this winter compared with last winter? Will he emphasise the important lesson that we must improve energy efficiency and the housing stock so that people can keep warm in their houses and make best use of their energy?

Next Thursday, the Minister will chair the Energy Council of Europe. How does he plan to deal with what the European Commission has identified as serious malfunctions in the European energy market? While our liberalised market is connected to a malfunctioning market there are serious concerns about the way in which the latter market will impact on our market. What progress does he plan to make next Thursday in sorting out that market? He has held meetings with representatives from industry and UK continental shelf operations, but what meetings has he had with the Environment Agency to ensure that there is minimal impact on the environment and that we maximise the economic benefits this winter? Finally, while there are arguments about our relative position in Europe, the reality is that prices are going up this winter, which is a serious concern for the economy, especially for those parts that may be shut down.

Malcolm Wicks: The hon. Gentleman raised two or three serious matters. I chair the Energy Council during our presidency, and it meets next week, on 1 December. We have made it clear from the beginning of our presidency that the issue of market liberalisation in the rest of Europe was at the top of our agenda—indeed, it is the top item on the agenda next week. The Commission has published two major reports on the issue, and it has made it quite clear that there are "serious malfunctions" in the European market. We will discuss that with Ministers, and we need to take action, because we have market liberalisation in the UK, and we need it across the European Union. That is the policy, and it should quickly become practice.

On fuel poverty, I accept that prices are rising for the domestic customer. However, they are rising across the world, so we need to see the problem in a global context. Energy demand in China, for example, is increasing by 15 per cent. a year, and the hurricanes have not helped. There are therefore serious difficulties, but we must do our utmost to protect people to whom we refer as the fuel-poor. I tend to think of them as elderly and other vulnerable people who will be cold this winter. We have taken action on several fronts, as I detailed earlier, to protect that high-priority group.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): Will my hon. Friend confirm that while increased demand is forcing gas prices up, the very fact that gas prices are connected to oil prices is also forcing the price up? Will he also confirm that last winter, at peak cold periods, 48 per cent. of our electricity was generated by coal stations, which are ready and available to produce electricity in cold periods this winter?

Malcolm Wicks: It is right to be reminded that we have a mixture of energy sources in this country, including the still very significant role of coal. For that reason, when the details of the energy review are announced by the Prime Minister, possibly quite soon, it will be a review of energy as a whole, contrary to what some people are speculating, and the future of coal will be one of the focuses of that important review. I am very mindful of that point.

Peter Luff (Mid-Worcestershire) (Con): There will be a degree of scepticism about the Minister's claims about relative prices in Europe and the UK, but leaving that on one side, he has rightly highlighted, in answer to the question from the Liberal Democrats, the importance of the single European market in energy. When he came before the Trade and Industry Committee a few weeks ago, the Minister said that that was the highest priority, but there is not much sign of progress yet. He speaks about forcing compliance on other countries when he chairs the meeting next week. How does he intend to do that? Does he think that there is a realistic chance of making a breakthrough in those crucial negotiations? The market is determined by Governments, and the British Government have a golden opportunity to help resolve it.

Malcolm Wicks: There has been progress. The market has been the major focus during our presidency. The Energy Council does not meet till next week. Meanwhile, with our strong approval, the Commission has published two major evidence-based hard-hitting reports. Commissioner Piebalgs, whom I met earlier this week, is as enthusiastic as I am to drive the matter forward. I believe we will see real action on it. The hon. Gentleman expressed some doubts about prices. Whenever these issues are raised, I try to produce evidence—an old-fashioned hankering after the facts. I hope that might become more fashionable on the Opposition Benches. I have given the House some evidence already. Let me also say—I am surprised that the party of the market is not parading this more than I—that between 1990 and 2004, British industry paid an estimated £7.9 billion less than German industry for gas. Those are the facts, as opposed to the nonsense and the scaremongering.

Paul Farrelly (Newcastle-under-Lyme) (Lab): The Minister rightly refutes the suggestion that he has been in touch with industry only over the past few weeks. I know that he has met high intensive users, including the pottery industry, throughout the year, and they have told me they are grateful that the Government are listening. None the less, there is great concern about gas prices in particular. What can my hon. Friend do to assure the industry, including ceramics, about the prices that it will have to pay not only in the months ahead, but next year and in the future?

Malcolm Wicks: We have touched on some of that in relation to the importance of market liberalisation. The dialogue with the industry which, as my hon. Friend acknowledges, and I thank him for that, has been going on for a very long time at both ministerial and official level, is part of that process. One body of evidence to bring to bear on the debate at this stage is that there is now a great deal of investment in new infrastructure. I opened the Isle of Grain terminal yesterday, and I am told that the next ship will arrive today with liquefied natural gas. The Langeled pipeline to Norway is being built. There are many, many other projects, including upgrades of the interconnector, which will mean that in terms of the infrastructure of terminals, LNG and pipelines, we will have capacity for some 26 per cent. more gas in a year or so than we currently have. So the infrastructure and the investment by the private market are there.

Mr. Mike Weir (Angus) (SNP): The Minister will understand that we in Scotland find it extraordinary that there is a gas shortage and rocketing prices, when we produce eight times the amount that we consume—indeed, we land at St. Fergus alone six times what we consume. He mentioned infrastructure, but does he accept that much of the problem in the UK as a whole with supply and rising spot prices is due to the lack of investment in the pipeline system over many years, leading to a lack of flexibility and capacity for storage to meet periods of exceptional demand? He spoke about improvements in infrastructure, but when can we go back to manufacturers in our constituencies and tell them that there is no chance of interrupted gas supplies in the future?

Malcolm Wicks: I am glad that the hon. Gentleman acknowledges the strong partnership between Scotland and the rest of the United Kingdom. I have mentioned the investment that is now taking place, which should make an impact on the price issues. I repeat that for most of the economy, certainly for the domestic customer, the spot gas prices are not the relevant feature; they are for those companies who are the intensive users, using gas as the feedstuff for chemicals and other materials, who have chosen freely, as part of the private market, to sign such contracts, which often enable them to reduce their own demand at difficult times. But I hope that, with the extra supply of gas and more generally with the announcements that we have recently made about connecting up the Scottish islands to the national grid in terms of wind power, the situation will steadily improve. I expect it to.

Mr. Michael Jack (Fylde) (Con): The Minister may have heard on the radio this morning the director of the interconnector saying that 30 per cent. of his capacity was not being used due to structural problems in the German gas market that were inhibiting our ability to obtain supplies. What does the hard-hitting report in the Energy Council to which he has just referred say that Germany should do and when should they do it by? Will he ensure that the matter is on the Prime Minister's agenda when he meets the new German Chancellor to ensure that we have some action on this by the end of the year?

Malcolm Wicks: The Prime Minister has recently talked about energy and energy strategy as an important component of the European debate, so he needs no reminding about the importance of that. I have acknowledged and talked about what needs to be done in terms of ensuring fair competition across Europe. We believe that liberalisation—an end to monopolies—is not only good for the UK consumer, but, critically, is also important for the German consumer, business and domestic, as well as elsewhere in Europe. That is why we are driving this forward.

One has to keep reminding the House that the interconnector is a matter for private enterprise; it was built not by the state or the EU, but by entrepreneurs with their money so they make the decisions about it. Nevertheless, I am advised that on a daily basis at the moment—these are bound to be average figures that will vary from day to day—some 25 to 30 million cu m of gas are flowing through the interconnector to Great Britain.

Mr. Crispin Blunt (Reigate) (Con): The Government have no excuse for complaining about the state of the European market. Three years ago at the Energy Council there was a qualified majority in favour of imposing on France and Germany a liberalised market in gas and electricity by 2005. Mr. Brian Wilson, the Minister's predecessor, chose not to press the issue and to do a deal with the French and the Germans that has led to the compromise that means that now there is not a liberalised market in Europe, which is causing us precisely the problems that we are now experiencing with the Germans being able to withhold supplies to the United Kingdom through the interconnector. Equally, the Government failed to take decisions in the Energy White Paper, and now we are to have an energy review by the Prime Minister. Will the Government understand that they must face up to their responsibilities to take decisions in a timely fashion and not go on putting off difficult decisions because of the presentational problems?

Malcolm Wicks: I do not understand the reference to presentational problems, because the issue is top of the Energy Council agenda next week. We have put it there and we have consistently—*[Interruption.]*

Mr. Speaker: Order. When the Opposition Front-Bench spokesmen have an opportunity to question a Minister, I expect them to be silent for his reply.

Malcolm Wicks: It should be gas, not gassing, I think.

We have significantly pushed the issue within the EU. I have described the two new reports as hard hitting. The hon. Gentleman may want to read them one day. They are hard hitting. We need to push the matter through during our presidency, and after that. We do believe in market liberalisation; it is good for European business and good for British business.

Mr. Peter Bone (Wellingborough) (Con): In evidence before the Trade and Industry Committee, we were told that wholesale gas prices in the United Kingdom were more than 50 per cent. higher than in the EU. When will the Government fight for a level playing field in the EU on the matter, or have they given up totally on the EU?

Malcolm Wicks: We are committed to the EU. Following my appearance before the Select Committee, we sent it some statistical evidence. I repeat that, when one looks at the record over 10 or more years and the data today, our gas prices, both for domestic customers and the business community, are lower than the median. The hon. Member for Wellingborough (Mr. Bone) shakes his head. I can present him with the evidence; I cannot make him understand it. I have acknowledged—it is an important acknowledgement—that those heavy users choosing to buy on the spot market are having to pay very high prices, and we are doing our best to look at that and improve the situation. The market is through great investment.

Dr. Vincent Cable (Twickenham) (LD): The Minister said that Britain does not need a strategic gas reserve, as we have for oil, because of the reserves in the North sea. Will he describe the circumstances and the legal powers under which, in an emergency, he could require private companies to sell into the market?

Malcolm Wicks: As I have explained, the contracts that some intensive users freely sign mean that in certain circumstances they will take less gas than in normal times. Some companies make money by selling it back to the grid. That is the reality of the market in that situation. It would be in only the most extreme and unlikely circumstances, in serious emergency conditions, that the state, via the national grid, might have to intervene. I answer the question because the hon. Gentleman asked it, but no rational commentator anticipates such a situation.

Richard Ottaway (Croydon, South) (Con): The Minister has openly acknowledged that we now import gas through the interconnector. That has profound political implications, particularly with regard to the energy mix. Does he have a long-term policy on whether there should a limit on an acceptable level of gas imports?

Malcolm Wicks: My own Member of Parliament has asked me an important question. *[Interruption.]* I always think that how one votes is a secret. The hon. Gentleman raises an important question about national security and the geopolitics of energy policy, and that is a matter of growing concern. In 2004 we became a net importer of gas, as the hon. Gentleman knows, and in a year or so we will become a net importer of oil. Therefore, we are moving from energy island to a heavy dependence on imports of energy, notwithstanding the issues around coal and the contribution of renewables, and so on, which I could go into if we had more time. Therefore, as the Prime Minister said at the Labour party conference in Brighton—I do not think that the hon. Gentleman was there on that occasion—we now need rigorously to consider issues relating to our depending on some unstable parts of the world, and that will be an important dimension of the new energy review.

Mr. Laurence Robertson (Tewkesbury) (Con): The Minister has accused Opposition Members of scaremongering about the prospect of cuts in the gas supply. May I direct him to the comments made by the hon. and learned Member for North Warwickshire (Mr. O'Brien), a former Minister with responsibility for energy, in January 2005 in Westminster Hall, when he said that gas supplies could indeed run short if there were a cold snap this winter, or next winter? Will he take

[Mr. Laurence Robertson]

time to familiarise himself with those remarks, and perhaps look into what the hon. and learned Gentleman meant by that?

Malcolm Wicks: We all recognise that the balance between energy supply and demand for two or three years is difficult. That is to some extent why we are having this discussion. Why is that? I am advised that it is partly because the rundown of oil and gas from the North sea and the rest of the UK continental shelf has happened at a faster rate than was being predicted only a few years ago. It is also because—it is regrettable but it is where we are—the heavy investment by the market in infrastructure, such as pipelines, liquefied natural gas terminals and the rest, is only now coming on stream, or will be in a year or so. I rather wish that it had been there a year or so ago. Of course I do. But there is this time lag. There is a tightness in the market, but domestic consumers will not be affected and most of business will not be affected, although high prices are now a global phenomenon. However, there is the issue, and I am repeating myself now, of the heavy users, which is where the difficulty is, if people have chosen, rightly or wrongly—it is their commercial judgment—to buy on the spot market.

BILL PRESENTED

CLIMATE CHANGE (CONTRACTION AND CONVERGENCE)

Mr. Colin Challen presented a Bill to make provision for the adoption of a policy of combating climate change in accordance with the principles of contraction and convergence; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 14 July, and to be printed. [Bill 92].

Registration Service

1 pm

Dr. Brian Iddon (Bolton, South-East) (Lab): I beg to move,

> That leave be given to bring in a Bill to make provision about certain offices under the Registration Service Act 1953; to make provision about the holders of certain offices under that Act and the appointment of persons to such offices; and for connected purposes.

I declare an interest as the honorary patron of the Society of Registration Officers in England and Wales. I was appointed to that position shortly after my election to Parliament in May 1997 and succeeded the former Member for Gateshead, East and Washington, Joyce Quin, when she was appointed Minister of State, Home Office, in the new Government.

Registration officers are appointed, accommodated and paid by local authorities, which also provide their pensions. However, because they are statutory officers, they have no legal employer, and only the Registrar General at the Office for National Statistics in Pimlico has the power to dismiss them. A registration officer has duties and responsibilities imposed by the Marriage Act 1949, the Births and Deaths Registration Act 1953 and the Registration Service Act 1953.

Registration officers are held responsible for their own acts or omissions. As statutory officers, when they are dismissed they have no right of appeal against unfair or constructive dismissal to an employment tribunal. The Registrar General will hear an appeal, but only if new material evidence is available. My Bill will result in the post holders becoming employees of the local authority. Notwithstanding that, they would retain their statutory duties under the Registration Acts. My Bill will also result in consequential amendments to the Registration Service Act 1953.

The Bill has the full support of the Government, the Registrar General and the Front-Bench spokesmen for the two major Opposition parties, whom I thank for their support. It also has the full support of the representative organisations of the employees whom it will affect, namely their professional organisation, SORO, Unison, the employer's organisation and the Local Authority Co-ordinators of Regulatory Services.

My Bill is non-controversial. It would bring the employment of registration officers into line with all those currently employed by local authorities, and would impose no additional financial burden on local authorities. When registration officers change their status and become local authority employees, there will be no redundancies and their existing pay and conditions will be unaffected. Moreover, there will be consultation in accordance with a national joint council agreement that is being negotiated between the employer's organisation and Unison.

There are currently 1,700 registration officers, who are known as principal officers, working in accommodation provided by local authorities, and they will be affected by my Bill. In the past 10 years, 18 of them have been dismissed from their posts. Since 1997, I have tabled several written and oral questions and suggested a debate on the issue more than once at business questions, and I held an Adjournment debate in Westminster Hall in June 2003. I have lost count of the number of Ministers whom I have dealt with, in both the Treasury and the Department of Trade and Industry, in an attempt to correct the anomaly that this Bill would right.

Following my early lobbying, I learned that the White Paper "Fairness at Work" contains a proposal to allow existing employment rights to be extended to all statutory officers and that section 23 of the Employment Relations Act 1999 provides a way forward. The DTI embarked on a consultation exercise on section 23 of the 1999 Act in 2003, which is known as the employment status review, and a statement about the use of section 23 is expected towards the end of this year or the beginning of the next.

Section 23 allows the Secretary of State for Trade and Industry to make an order, subject to the affirmative resolution procedure, to extend to persons who do not currently enjoy them certain employment rights, but an employment order under section 23 has not yet been made. In parallel with those DTI procedures, the Treasury planned a major reform of the civil registration service, the first since the service was established in 1837.

In September 1999, the Registrar General published a consultation paper, "Registration: Modernising a Vital Service", which resulted in the publication in January 2002 of the White Paper "Civil Registration: Vital Change". The Government announced that civil registration reform would be delivered by means of the order-making powers in the Regulatory Reform Act 2001, and another consultation document, "Civil Registration: Delivering Vital Change" was published in 2003. The document proposed that the titles of superintendent registrar, registrar of births, marriages and deaths or additional registrar of marriages should disappear, and that local authorities should become the legal employers of all those involved in the civil registration service, in which case the demarcation between registration officers at marriage ceremonies and registering births, deaths and marriage events would cease.

The first of two planned draft orders, the Regulatory Reform (Registration of Births and Deaths) (England and Wales) Order 2004, was laid before Parliament on 22 July 2004. It is the largest regulatory reform proposal ever presented to Parliament, with 68 articles and 15 schedules amending 20 Acts. The House of Commons Regulatory Reform Committee report on the first draft order was published in December 2004. It rejected using delegated legislation to reform the civil registration service or the part of it that deals with births and deaths. A second regulatory reform order was planned to reform the civil registration service relating to marriage, but it has not been laid. The House of Lords Delegated Powers and Regulatory Reform Committee also rejected the first draft order. Both Committees regarded the overall package of proposals as an inappropriate use of the powers in the 2001 Act.

On 16 November this year, the Financial Secretary launched a further consultation paper, "Registration Modernisation", which sets out how local authorities are to be given greater responsibility for the delivery of the local registration service. It also contains details of other important changes to modernise civil registration. Some of these changes will require primary legislation, and further delays are inevitable. Because of that, I beg leave of the House to introduce this Bill, which in the meantime will remove the uncertainty that has hung over the employment of registration officers for so long and which will deliver them the right of appeal to an employment tribunal should they be unfairly or constructively dismissed. Surely that is what this House wants in the 21st century? I therefore commend the Bill to the House.

Mr. Eric Forth (Bromley and Chislehurst) (Con): I was going to start by saying that I hesitate to intervene in a matter in which the hon. Gentleman has such expertise, but as you know, Mr. Speaker, I rarely hesitate to do any such thing.

I want to say a few words because I have been contacted by a registration officer, who has expressed some concern about the process that the hon. Gentleman has described and the way in which it has been conducted. My reservations are more about process than about content, although I must say that when I see a Government paper that begins with, "The modernisation of", my blood runs cold and I have serious reservations.

I acknowledge the hon. Gentleman's long-standing interest in the subject and his expertise, and I defer to them. I am glad to see that the Financial Secretary is on the Front Bench, because the Bill that the hon. Gentleman is introducing has two problems.

First, I suspect that he is trying to implement what should be Government policy by using the private Member's Bill route. I say to him in all friendliness that if he thinks that that will be a method of quickly delivering the solution that he seeks, he could not be more mistaken. Whatever date he selects for his Bill, it will already be some way down the order because most of the primary slots have already been taken. There is therefore little chance of its being debated and agreed by the House. I hope that he does not raise too many expectations about his Bill, because choosing this route is naturally hazardous.

Secondly, the Bill is at cross purposes with the very consultation process that the hon. Gentleman openly describes. As recently as 16 November, the Financial Secretary said:

> "the Government announced that they would actively consider other ways of delivering the key elements of civil registration modernisation."—[*Official Report*, 16 November 2005; Vol. 439, c. 51WS.]

He went on to say that the consultation paper, "Registration Modernisation", had been published on the same day. That paper gives a deadline for reply to the consultation in February.

My question is therefore this: is it reasonable to expect the House to agree to the hon. Gentleman's Bill, which deals with matters in the consultation paper, when the consultation has hardly started and before the end period for the consultation in February? That strikes me as being a somewhat bizarre way of going about things and, to put it mildly, puts carts before horses. I appeal to the House not to approve the Bill today but to wait until the consultation process has been completed. There is some unease among registration officers about the speed with which this has been done, about whether full consultation has been allowed, and about whether individual officers have been able to express their point of view fully.

[Mr. Eric Forth]

I hope that the hon. Gentleman will have a quiet word with his colleague, the Financial Secretary, so that they can sort out exactly what they are trying to do—the Government on the one hand and the hon. Gentleman on the other—and try to match more closely the consultation process with the suggested track of the Bill. If it survives today, some of us will be keeping a very close eye on it in the hope that it does not ultimately conflict with the consultation process or with the unease that is being expressed by registration officers outside the House.

Question put, pursuant to Standing Order No. 23 (Motions for leave to bring in Bills and nomination of Select Committees at commencement of public business), and agreed to.

Bill ordered to brought in by Dr. Brian Iddon, Mr. David Anderson, Mary Creagh, Jim Dobbin, Kelvin Hopkins and Mr. David Kidney.

REGISTRATION SERVICE

Dr. Brian Iddon accordingly presented a Bill to make provision about certain offices under the Registration Service Act 1953; to make provision about the holders of certain offices under that Act and the appointment of persons to such offices; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 2 December, and to be printed [Bill 78].

Mr. Andrew Turner (Isle of Wight) (Con): On a point of order, Mr. Speaker. I tabled two questions to the Secretary of State for Northern Ireland with a named date of reply of 17 November. They related to the Bill that we are about to consider. I have as yet received no reply to those questions. Can you advise hon. Members what action they should take when such replies are not received?

Mr. Speaker: I have taken some advice to help the hon. Gentleman out. He has put the matter on the record, and he should follow that up with further questions. Perhaps he should make another visit to the Table Office. That is the piece of advice that I would give him at the moment.

Mr. Forth: A nod is as good as a wink.

Mr. Speaker: The right hon. Gentleman is right.

Orders of the Day

Northern Ireland (Offences) Bill

Order for Second Reading read.

Mr. Speaker: I inform the House that I have selected the amendment in the name of the Leader of the Opposition and the Liberal Democrats.

1.15 pm

The Secretary of State for Northern Ireland (Mr. Peter Hain): I beg to move, That the Bill be now read a Second time.

I am sure that the whole House will join me in expressing our sympathies and condolences to the hon. Member for Montgomeryshire (Lembit Öpik) on the sudden and shocking death of his brother, Endel. All our concerns are with him and with the family. I know that it must be a terrible strain for him to be in the Chamber today. It is a mark of the duty that he gives to this House, and always has done, on this important issue that he is here. Will he please accept our sympathies?

Because I realise that this is a controversial Bill, not least among victims in Northern Ireland, I shall be especially generous with interventions, but if the House will allow me I would prefer to resist them until I have had a chance to set the context for six or seven minutes. I shall then be happy to take as many as possible.

Northern Ireland and Irish terrorism have, over the generations, presented unique challenges to this House, to Governments of both parties, to the forces of law and order, and to society, particularly in Northern Ireland but also in the rest of the United Kingdom. This House, and successive Governments of both parties, have been faced with difficult—often exceptional—problems to deal with. As a result, Ministers have had to adopt exceptional policies—and, in recent times, abnormal measures—to normalise Northern Ireland, so that today it enjoys more peace, stability and prosperity than ever.

I believe that the proposals in the Bill should be considered in that light. It sets out to deal with one of the most difficult and sensitive issues that the Government have faced in the long and complex process of taking Northern Ireland forward—that is, those terrorist suspects who are "on the run" outside the reach of our police or our courts.

Anyone who is, or has been, involved in trying to make political progress in Northern Ireland will know that having to take difficult decisions is no new experience. The former Prime Minister, John Major, knew that only too well when he took the decision to begin the engagement that would ultimately lead to the Good Friday agreement. That engagement with the IRA at that time was difficult—very difficult. It was unpalatable to many people, not least in this House, but it was right. And because it was right, it had the support of the then Labour Opposition. John Major and his colleagues, Lord Mayhew, Lord Brooke, and the right hon. and learned Member for Devizes (Mr. Ancram) paved the way for the Good Friday agreement signed under our Government in 1998. Their role was as crucial as it was courageous. It was attacked and criticised just as our Government are today, but it had the support of the then Labour Opposition.

The agreement required all sides to compromise and meant taking immensely difficult decisions, not least that on the early release of prisoners, which was completed in 2000. Victims of the troubles were, understandably, in uproar at the sight of murderers or former terrorists walking free, but it was the right thing to do to seal the agreement. However, it left unresolved an equally difficult matter: the issue of what to do about those who had committed terrorist offences before 10 April 1998 and who, had they been in prison at the material time, would have been part of that early-release scheme.

It is important that the House recalls that this has not suddenly materialised. I remind the House that it was raised with the British and Irish Governments at Weston Park in July 2001, but, rightly, was not dealt with then because not enough progress had been made on bringing an end to paramilitary activity. It was raised again in April 2003 in the talks that led to the joint declaration between the British and Irish Governments in May 2003, and a statement for the record was published at that time. It was not dealt with then—again, rightly—because not enough progress had been made on bringing an end to paramilitary activity.

It is not disputed that the IRA statement of 28 July, ending its violent campaign was of great, indeed historic, significance. That statement, with the subsequent decommissioning of the totality of its weaponry, verified by General de Chastelain's Decommissioning Commission and the two independent clergymen in September, has fundamentally changed the political landscape. So now is the appropriate time to deal with this difficult issue.

I know that many people will find the Bill very hard to bear. I understand that. If I had not known it before, I was left in no doubt when I attended with the hon. Member for North Down (Lady Hermon) the annual prison officers' memorial service at Millisle on Remembrance day and spoke to widows of prison officers murdered by the IRA.

I also spoke to a man who, as a seven-year-old, had seen his dad gunned down next to him more than 20 years ago. I could still feel the pain and misery of a family torn apart. The decent and dignified people to whom I spoke on Remembrance day, together with the thousands of victims of over three decades of conflict in Northern Ireland and beyond, have suffered grievously. That is why one of Mo Mowlam's first actions in 1997 was to ask Sir Ken Bloomfield to look at practical suggestions about how the Government could best recognise the suffering endured by the victims of violence and their families.

Sir Patrick Cormack (South Staffordshire) (Con): Is not the very least that those bruised and wounded people can expect the appearance in a court in person of the murderous thugs who perpetrated that atrocity?

Mr. Hain: I understand the powerful arguments that have been made about the matter. We are trying to strike a difficult balance—*[Interruption.]* The House will make its own judgment. It is difficult to strike the right balance. In the end, I decided that it was more important to get more people through the process than would otherwise be the case—

Mr. Frank Field (Birkenhead) (Lab): Why?

Mr. Hain: My right hon. Friend asks why. The decision was made to get closure not least for the victims—*[Interruption.]*

Mr. Speaker: Order. We must let the Secretary of State speak.

Mr. Hain: The point that the hon. Member for South Staffordshire (Sir Patrick Cormack) rightly made is the first matter that we should consider. It is probably the most sensitive issue in the Bill—I understand that. There is a question of balance and of whether we can get more people accounted for, brought to justice and convicted, if the evidence justifies that. The victims then have at least the satisfaction that the people who are now on the run outside UK jurisdiction or who might be uncovered by the historic inquiries will be brought to justice.

Mrs. Iris Robinson (Strangford) (DUP): Does the Secretary of State accept that the figures for deaths and for victims who lived but are scarred physically and mentally do not reflect the total number of deaths resulting from the Sinn Fein-IRA campaign of genocide, especially against the Protestant community? Does he accept that many deaths resulted from fathers and mothers with broken hearts and children who committed suicide because they could not face the reality of how their loved ones met their deaths at the hands of those murderous scum?

Mr. Hain: Indeed, I do. I fully agree with the hon. Lady. She knows better than me many of the victims and many who felt that life was not worth living after their loved ones were blown up and their lives destroyed. I greatly appreciate that point. As I shall make clear later, the Bill is aimed at bringing closure and an end to the murderous IRA campaign, which the 28 July statement achieved and was confirmed by General de Chastelain's statement on 26 September. The Bill is aimed at ensuring that the armed campaign is over and that there are no future victims of the IRA.

Mrs. Robinson: I thank the Secretary of State for giving way a second time. Does he realise that the Bill will bring not closure but more anger and pain, because those people relied on the Government to allow them to see justice done to those who perpetrated the heinous crimes?

Mr. Hain: That will happen if people are convicted—*[Interruption.]* There may not be sufficient evidence to convict them, but if they are convicted, they will have a criminal record and have to give DNA and other intimate samples. There will at least be such accounting and closure for the victims.—*[Interruption.]* I understand—we are all in the same boat. [HON. MEMBERS: "We are not."] We are—*[Interruption.]*

Mr. Speaker: Order. We are conducting a debate and the Secretary of State has a right to put the case before

[Mr. Speaker]

the House and to be heard. If there is so much shouting, I shall suspend the sitting. That is the danger—that no one else will get an opportunity to speak.

Mr. Hain: Although I fully appreciate your point, Mr. Speaker, I also recognise the strong feelings—indeed, the anger—that the hon. Lady expresses. She knows from first-hand experience, as do many of her colleagues, the suffering that has gone on. All I would say to her—I stress that I do not make the point adversarially—is that, at the moment, the people whom the Bill covers are on the run, outside UK jurisdiction. There is the prospect—no more but no less—of bringing them into UK jurisdiction and putting them through a process of justice. If the tribunal convicts them, it will mean that they have a criminal record. That should be some comfort to the victims.

Mr. Nigel Dodds (Belfast, North) (DUP): The Secretary of State talks about bringing closure. Why does he insult the victims? It is bad enough to introduce the offensive and nauseating Bill, but to say that he is doing it for them—how insulting can the Secretary of State be? Has he not heard the victims say that they do not want this obnoxious Bill? If he had any decency, he would withdraw it immediately.

Mr. Hain: The hon. Gentleman is right—[Hon. Members: "Withdraw it."] He is right that the Bill is unquestionably hated by victims. I am sure that the RUC widows whom the Prime Minister and I will meet with the hon. Member for North Down this afternoon in Downing street will express the same point of view as the member of the Police Federation.

My point is that the Bill is about the closure of a dark, awful and murderous terrorist campaign by the IRA. That ought to be of benefit to the victims in the sense that, at the moment, nothing is being done about the people whom we are considering. The on-the-runs are beyond UK jurisdiction and that is no consolation to the victims.

Rev. Ian Paisley (North Antrim) (DUP): The right hon. Gentleman says that he will meet some of the victims from the police this afternoon. I hope that he realises just how deep, dark and terrible the cut to the quick of their souls is. Does he appreciate that the Bill is not closure when 202 police officers were murdered and nothing has been done? They were put into what the Chief Constable described as the cold. They were cold cases. No action has been taken over the deaths of loved ones who served in the Royal Ulster Constabulary and in the Army. How does the Secretary of State believe that the Bill, which wipes the stone clear, will ever close what is in the hearts, minds and souls of those people?

Mr. Hain: Again, the right hon. Gentleman knows more individuals than me who have suffered so grievously. It is not a question of bringing closure to their anguish—that is not possible. I am not presuming to suggest that. I am arguing that this legislation is part of an international agreement with the Irish Republic announced in 2003, and part of a process of bringing to an end this awful murderous activity and terror by the IRA—I agree with the hon. Member for Strangford (Mrs Robinson), who made clear her views about the IRA.

Several hon. Members *rose*—

Mr. Hain: Before I take more interventions, which I will be happy to do, I want to inform the House that the Minister of State, Northern Ireland Office, my hon. Friend the Member for Delyn (Mr. Hanson), and I have between us met representatives of the RUC George Cross Foundation, the RUC George Cross Widows Association, the RUC George Cross Parents Association, the Police Federation and the Superintendents Association. I also met many victims at Millisle on Remembrance day, as I explained earlier. I do not deny that the victims are very angry about this legislation, but the Government sometimes have to take a view on difficult decisions in order to make progress. That is what we have done.

Mr. Frank Field: When the Secretary of State says that the Government are seeking closure, does he realise that the House and, probably, many of the victims are actually seeking justice? They are also well aware that the Government are sending out conflicting messages. If someone is a white, murderous Protestant or Catholic terrorist, they might get closure, but we have another message for black Muslim terrorists if they attack us.

Mr. Hain: I find that suggestion reprehensible. The problem that my right hon. Friend and others are refusing to face up to is that these people are not being brought to justice now—[Hon. Members: "Why not?"] In the case of the on-the-runs, they are beyond UK jurisdiction—and have been for decades, in some cases. In the case of the historic inquiries, we are trying to use the new techniques available, including DNA, to track people down. This includes some of the cases involving murdered police officers rightly mentioned by the right hon. Member for North Antrim (Rev. Ian Paisley). We are trying to find out who was responsible for those historic cases, some of which go back almost 40 years, then arrest them and charge them. That will be pursued.

Mr. Iain Duncan Smith (Chingford and Woodford Green) (Con): Does the Secretary of State not recognise why people feel so strongly about this? My predecessor in my constituency bears daily the scars of IRA activity. He and his wife, who sits in a wheelchair, had to swallow very hard—as did I, and many others who had misgivings about the Good Friday agreement—as the Government moved again and again on these issues. But we swallowed. Does he not recognise that the difference now is that he is proposing to give people who ran away from their crime, and who have never been brought to book, the opportunity to avoid that completely? That goes far beyond anything that has happened before. Does he not recognise that people think that this is a grubby and reprehensible move by the Government, and that it is going one step too far?

Mr. Hain: The right hon. Gentleman made his point very powerfully, and I understand it. I would just make this point in return. He will recall the absolute outcry when the Conservative Government started talking to the IRA. Those early negotiations began a process—

which this legislation is concluding—which led to the statement by the IRA on 28 July that no one here ever thought that it would make, namely, that it was giving up its armed, vicious, murderous terrorist campaign. The Bill is part of that process—*[Interruption.]* Well, it is, because it is part of the process agreed with the Irish Government in 2003—*[Interruption.]*

Mr. Deputy Speaker (Sir Michael Lord): Order. I understand how strongly hon. Members feel about this matter, but the Minister must be allowed to respond to one intervention at a time.

Mr. Hain: The point is that the Bill is part of the process announced in 2003, and part of the process that has led to the historic experience for the people of Northern Ireland of the IRA ending their terrorist war. There will therefore be no Provisional IRA victims in the future, as there have so grievously been in the past.

Mark Durkan (Foyle) (SDLP): In his opening remarks, the Secretary of State said that the Government had not moved earlier on this legislation because the IRA had not moved sufficiently on decommissioning. Of course, the Bill will benefit not only the IRA but the loyalist paramilitaries, who have made no moves on decommissioning whatever, so where is the logic there? The Secretary of State also suggests that the Bill somehow flows from the Good Friday agreement. Let me remind him that when the agreement was signed, yes, we sold it and promoted it on the basis that there would be prison releases within two years. We were told at the time that the key date for prison releases was after the date for the completion of decommissioning, but the Government then dropped that. We also assured the victims of crimes that had not been solved that their cases would still be pursued, even if it meant that the perpetrators would serve only two years in jail. That is what the victims were told by Ministers and by the parties, and that is why the victims are being betrayed by the Government today.

Mr. Hain: I agree with the hon. Gentleman's point about loyalist paramilitaries. Whether they are on the run or uncovered by the historic investigations, they will of course find themselves the target of this legislation.

Dr. Julian Lewis (New Forest, East) (Con): Has the Secretary of State received any indication from the IRA or its political representatives that they will return to violence if he does not take this further step beyond the agreement?

Mr. Hain: No. However, rightly or wrongly—the hon. Gentleman takes the view that it is wrong, and I respect that; indeed, that view is being expressed very vehemently today, and I understand that—Her Majesty's Government entered into two agreements that have led to this Bill being introduced. The first was an international agreement with the Irish Government, and that cannot be lightly disregarded. Any responsible Government would have felt that that was the right thing to do to get to where we are—and we have got there. Secondly, as part of the negotiations that led to that process and then to the 28 July statement by the IRA, yes, this was one of the factors in those negotiations and an agreement was made there. Yes, this is following the 28 July statement, but it was part of the process that led to this historic change by the IRA, which I know was welcomed by the hon. Gentleman and every other hon. Member.

Mr. Peter Robinson (Belfast, East) (DUP): Why is the Secretary of State attempting to hang his argument on the fact that the Bill affects on-the-runs? The majority of people who will benefit from it ran from no one. It will affect everyone who committed a terrorist crime before 10 April 1998, not just those who are on the run. Will he please explain why there are to be two different standards: one in Dáil Éireann and one here in Westminster? In Dáil Éireann, the killers of Garda McCabe are not to be brought within the scope of this legislation. Is a garda in the Republic of Ireland more valuable than an RUC man in Northern Ireland?

Mr. Hain: No, of course not. I understand the hon. Gentleman's point, but the Irish Government are responsible for bringing to justice—or not, as the case may be—cases within their own jurisdiction. That case does not fall within UK jurisdiction. I remind the hon. Gentleman that the Irish Government have chosen to address this issue by pardoning people. We are not doing that. We are making sure that people are brought to justice. He is right to say that the Bill affects not only those on the run outside UK jurisdiction but, potentially, those who are the subject of the Chief Constable's historic inquiries investigation. That investigation will involve a difficult process, and if it uncovers those who have been responsible for awful atrocities such as that in Enniskillen, for example, they will be arrested, charged and brought to justice. They can choose how to proceed.

Dr. William McCrea (South Antrim) (DUP): I stood in a mortuary and looked into the face—or part of the face—of a young girl, my cousin aged 21 and engaged to be married that day. I then asked to see my other cousin, her brother, aged 16, blown up by the IRA. He was not on a table. There was not enough to put on a table. His earthly remains were lying on the floor in a sheet. I ask the Secretary of State to tell me this: am I to bury justice to appease the murderers, the IRA?

Mr. Hain: The hon. Gentleman has made a powerful point very movingly, in a way that only he could, given the experience that he has described. I appreciate the emotion with which he made his point, and it is very compelling. Let me say in all good faith, however—and I accept his right to disagree with me vehemently—that one of the reasons why we were able to achieve an end to the IRA terror campaign and the IRA's statement of 28 July was the agreement that we made with the Irish Government to produce this legislation at the appropriate time.

Mr. Jeffrey M. Donaldson (Lagan Valley) (DUP): This morning on Radio 4, the Secretary of State referred to what he described as political prisoners. We take great offence at that description of terrorists. If the term is to be applied to one set of terrorists, why should it not be applied to all of them?

[Mr. Jeffrey M. Donaldson]

Do not the IRA men who murdered Garda Jerry McCabe fall into that category? Are they different from the murderers of RUC officers in Northern Ireland? The Secretary of State spoke of an international agreement that he had reached with the Irish Republic. Why do standards differ in the two jurisdictions?

The Secretary of State said earlier that he had met representatives of the Superintendents Association. Is he aware of the association's view that the Bill is so deeply flawed that it is potentially injurious to the overall administration of the criminal justice process in Northern Ireland and to public confidence therein? If that is the view of police superintendents in Northern Ireland, how can we be expected to support the Bill in the House?

Mr. Hain: That view was indeed expressed to my hon. Friend the Under Secretary, but not, on that occasion, to me.

I was not aware that I had used the term "political prisoners" on the radio. In fact, they are paramilitary prisoners. Let me correct the record for the benefit of the House. As for the way in which the Irish Government choose to treat this matter, we are not in favour of acting in that way in the United Kingdom, within our own jurisdiction. That is why, rather than engaging in a process of pardoning, we are introducing a process whereby although people will not have to serve in prison, if convicted they will be released on licence. If they breach the terms of the licence, they can be rearrested at any time.

Mr. Andrew Mackay (Bracknell) (Con): Will the Secretary of State reflect on the wise words of the hon. Member for Foyle (Mark Durkan), who has huge experience of these matters, and will he respond to the part of the hon. Gentleman's intervention to which he failed to respond earlier? This ill-thought-out and unpleasant legislation does not flow from the Belfast agreement, which many of us supported and for which most people in Northern Ireland voted in a referendum. It flows from deals done at Weston Park in 2001, and there is therefore no reason for it to be supported. It does not have the support of the people of Northern Ireland; neither does it have the support of most of those in the House who backed the Belfast agreement.

Mr. Hain: The right hon. Gentleman is correct to the extent that the Bill did not flow from the Belfast agreement—the Good Friday agreement. He said earlier today that it was negotiated well before I started my job. *[Interruption.]* I am not trying to shift the responsibility; I am merely correcting the record. As the right hon. Gentleman said, the process began at Weston Park in 2001 and was concluded in the joint declaration by the two Governments in 2003.

Mr. Dodds: The Secretary of State spoke of people being released on licence. That will give little comfort to the people of Northern Ireland, who are aware of the despicable way in which he behaved over the imprisonment of one Sean Kelly for breaching his licence conditions. Sean Kelly was released within weeks because the IRA had demanded his release as part of the price for its statement. The licensing provisions therefore do not give the people of Northern Ireland any reassurance. Does the Secretary of State accept that his attempts to defend this obnoxious legislation do not inspire confidence in Members of Parliament or in people outside this place?

Mr. Hain: The hon. Gentleman mentioned Sean Kelly. That was a unique situation.

Mr. Dodds: The next one will be as well.

Mr. Hain: That case was unique in that about six weeks after I had had Sean Kelly arrested—I was widely attacked for doing that, but it was the right thing to do—it was clear that the IRA had given up its terrorist campaign, as it was due to announce the next day, and that he had signed up to that. The situation was entirely different. I had Sean Kelly arrested because I was told by the Chief Constable that he was engaging in activity that constituted a breach of his licence.

The point I am making is that, under the Bill, anyone with a conviction who is released on licence and who breaches the terms of that licence can be hauled back. That cannot happen at present because such people are outside the United Kingdom's jurisdiction.

Lady Hermon (North Down) (UUP): The Secretary of State has referred seven times to two agreements—an agreement between the Irish and British Governments and an agreement between the British Government and Sinn Fein. Was it agreed with Sinn Fein that these criminals—these murderers—would never stand in a court of law? Was it agreed that they would never have to appear before any tribunal? Was that agreed by our Prime Minister?

Mr. Hain: A whole process of negotiation led to this position, but the hon. Lady is right to say that the Bill originated in the negotiations of 2001 and 2003.

Sir Patrick Cormack: As the Secretary of State has neither logic nor justice on his side, and as he is clearly deeply uncomfortable with the case that he is having to put to the House, why can he not accept the offer made to him on behalf of the Northern Ireland Affairs Committee, which suggested that the Bill be referred for pre-legislative scrutiny? It cannot by any stretch of anyone's imagination be described as emergency legislation. Why can we not have time to take evidence and decide on the best way to deal with a problem that we acknowledge exists? Why does the Secretary of State persist with this tawdry measure, which is not worthy of him?

Mr. Hain: In all fairness, the hon. Gentleman did make that point to me when I gave evidence to his Committee a few weeks ago. Let me repeat what I said then. Pre-legislative scrutiny is an admirable process, initiated by this Government and by me and supported by me, but it cannot be applied to every Bill. This Bill is being introduced at this time as part of a sequence of events negotiated by both Governments some years ago.

The hon. Gentleman disagrees with me, as do many others, but we are fulfilling—I am fulfilling—an agreement made with the Irish Government and others.

Huw Irranca-Davies (Ogmore) (Lab): My right hon. Friend has already described the Bill as unpalatable, which I think is parliamentary language meaning that it is abhorrent to many people because of the repercussions for victims. Some Labour Members may not be in a position to understand that, but we entirely understand where the Opposition are coming from.

Given what my right hon. Friend has said about the balance to be achieved, the Bill may be unavoidable. However, to reassure people that there is at least some justice in it, will he keep an open mind on the issue of appearance in court, which was raised by the hon. Member for South Staffordshire (Sir Patrick Cormack)? He may agree with me that people would have a greater sense of justice if they saw the individuals involved standing in the courts.

Mr. Hain: I understand my hon. Friend's point, which was also expressed powerfully by the hon. Member for South Staffordshire. The Bill has a long way to go in order to complete its passage and we shall listen carefully to the arguments, but for reasons that I have explained the Bill provides that people will not have to appear in court. It was a difficult balance to strike, but it is the balance that we struck.

Sammy Wilson (East Antrim) (DUP): The Secretary of State sprinkled the term "justice" throughout his speech. He is not prepared to make certain people accede to a request to appear before a court—I ignore all the other measures in the Bill that do not require the perpetrator of a crime to appear or co-operate in any way—yet he is prepared to give them a licence, which, as we have heard, he can throw out against police advice at some later date. Will he explain how that can be viewed as "justice", and, if it is justice, what comfort is there in it? The victim does not see the perpetrator and the perpetrators do not have to appear, so where is the comfort for the victim?

Mr. Hain: If individuals who appear before the special court are convicted—the hon. Gentleman will understand that that will depend on the evidence—they will have a criminal record. *[Interruption.]* That is the point that I am making about a system of justice.

Let me also deal with the point about comfort. As I have said, I understand the anger of victims, but there is no comfort for them at all under present circumstances in which many of the people likely to come through the process are outside UK jurisdiction and evading justice. They will continue to evade justice, as far as anyone can see, for ever. Compared with that position—*[Interruption.]* They are evading justice, so the Bill represents an improvement, in my view, because those involved are brought through a proper process.

Lorely Burt (Solihull) (LD): Was the commitment for defendants not to have to appear in court given in writing to the IRA? If victims can be subpoenaed to appear in court, while the perpetrator can be sitting in a pub down the road waiting for the result, how can the court achieve a fair and just result? If the perpetrator cannot even be questioned, how can the court get to the bottom of the matter and achieve a result that is fair and just? Will the Secretary of State explain that?

Mr. Hain: Some in absentia trials do occur, but I recognise the hon. Lady's point. Defendants might well choose to appear before the special court because they do not want the sentence that would result from the conviction. I repeat the point that I made and reconfirm that no assurance was given in writing to the IRA about this specific matter—*[Interruption.]* Of course no such written assurance was given.

Several hon. Members *rose—*

Mr. Hain: I face an abundance of hon. Members wanting to intervene. I give way to the hon. Member for Stone (Mr. Cash).

Mr. William Cash (Stone) (Con): A number of British soldiers have faced difficulties in regard to acts that they may have committed as a matter of duty under military law. Are some of those soldiers who have been convicted to be given pardons? It is outrageous that terrorists should get away with it, while soldiers who performed their duties under military law should be treated in that way.

Mr. Hain: I am grateful that the hon. Gentleman raised the matter with me earlier. In framing the final details of the Bill, I faced a choice. The original draft did not apply to members of the security forces at all. I took the view that, leaving aside the question of whether the Bill is right or wrong in principle—clearly, the hon. Gentleman and many of his colleagues oppose it—if we were to proceed with legislation that we believed to be essential, it would be entirely wrong for members of the security forces in the course of their duty to find themselves—*[Interruption.]*

Mr. Ben Wallace (Lancaster and Wyre) (Con) *rose—*

Mr. Hain: I would like to finish the point and give the hon. Member for Stone the courtesy of replying to his question.

Members of the security forces may have committed a criminal offence in the course of their duty: it has happened in a handful of cases and who knows what might be uncovered in the future? For them to find themselves serving a prison sentence when members of the IRA and loyalist terrorists could be walking free would, I thought, be entirely wrong. That is why I gave members of the security forces—including, in principle, serving soldiers now—the choice of availing themselves of the special procedure. If they found themselves charged—and only if they found themselves charged—with a crime uncovered as a result of historic inquiries, I felt that it would discriminate against them in comparison with the IRA or loyalist terrorists to deny them the opportunity of taking advantage of the provisions.

Mr. Julian Brazier (Canterbury) (Con): The Secretary of State repeatedly used the word "closure", and subsequently made it clear that it has nothing to do with the victims, but apparently with violence. Will he

[Mr. Julian Brazier]

explain how allowing those who are genuinely on the run abroad to come back to the UK to send a text message to the Secretary of State's wretched commissioner—that is virtually all that they have to do—will somehow make it safer for people who live perhaps in the very street to which those people return to live?

Mr. Hain: If they come back, they will initially apply to the commissioner. If they return to Northern Ireland or any other part of the UK after the commissioner has issued a certificate—the contents of the certificate are determined not by the on-the-run suspect, but by the Police Service of Northern Ireland—they will be arrested. It is a matter for the police—it is not a question of simply texting something and appearing the next day in the Falls road—and there is a proper judicial process to go through.

Mr. Mark Francois (Rayleigh) (Con): May I offer my personal condolences to the hon. Member for Montgomeryshire (Lembit Öpik), with whom I was at university for three years?

The Secretary of State is well aware of the scepticism among some elements of the Protestant community in Northern Ireland about the detailed implementation of aspects of the Good Friday agreement. Everyone knows that. However, the Bill goes beyond that agreement. How will confidence be improved among the Protestant community, most of whom will see this grubby little Bill for exactly what it is—a capitulation to Adams and McGuinness?

Mr. Hain: The Good Friday agreement—*[Interruption.]* No, the hon. Member for Belfast, North (Mr. Dodds), for whom I have a great deal of admiration, should realise that it is not a question of not caring. I really do not accept that. It is a matter of the Government taking responsibility to bring closure not to the victims' anguish—that can never be done—but to the IRA terrorist campaign, which we have now succeeded in doing under the 28 July agreement. The Good Friday agreement started that process, but it did not conclude it. One of the reasons for introducing the Bill is as part of an agreement that did conclude that process.

Let me say, in all fairness, to right hon. and hon. Members that this legislation is—as the hon. Member for South Staffordshire, the Chairman of the Select Committee, reminded me—extremely difficult. I understand that and I appreciate the strong feelings involved, the anguish of the victims and the anger felt among elected Members of Parliament of all parties in Northern Ireland. I appreciate all that, but to reach a position in which the IRA has ended its vicious war and terrorist campaign required us to introduce, among other things, the Bill before us. That is the reason for introducing the Bill—*[Interruption.]* I would also suggest, however much it might be denied, that any responsible Government—including a Conservative Government—who had reached the point of persuading, forcing and cajoling the IRA to give up its terrorist campaign would have faced exactly the same circumstances that I now face.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): The Secretary of State cannot be allowed to get off with the pretence that Weston Park somehow concluded the business of the Good Friday agreement. The distinction is that the Good Friday agreement involved the agreement of all parties, whereas Weston Park involved that of only two. If the Government have made certain undertakings that are not in their power to deliver, they cannot now seek to get our imprimatur for those agreements.

Mr. Hain: For the historical record, the hon. Gentleman must know that one of the reasons the Democratic Unionist party opposed the Good Friday agreement was that it did not bring closure to the IRA's terrorist campaign. We have now done that. *[Interruption.]* Hon. Members can go back to the history and form their own judgments, but the agreement did not achieve that closure. The Bill is part of a commitment to make sure that we have delivered an end to that murderous and terrible campaign.

I have been taking interventions for quite a long time now. I need to make some progress, but first I shall give way to my hon. Friend the Member for Vauxhall (Kate Hoey).

Kate Hoey (Vauxhall) (Lab): The Secretary of State continues to say that the Bill is about the IRA, not the victims. Supposedly, the IRA has said that the war is over, so why are we introducing this Bill? Is my right hon. Friend saying that if Parliament turns down the shoddy little agreement that the Government and Sinn Fein-IRA have signed up to, the IRA will say that the war is on again?

Mr. Hain: No, I am not saying that. In fact, I expressly did not do so.

Mr. Dodds: Why introduce the Bill then?

Mr. Hain: Why? It is because we made an agreement to do so. [HON. MEMBERS: "Oh!"] Indeed, and the agreement was with the Irish Government.

Mr. Duncan Smith: Will the Secretary of State give way?

Mr. Hain: No, not for the moment, as I am trying to answer the question posed by my hon. Friend the Member for Vauxhall. She and other hon. Members may say that we should not have made that agreement, but without it there would have been no guarantee of an historic end to the IRA's campaign. That is the point.

Mr. Dodds: Blackmail!

Mr. Hain: It is not blackmail. To get to the end of a conflict as ancient and bitter as the one in Northern Ireland, which has caused—

Mr. Dodds: Will the right hon. Gentleman give way?

Mr. Hain: No, I have given way to the hon. Gentleman before and will do so again, but I think that I have the right at least to make my case in answer to the question.

If it had not been ended, that historic and murderous terrorist campaign would have created even more victims in the future. That is the point, and the Government have taken a tough and difficult decision.

Mr. Dodds: Shameful!

Mr. Hain: I started taking interventions some half an hour or more ago, at which time I was explaining that Mo Mowlam started the process by acknowledging that victims had suffered grievously during the Northern Ireland conflict. We all know that, in many respects, their cases had been appallingly neglected for decades, by all Governments. That is why she brought victims' issues to the heart of Government with the creation of the world's first Minister for victims. That is why the memorial fund was set up, and why we have recently provided it with a further £1.5 million. It is also why Her Majesty the Queen recognised the valour and sacrifice of the Royal Ulster Constabulary with the George Cross, and today marks the fifth anniversary of that award. Without those officers' sacrifice, the dramatic improvements in the security situation evident today could not have come about.

It is also why I have appointed Northern Ireland's first victims' commissioner, Mrs. Bertha McDougall. She is the widow of an RUC officer who, in addition to other tasks, will prepare the ground for a victims and survivors forum.

I have met many victims of the troubles since taking up this job, some with most horrific stories of loss, pain and continued suffering. Quite properly, those stories have been brought to Members' attention by members of the Democratic Unionist party in particular. I would not presume for one second to tell any victim that they must draw a line under the past. I cannot, and would not, tell anyone who has suffered such a unique and personal loss that they must close a door on their pain and move on.

There are times, however, when a Government must take a view on the best way for society as a whole to move on, so as to get closure on the past, difficult as that may be. This is one such time.

The Government are trying, in all good faith, to bring about what the agreement itself described as the

> "true memorial to the victims of violence"—

that is, a peaceful and just society in Northern Ireland in the future.

I recognise entirely the difficulty of this step. If I had not done so already, that difficulty has been made very clear in the debate. However, I believe that it is necessary, as do others who have been involved in the Northern Ireland peace process.

For example, I met the former Taoiseach, John Bruton, in Washington last week. He is well known to many hon. Members, and much respected for his unswerving stand against terrorism in Ireland. He has given me permission to inform the House of what he told me. He said that he regards this Bill as a painful but necessary step towards completing the translation from the years of pain and conflict. I agree exactly with those sentiments.

David T.C. Davies (Monmouth) (Con): Will the Secretary of State give way?

Mr. Wallace: Will the Secretary of State give way?

Mr. Hain: I need to make some progress, and then will give way again.

The Government believe that, if Northern Ireland is finally to move out of the conflict that has scarred the past four decades, we have to deal with this outstanding issue left unresolved by the 1998 agreement. That is what the Bill does.

Even before this Bill was introduced, there was much talk of "amnesty". This is no such thing. Under this Bill, individuals could be tried, sentenced and subject to recall to prison for their crimes if they broke the conditions imposed on them. That is not an amnesty.

The House should be under no illusion. The choice is stark: either many of these people continue to run free, never having to account for their crimes, or we put them through these special procedures to face the possibility of conviction.

Mr. Dodds: Will the Secretary of State give way?

Mr. Hain: I will, in time.

The choice in many cases is between failing to bring the people involved to justice at all—effectively doing nothing about them—and these special procedures. That is the choice, and the Bill makes it clear that what is proposed is not an amnesty.

The Bill sets out a two-stage process. The first stage is an eligibility process, and the second a judicial process. Clause 1 sets out the offences to which the legislation will apply. They are offences committed before the Belfast agreement in connection with Northern Ireland, including offences committed in any part of the UK, escapes and offences committed by members of the security forces.

The Government were mindful—

Mr. Dodds: Will the right hon. Gentleman give way?

Mr. Wallace: Will the Secretary of State give way?

Mr. Hain: I shall finish this point, and then take an intervention from the hon. Member for Belfast, North. The Government were mindful of the need to ensure that members of the security forces and the police who may have committed acts of unlawful violence before the Good Friday agreement are not disadvantaged. It is not a question of treating them as equivalent to terrorists, but of making sure that they suffer no discrimination. It would be totally unjust and offensive if they were to face imprisonment while former terrorists did not.

Provided that they meet the criteria set out in the Bill, members and former members of the security forces and the police will be covered by this legislation. I do not expect more than a handful, if that, of such people to be affected, and remind the House that only a handful have been affected by prosecutions in the past.

Mr. Dodds: The Secretary of State will have noted the deep anger caused by putting members of the security

[Mr. Dodds]

forces and the police on an equivalent basis with terrorists. That is absolutely outrageous. On a number of occasions, he has said that the choice is between allowing people to go free and putting them through the process that he has outlined. However, is not the reality that there is no question of putting them through any process? The matter is entirely voluntary. If people are approached by the police with evidence, they are not required to confess their crime, or to do so within any particular time limit. The provision amounts to a get-out-of-jail-free card that they can keep in their back pockets until such time as the police come looking for them. No choice is involved at all. Will the Secretary of State deal with that?

Mr. Hain: It is a matter of choice, and we can explore the question of time limits in greater detail as the Bill progresses through the House.

David T.C. Davies: Will the Secretary of State give way?

Mr. Hain: No, as I am answering the hon. Member for Belfast, North.

The problem of time limits was considered when we drafted the Bill. The practical difficulty is determining how long such a limit should be. What is the sensible period? We want the process to be carried forward, but at the same time we must make sure that it does not go on for ever. As the hon. Member for Belfast, North knows, the Bill gives me powers to end the process at any time.

I want to make one other point in response to the hon. Gentleman. It is a stark choice in the sense that at present the people on the run, outside UK jurisdiction, have no incentive to come back and face justice, and get a criminal record, which many of them would do.

Mrs. Iris Robinson: I thank the Secretary of State for giving way to me a third time. Does he understand that the people of Northern Ireland cannot trust the word of this Government? Our Prime Minister came to Northern Ireland in 1998 and promised that there would be no terrorists in government and no prisoners released unless and until decommissioning was resolved. In the last election, the Democratic Unionist party received more than 231,000 votes, which indicates that the Protestant community in Northern Ireland oppose the Belfast agreement. It is about time that the Government realised that they do not have the Belfast agreement to follow.

Mr. Hain: I acknowledged that the hon. Lady's party, for reasons stated at the time and repeated since, opposed the Good Friday agreement.

Mr. Donaldson: The Secretary of State referred to the ongoing historic inquiries, and I presume that he includes the Saville inquiry. He will recall that the greatest loss of life suffered in Northern Ireland was experienced by the Parachute Regiment at Narrowater Castle, near Warrenpoint. No one has ever been brought to justice for the murders of those soldiers. Indeed, the perpetrators of that atrocity can avail themselves of the facility that the Secretary of State proposes. However, the absurd position is that if members of the Parachute Regiment are charged as a result of the Saville inquiry, they can clear their names only by going through the full judicial process, because one has to plead guilty to benefit from this system. They will face the full rigour of the law if they want to clear their names, but those who murdered the paratroopers at Narrowater will walk away scot-free.

Mr. Hain: I am sorry, but that is factually incorrect. First, if the individuals responsible for Warrenpoint are identified, arrested and prosecuted as a result of the Chief Constable's historic inquiries investigation, it is only the first stage. They cannot opt to enter this process until they have been arrested and charged and, in that sense, brought to justice—*[Interruption.]* I have dealt with that point. It is true that they can then elect to go through this special procedure, following which they may be convicted and get a criminal record. That is one set of circumstances.

I am glad that the hon. Gentleman has sought clarification because he is not correct about the possible position for former paratroopers. I do not know whether any will be affected by the Bill. At the moment, before the Bill is enacted, if an individual were identified by the Saville inquiry, he would face a normal criminal trial, if the police arrested and prosecuted him, and a sentence would follow conviction. When the Bill is in place, the person could choose—the Government would not force him and, indeed, the Bill will not force anyone to do anything—to go through the special court process and could end up, yes, with a conviction, but able to take advantage of the licence system and walk away. In that sense, the person would be advantaged by the legislation or, at least, not disadvantaged compared with former terrorists.

Mr. Donaldson: Will the Secretary of State clarify whether the tribunal system would give the former members of the Parachute Regiment who may face charges under the Saville inquiry the opportunity to clear their names? Will they receive proper justice under this system?

Mr. Hain: Indeed it will. They could plead not guilty. As a result of the Saville inquiry, if any soldiers are charged with a serious offence—even murder—they could plead not guilty and choose to go through the special process—

Several hon. Members *rose*—

Mr. Hain: I am sorry, but the hon. Member for Lagan Valley (Mr. Donaldson) has raised an important point and I am glad that he seeks clarification of it from me. The soldiers could choose to take advantage of what for them could be a beneficial process—*[Interruption.]* It could be beneficial for them, because otherwise they would go through the normal court process and possibly be convicted and serve a sentence. It would be a beneficial process. They could still plead not guilty and the evidence would have to stack up before they could be convicted. It is the same Crown court-type procedure in the special courts as the alternative route.

Mark Durkan: I thank the Secretary of State for giving way, because the specific example of Bloody Sunday that he is using occurred in my constituency. Obviously, much of the Saville inquiry also took place in Derry. Will he further confirm that if paratroopers who might face charges as a result of the Saville inquiry elect to use this process, they would not have to appear in court at any stage? On the basis of the controls and limits that the Secretary of State will have power to put on the information disclosed, their names might never have to be heard by anyone and other pieces of information about their case could be suppressed. Will the Secretary of State clarify that provision?

Mr. Hain: I know the sensitivity in the hon. Gentleman's constituency and the city of Derry about this matter—[HON. MEMBERS: "Londonderry."] Well, it depends on which side of the community one sits. I call it both in order to take matters forward—*[Interruption.]* To clarify the point that the hon. Gentleman makes, I say to him that he is right. The paratroopers who faced that situation, if any, would be treated in exactly the same way as anybody else going through the special tribunal court process.

Dr. Julian Lewis: As I understand it, the Secretary of State is saying that if a former serving soldier were charged and chose to try and resist acknowledging guilt, and opted to go through the whole judicial process, he might clear his name, but he could be found guilty. If he were found guilty, could he then use the new procedure to walk free? If he could not, he would in a sense have been blackmailed to accept a false rap and plead guilty in advance so that he could use the new procedure.

Mr. Hain: I thought that I had explained the position very clearly, but I am happy to clarify it again for the hon. Gentleman, because it is an important matter for him and, I suspect, for the whole House. It is certainly very important to me. The paratrooper, or any other member of the armed forces, would face a choice. He could plead not guilty or guilty to the charge. Let us say that the Saville inquiry identifies an individual, who is then the subject of investigation by the police, arrested, charged and faces prosecution. He can then choose. Normally, he would go through the existing criminal justice system—the normal Crown court route. He could plead his innocence throughout, but if convicted he could, in principle, serve a very long prison sentence. I took a deliberate decision—I need not have done so—to avail a soldier in that position of the option of the special process, which could leave him with a conviction, but still pleading his innocence, and with release on licence, so that he did not have to serve the sentence.

Mr. Duncan Smith: I congratulate the Secretary of State on giving way so much. I know that the whole House appreciates it. In answer to his most recent example, the big difference, which he does not seem to have spotted, is that no soldiers asked to go to Northern Ireland. They went because their Government sent them to hold the peace. Therefore, it is reprehensible to treat them on the same basis as terrorists who ran from their crimes.

The Secretary of State touched on an important issue. After all the interventions he has taken, he seems to have slid into a position where it is almost clear that he is saying that the Bill is not part of the Good Friday agreement and never was officially. However, is it now not clear that at the time of the Good Friday agreement and afterwards, through third parties—possibly the Irish Government—the Government gave a nod and a wink to Sinn Fein-IRA that when the end point of the agreement process was reached, they would get this new system if they kept their noses clean? The Government never said that at the time of the Good Friday agreement because they knew that it would never have been accepted in Northern Ireland or backed by all parties.

Mr. Hain: It is not a question of evading issues at the time of the Good Friday agreement. This is an unresolved issue, which the right hon. Gentleman, too, would face if he were serving as a member of a Conservative Cabinet at this time, and it will always remain an unresolved issue. He is absolutely right: it was not resolved under the Good Friday agreement. I said that freely earlier on. Where the right hon. Gentleman is not right, however, is that it was not smuggled in at the last minute. It was a matter of public knowledge, published in May 2003; the House was informed about it and all the detail was there.

Mr. Andrew Robathan (Blaby) (Con): Will the Secretary of State give way?

Mr. Hain: I want to respond to the first point made by the right hon. Member for Chingford and Woodford Green (Mr. Duncan Smith).

I know that the right hon. Gentleman is opposed to the legislation, but is he advocating that it would be right for a member of the security forces perhaps to serve a long prison sentence while a former terrorist walked free? Is he saying that that is what should happen?

Mr. Duncan Smith: What I am saying to the Secretary of State is clear: the legislation is wrong for everybody. He should have looked back at what the Saville inquiry is doing and recognised that it is attacking the very people who went to Northern Ireland at the behest of the Government but are now being treated as criminals. That, as well as the legislation, is wrong.

Mr. Hain: I understand and respect the fact that the right hon. Gentleman is opposed to the legislation and that he will vote against it. Of course he will. But I find it absolutely extraordinary, particularly as he is a former Defence spokesman for the Conservative party, that he could put members of our armed forces—perhaps serving members—in a position where they were discriminated against compared with former terrorists—*[Interruption.]*

Several hon. Members *rose*—

Mr. Hain: I have been on my feet for an hour and 10 minutes—[HON. MEMBERS: "Give way."] I give way to the right hon. Member for Chingford and Woodford Green.

Mr. Duncan Smith: The Secretary of State has accused me of something that is reprehensible. As someone who actually served in Northern Ireland and is proud to have done so, I take no lessons from him and nor does my

[Mr. Duncan Smith]

party. I am absolutely opposed to the proposed process and I do not think it right for the Secretary of State to use British soldiers as a shield in defence of what is wrong. That is what is wrong with the legislation.

Mr. Hain: I acknowledge the role that the right hon. Gentleman played and the House will of course want to pay tribute to that. I am not using the measure as a shield for anything. If the legislation is passed by Parliament, as I hope it will be, and as the Government believe, as part of their commitments it should be, and notwithstanding the fact that a large number of Members will vote against it, I think it would be wrong for members of the security forces, many of whom, like the right hon. Gentleman, served with great valour in the most horrific circumstances in Northern Ireland, who were ever faced with a situation in which they were a bad apple—and it has never been suggested that more than a handful might be—to have to serve a full prison sentence while former terrorists walked free.

Several hon. Members *rose—*

Mr. Hain: I need to make some more progress. There are strong feelings about the Bill and I have been happy to take interventions, but I need to set out the case for the measure.

Mr. Andrew Turner (Isle of Wight) (Con): Will the Secretary of State give way?

Mr. Hain: No, I am sorry.

Clauses 2 to 6 provide for an eligibility process, conducted by a certification commissioner. Provisions governing the commissioner are set out in schedule 1. The eligibility procedure will ensure that access to the scheme will be restricted to specific categories of suspect. They include those colloquially known as on-the-runs—OTRs. It also includes people charged with relevant offences during the lifetime of the scheme; for instance, people whose crimes are uncovered as a result of the police historic inquiries work.

The Bill sets out criteria which must be met, and must continue to be met, for the person to hold a certificate. The criteria refer to the person's connection to terrorism and criminality. The certificate will apply only to offences connected to the person by the police and the offences will be listed on the certificate. Certificates can be cancelled if their terms are broken. The certification commissioner will also have a duty to keep victims informed—this is important—as far as possible with the progress of cases. We believe that it is crucial to ensure that the needs of victims are not neglected in the scheme.

Clauses 7 to 11 set out the effects of the certificate. The certificate will grant the person exemptions from certain powers, including arrest, detention, questioning and remand. The exemptions apply only to the offences listed on the certificate, as determined by the police.

Sir Patrick Cormack: The Secretary of State is being generous in giving way, but he has heard the unanimity of view on both sides of the House, so will he give an undertaking to accept an amendment, which I will table, so that people appear in open court before a judge—not a retired one—to answer for their crimes? Will he accept such an amendment?

Mr. Hain: I acknowledge the strength of feeling in the House. That is why I have accepted interventions. I cannot anticipate what amendments will be tabled. We shall have to see them, and they will be debated in the normal way.

Any prosecution for a certified offence will take place in a special tribunal set up under the legislation. Detailed provisions are set out in schedule 2. The special tribunal will have all the powers, authorities and jurisdiction of the Crown court sitting without a jury. The defendant will not have to attend the trial, but otherwise the trial will follow traditional procedures.

In the event of a conviction, the person will receive a licence, subject to certain conditions.

Mr. Dodds: Will the Secretary of State give way?

Mr. Hain: No, I need to make progress.

A person given a life sentence will not be granted a licence if he is deemed to be a danger to the public. No licence can be granted until the person has provided the necessary fingerprints and non-intimate samples. If licence conditions are broken, the licence can be suspended. The person must then begin to serve their sentence in prison. The case is then passed to the appeals commissioners, who will take the decision to confirm or revoke the licence. If the licence is revoked, the person will remain in prison to serve his or her sentence.

Clauses 12 to 17 set out the routes of appeal for decisions made in the scheme. Challenges at the certification stage will go to specially appointed appeals commissioners. The terms of those commissioners and the procedure they will follow are set out in schedules 3 and 4.

Conviction and sentence before the special tribunal may be appealed before a special appeals tribunal, also established by the legislation. The special appeals tribunal will attract to itself all the powers of the Court of Appeal, and detailed provision is set out in schedule 5.

Mr. Peter Robinson: The United Kingdom has obligations under several human rights conventions. Under the United Nations convention against torture, the Government have a responsibility to prosecute those responsible for torture. Will the Secretary of State have the Bill amended to ensure that that obligation is in it?

Mr. Hain: The issue has been raised with us and we are looking into it, but as I said, the Bill is in full compliance with human rights legislation.

Lady Hermon: I assume that the Secretary of State occasionally speaks and listens to the Home Secretary—at least I hope he does. The Home Secretary and the Lord Chancellor invariably tell the House and another place that we must make every effort to instil public confidence in the criminal justice system. Will the Secretary of State explain to the House how the dreadful procedure set out in the Bill can in any way enhance public confidence in the criminal justice system in Northern Ireland?

Mr. Hain: The name of the Home Secretary appears on the Bill as one of its sponsors, along with my name.

Clause 18 establishes the special prosecutor, who will bring prosecutions in the special tribunal. The special prosecutor will also have responsibility for liaising with victims to ensure that they are properly informed of the progress of cases that reach that stage. Further details are in schedule 6.

Clauses 19 to 27 contain ancillary provisions, which include protections for information provided to the certification commissioner and the power to suspend and repeal provisions of the scheme. Of course, I would prefer it if the normal processes of the criminal law could be applied in all those cases, but those who are outside Northern Ireland will not return on that basis.

Mr. Andrew Turner: The Secretary of State will appreciate that he is proposing a new but parallel system, which he may describe as justice, for the people who apply for those certificates. I do not understand why, if the system is as good, they will not be taken before the normal courts, allowed to appeal to the normal Court of Appeal and prosecuted by the normal prosecutors. Why is that?

Mr. Hain: I can explain very simply why. I do not want this process to jam up the existing courts. *[Interruption.]* If I am allowed to answer the hon. Gentleman's point, I do not think that it would be right—and I do not think that the citizens of Northern Ireland think that it would be right—to obstruct the timing and momentum of the normal criminal proceedings that are going through our Crown courts, possibly including cases following the Good Friday agreement. That is why we set up the parallel procedure.

Mr. Robathan *rose*—

Mr. Dodds *rose*—

Mr. Hain: I am sorry; I need to make some progress.

Those who may be suspected in the future may well abscond if criminal proceedings were initiated against them, leaving both groups beyond the reach of the criminal process altogether and victims haunted by the fact that they will never be confronted by the justice process for their crimes. In this context, the work of the historical inquiries team—the cold case review—is important. There will be those who say that they will be denied justice if someone charged and convicted does not serve a prison sentence—I understand that—but I hope that the House takes note of the fact that there will be others who will want to find out as much as possible about what happened to their loved ones, and if the review of cases helps to bring them nearer to closure, it is worth doing.

Mr. Dodds: Can the Secretary of State confirm that, under the special procedure, the defendant does not have to turn up, that it may well be that their details will not be made known to anyone—the anonymity provisions can apply—and that they will be able to get to legal aid as well? So the defendant will not have to turn up and will be anonymous, but can he confirm whether they can get legal aid to fight those cases?

Mr. Hain: If people are eligible for legal aid, of course, they will get legal aid, but they must be eligible for it. I have already explained the processes involved in the procedure—*[Interruption.]* I repeat that there is no prospect at all of bringing on-the-runs to justice if we do not proceed with the process.

In an intervention in the recent debate on the renewal of aspects of the prevention of terrorism legislation, the right hon. Member for North Antrim (Rev. Ian Paisley) said:

> "Either things are not good in Northern Ireland or else things are good in Northern Ireland"—[*Official Report*, 31 October 2005; Vol. 438, c. 630.]

He suggests that it is a case of paradise or perdition. I do not agree with that stark either/or analysis. Things are immensely better in Northern Ireland than they were—nobody contests that—but, of course, that is not good enough.

The reality is that we are coming to the end of a long period of transition in Northern Ireland that began with the ceasefires of the early 1990s and the negotiations conducted, including with the IRA, by the then Conservative Government. However, we will only get to that end once all the outstanding issues are resolved: the issue that we are discussing today; Sinn Fein's unequivocal endorsement and support for policing arrangements; an end to all paramilitary activity and criminality, by all paramilitary groups—the UDA, UVF, LVF and the dissident republicans included. Then stable and inclusive institutions can be restored and the promise of the agreement can be realised.

Mr. Donaldson: The Secretary of State has today placed in the Library a written statement confirming that he has changed the nature of the inquiry into the murder of Billy Wright in the Maze prison. Can he give an absolute assurance to the House that, as a result of the change in the nature of that inquiry, no information will be withheld from the inquiry by his office and that those involved will not seek to shelter behind the provision of the new legislation to prevent information and evidence from being provided to the inquiry to enable it to reach a conclusion?

Mr. Hain: I am grateful to the hon. Gentleman for raising that issue and seeking clarification. He brought Billy Wright's father, David Wright, with him to see me, and I was able to hear Mr. Wright's views that he did not want the inquiry converted as Lord MacLean, the presiding judge, has requested of me. I looked into this in great detail and sought to take careful account of all the relevant factors and to arrive at a reasoned decision. David Wright has suffered grievously—he is another victim—and I was very impressed with the strength of his conviction and his demeanour at that meeting.

I hope that the hon. Gentleman and Mr. Wright will be reassured by the fact that Lord MacLean and I strongly share their wish that the full facts in relation to the murder of Billy Wright should be established. It is Lord MacLean's belief that the conversion is necessary for the inquiry to be as thorough and effective as possible. He will do all that he can to ensure that the concerns expressed by the hon. Gentleman, Mr. David Wright and the family about the conduct of the inquiry under the Inquiries Act 2005 are addressed.

I, too, am only interested in finding out the truth about what happened. I can promise the hon. Gentleman and, through him, David Wright that the

[Mr. Hain]

Government will fully co-operate with the inquiry. We will not seek to limit its scope or to withhold material from it. I can also assure him that I have no present intention to issue a restriction notice with regard to the Billy Wright inquiry.

The decision to propose the Bill was not taken lightly. I therefore commend it to the House not with a spring in my step, but because I firmly believe that it is an absolutely essential part of the process of Northern Ireland not being trapped in a past of horror and violence, but looking to a future where there are no victims any more, where every child has the best start and every citizen can walk out from under the shadow of fear, intimidation and brutality.

2.37 pm

Mr. David Lidington (Aylesbury) (Con): I beg to move, To leave out from "That" to end of the Question, and to add instead thereof:

"this House declines to give a Second Reading to the Northern Ireland (Offences) Bill because it creates an amnesty for terrorist fugitives from justice; because it allows such fugitives to return to Northern Ireland without ever being arrested or questioned by the police about their alleged offences; because it proposes a quasi-judicial process in which those accused of perpetrating terrorist offences will never have to appear before a court or spend any time in custody; because it allows an indefinite period of time for terrorists to take advantage of this procedure; because it treats members of the Armed Forces and the police on a par with terrorists; because it fails to contain an obligation on terrorist organisations to allow the safe return to Northern Ireland of those they have exiled; and because it places the rights of those suspected of serious offences before those of the victims of terrorism in Northern Ireland and throughout the rest of the United Kingdom."

I join the Secretary of State in offering heartfelt condolences to the hon. Member for Montgomeryshire (Lembit Öpik). I am sure he will know that he has many friends. He is held in great affection on both sides of the House, and the thoughts and prayers of all hon. Members will be with him today.

The Secretary of State presented his case in a measured fashion. It seems to me that his case rests on two propositions. First, we have a choice between, as he put it, allowing criminals to run free, or putting them through the special procedures created by the Bill. One has only to ponder briefly and imagine any Minister of any Government of any possible political persuasion applying that argument to any other category of criminal to see just how flimsy that ground is. The second argument that the Secretary of State put forward is that the measure, however unpalatable, is needed for Northern Ireland to achieve closure and to put a dark and violent past behind it.

I am happy to pay tribute to the efforts that the right hon. Gentleman, his predecessors in office and the Prime Minister have made over the years to bring peace and normality to the suffering people of Northern Ireland, but I have to say that I do not believe that the Bill will attain the objective that he wants. The Bill is wrong. It is unjust, it undermines the rule of law and it betrays utterly the interests of the victims of terrorism. The House is being invited to offer—however much we dress it up—what amounts to an amnesty or a pardon to men and women who include those responsible for some of the worst atrocities of a 30-year campaign of terrorism in Northern Ireland and beyond.

Mr. Hain: May I take the hon. Gentleman up on that point? I welcome the basis on which he is making his speech, except for that point. A pardon or an amnesty would mean that people would just be given a bit of paper and would never have to account for their crimes or terrorist atrocities. These people could face conviction and have a criminal record, and could be hauled in if they misbehaved in the future. That cannot, by any definition, be a pardon or an amnesty.

Mr. Lidington: As I hope to explain later in my speech, one of the problems that I have with the Bill is the fact that it sets aside due process and the normal rule of law. It shuts out the courts from consideration of these cases. It will certainly make it much more difficult than it should be to hold these criminals to account in public for what they have done.

The Bill offers that amnesty to people who have never owned up for what they did, who have never had to stand in court to hear evidence against them and who, in most cases, have never served one day in prison for their crimes. It is important for every Member of the House—irrespective of how we intend to vote tonight—to reflect carefully on, and have in their minds, the sort of crimes about which we are talking. It is sometimes too easy for those of us who represent constituencies in Great Britain to think that the experience of people in Northern Ireland is different because it is no longer in the headlines and is thus in the past and forgotten. Let me give just three examples of cases, the perpetrators of which might stand to benefit from the scheme embodied in the Bill.

In 1976, in Kingsmill, County Armagh, a minibus carrying 10 textile workers home from their local factory was stopped at gunpoint. The men were ordered out and they were shot down in the road with at least four different automatic weapons.

In 1987, in Enniskillen, County Fermanagh, a bomb exploded on Remembrance Sunday. It was timed for just before 11 am. Eleven people died and 63 were injured. No warning whatever was given.

In 1992, in Teebane, County Tyrone, an IRA land mine killed eight building workers who were travelling in a minibus on their way home. It maimed six others. Just seconds before the explosion, a bus filled with schoolgirls had passed over the same spot.

The House needs to understand that the sense of horror felt in Northern Ireland was just as deep after those outrages, and the grief of widows and children was just as heartfelt, as anything that we experienced here in London in July, or that we saw, tragically, in Bradford last weekend. The Bill is not a mere tidying-up exercise, or a minor piece of unfinished business. As hon. Members' interventions have already demonstrated and as, to be fair, the Secretary of State has publicly acknowledged, it gives rise to real passion, anger and heartache.

I want to address the various arguments that have been used to justify the Bill, but first let me make it clear that I draw no comfort from the Government's assurance that the Bill could apply to soldiers and police officers as much as to terrorists. It is a form of logic that amounts to casuistry to defend a measure that has been contrived to deliver a deal between the Government and IRA-Sinn Fein on the grounds that the special arrangements will also be opened up to soldiers and police officers. Like my hon. Friends—I feel somewhat humble speaking in the presence of those who have served in the armed forces on behalf of the people of Northern Ireland to defend them against terrorism—I find it morally repugnant that we are being asked to approve a Bill that treats agents of the Crown on a par with brutal and ruthless terrorists.

Mr. Hain: I understand the point that the hon. Gentleman makes and sympathise with it in many respects. However, will he table an amendment to the Bill to remove—*[Interruption.]* No, I want the hon. Gentleman to answer this specific question: will he try to ensure that if members of the security forces are charged—and only if they are charged—they will not be able to avail themselves of the special court procedure? Is that his party's policy?

Mr. Lidington: I put to the Secretary of State what members of the Police Federation for Northern Ireland said to me when I met them last week; I am sure that they have said the same thing to him. They said that they believed that the Bill was unjustified in principle, and that if there were compelling evidence against an individual police officer—whether that derived from the Stevens inquiry or another source—that police officer should expect to face charges and appear in open court like anyone else. I and my predecessors with my responsibilities have argued consistently for that throughout all the debates about collusion and related inquiries.

Mr. Hain: I understand both that point and the hon. Gentleman's point of principle in objecting to the Bill. He will vote against the Bill. However, is he saying that if Parliament passes the Bill—I respect the fact that it will be vigorously opposed at every stage, including by him—he will have wanted his party to have moved an amendment to remove the option for members of the security forces to go through the procedure?

Mr. Lidington: As the Secretary of State said himself, we will deal with amendments in Committee and on Report. I agree with the view expressed to me forcefully by the Police Federation for Northern Ireland.

Mr. Robathan: As this shameful Bill is a concession to the IRA, as the Saville inquiry has been a concession to the IRA and as the start-up of investigations into past cases involving soldiers will be a concession to the IRA, does my hon. Friend think it is likely that the operations in Gibraltar and Loughgall, for example, will be investigated with the backing of the Government? That might lead to charges against, and perhaps the conviction of, serving officers, some of whom will be senior officers, as a concession to the IRA. If those people received criminal convictions, they would have to give up their jobs.

Mr. Lidington: My hon. Friend speaks with his experience of service in the Army. It is obviously for the Government—whether in the person of the Secretary of State or the Secretary of State for Defence—to explain what they plan to do about investigations into allegations against members or former members of the armed forces. I hope that the Government will bear in mind the worry expressed in July in the House of Lords by the most recently serving Chief of the Defence Staff, Lord Boyce. He described the armed forces as "under legal siege", and said that the legal challenges and investigations already under way were

"generating real risk-averseness, clouding good military judgment."—[*Official Report, House of Lords*, 14 July 2005; Vol. 673, c. 1236.]

Mr. Carmichael: Is not the answer to the logical knots in which the Secretary of State ties himself that, instead of putting soldiers into the special tribunal, we put terrorists into the courts? If there is to be a process involving guilty or not guilty pleas, evidence being heard and thereafter a conviction to be reached, that should be done in a court.

Mr. Lidington: I agree completely.

Mr. Duncan Smith: May I compliment my hon. Friend on making a cogent argument? I put it to him, and through him to the Secretary of State, that seeing how reprehensible the Bill is, the Secretary of State has sought to suck the British forces into it as a shield against criticism. On the question of an amendment, the best amendment of all is to strike the legislation down.

Mr. Lidington: That is what I hope Parliament will do.

Mr. Tobias Ellwood (Bournemouth, East) (Con): How much has the inquiry into Bloody Sunday cost? What will be the consequences to that inquiry if the Bill makes it into law?

Mr. Lidington: The trouble with estimating the cost of the Bloody Sunday inquiry is that the figure goes up with each written answer, one of which was received by the hon. Member for East Londonderry (Mr. Campbell).

Mr. Dodds: It is £200 million.

Mr. Lidington: I think that that is the most recent figure. We have to ask serious questions about the value of the exercise.

Dr. Julian Lewis: Let us return to the options facing a soldier who took part in an operation such as Loughall, which, I believe, had ministerial prior approval, and who finds himself accused. As I understand it from what the Secretary of State said, he has the option of, in a sense, accepting his guilt, even if he thinks he is innocent, and going through the special procedure, or fighting the case through the courts, where he may be found guilty. Let us suppose that he thinks he is innocent, but does not want to take the risk of being found guilty and serving a sentence. The temptation for him to take the new procedure and accept a guilt that he does not feel will be overwhelming. The historical record will be distorted, because he will have pleaded guilty to something for which no guilty plea was required.

Mr. Lidington: As my right hon. Friend the Member for Chingford and Woodford Green

[Mr. Lidington]

(Mr. Duncan Smith) explained, the problem is that we have a piece of legislation that has been drafted for one purpose, but to which has been added the possible cases of servicemen and police officers. That is the wrong way to proceed.

Mr. Wallace: Will my hon. Friend give way?

Mr. Lidington: If my hon. Friend will forgive me, I want to turn to—

Mr. Hain: As the issue has been raised, let me again say that a serving or retired soldier—whatever member of the security forces he may be—is not forced to plead guilty at all. He can plead his innocence all the way through the process, through the special court or through the normal court procedure—he can choose either. The advantage of him choosing the special court procedure is that he can take advantage of not having to serve a prison sentence if he is found guilty. He may be acquitted, in which case there would be no stain on his character, just as there would not be following such a case in a normal Crown court.

For the record, it is interesting that the hon. Member for Belfast, West (Mr. Adams) is one of those who criticises this very provision. The hon. Member for Aylesbury (Mr. Lidington) might want to ask himself why that is.

Mr. Lidington: The House will have heard the Secretary of State's comments.

One argument that the Government have adduced in support of the Bill is that the provisions are part of, or a natural development from, the process, central to which has been the 1998 Belfast agreement. Indeed, in a number of interviews the Secretary of State explicitly linked the Bill to the precedent of the Northern Ireland (Sentences) Act 1998 to justify the measure. However, as other hon. Members said, the measure appears nowhere in the 1998 agreement. It is a product of a bilateral side deal between the Government and Sinn Fein-IRA in 2001. That distinction is important because when it came to the legislation on early release, the Government relied heavily on what was said in the agreement and on the public endorsement of the agreement in the subsequent referendum.

On Second Reading of the 1998 Act, Mo Mowlam said:

> "All we are doing is implementing the agreement, which gained the support of 71 per cent. of the people of Northern Ireland in the vote."—[*Official Report*, 10 June 1998; Vol. 313, c. 1086.]

Ironically, in view of the Secretary of State's argument about unresolved matters and additional things that needed to be done after the 1998 agreement, the Government rejected amendments to the 1998 Act which, in their opinion, were not consistent with the agreement that they had negotiated. Dr. Mowlam also said:

> "If we cherry-picked and wrote extra provisions into the Bill that were not in the agreement, we would be departing from that agreement and would lose all moral authority to hold others fully to the commitments that they have made."—[*Official Report*, 18 June 1998; Vol. 314, c. 561.]

That is exactly what the Government are trying to do in this Bill.

Mr. Duncan Smith: My hon. Friend is making great progress, but will he take up this one point with the Secretary of State? The right hon. Gentleman used the phrase that these were "unresolved issues." If they were not included in the Good Friday agreement as signed, agreed and voted for, they were resolved not to be on the table and were therefore settled. Is not that the point? They were settled issues, not unresolved issues.

Mr. Lidington: My right hon. Friend is correct. When the Secretary of State says that without the deal at Weston Park, we could not have seen an end to the IRA campaign of terror, the House has to ask how that squares when set against the undertaking by Sinn Fein in the 1998 agreement that henceforward it would rely exclusively on democratic and peaceful means to attain its objectives. The logic of the Secretary of State's argument is that we have to do this because we could not trust Sinn Fein to stick to the word solemnly given in the 1998 agreement, now bound into an international treaty.

The proposals have never been endorsed by the people of Northern Ireland. They are opposed not just by the Conservative party and the Liberal Democrats, but by the Democratic Unionists, the Ulster Unionists, the Social Democratic and Labour party and the Alliance party of Northern Ireland. Only two parties support the Bill: Labour and Sinn Fein. I would have thought that that fact alone might have caused Ministers to pause before pursuing the route that they appear to have chosen.

Mr. Dodds: Was the hon. Gentleman struck, as I was, by the fact that during the entire length of the Secretary of State's opening remarks, there was not a single intervention from a Labour Member in support of the position adopted by the Government? Does not that tell us something?

Mr. Lidington: The hon. Gentleman is broadly right, although the hon. Member for Ogmore (Huw Irranca-Davies) made a heroic, if somewhat cautious, effort to come to the Secretary of State's aid.

Huw Irranca-Davies: The hon. Gentleman knows that many hon. Members have made passionate and heartfelt appeals, especially in terms of the victims, and that is right. Whatever Northern Ireland legislation is considered, the victims should be at the forefront because we have a duty to them. However, does he accept that there is also a duty to the wider community within Northern Ireland and to those people in England whose friends and families have suffered because of the bombings? That is what the Government are taking into account.

Mr. Lidington: I am afraid that the truth is that a deal was made—I suspect between the Prime Minister and the leaders of IRA-Sinn Fein—and successive Secretaries of State for Northern Ireland have been lumbered with a poisonous inheritance, with the parcel unfortunately landing in the lap of the right hon. Member for Neath (Mr. Hain).

It has been argued that the legislation is inextricably linked to getting the IRA to end its terrorist war and to enabling Northern Ireland to return to what the rest of us in Great Britain would regard as normality. The Secretary of State referred to the significance of the IRA's statement in July and its decommissioning announcement in September. His article in *The Times* yesterday contained a similar reference. I agree that both initiatives were important and welcome. My party and I want the republican movement to complete—at last, belatedly—the much-promised transition from terrorism to democratic and peaceful politics, but I also want to be confident that that process is permanent and irreversible. I think that after three decades of killing and bombing, we are entitled to test the IRA's good intentions over a period of time before accepting that they can be trusted.

Only 12 months ago Sinn Fein-IRA were talking to the Prime Minister and the right hon. Member for Torfaen (Mr. Murphy) about a new agreement on power sharing, while at the same time, we now know, they were plotting the raid on the Northern bank. Progress has been made—I go along with the Secretary of State that far—but the trouble is that the right hon. Gentleman and his fellow Ministers entertain none of the reservations on which other observers insist. Let us look at what has been said by the Independent Monitoring Commission, which is charged by Parliament and the Government with examining how the paramilitary groups are complying with their undertakings. The most recent IMC report, published in October this year, states that

"it is too early to be drawing firm conclusions about possible overall changes in behaviour"

on the part of IRA-Sinn Fein. It also remarks that

"the leadership of the republican movement has shown a capacity in the past to turn on and off the tap of violence."

The language employed by the IMC echoes accurately remarks made earlier this year in the Dail by the Taoiseach.

We still have no commitment by Sinn Fein to support the police, nor any recognition of the legitimacy of the courts. The murderers of Robert McCartney have not been turned in; instead, his sisters have been driven from their homes by intimidation. Others exiled from Northern Ireland over the years by paramilitary threats are still unable to return home.

Sir Patrick Cormack: Is it not also true that there has been no expression of contrition or remorse at any stage?

Mr. Lidington: My hon. Friend is right. I believe that if there is to be reconciliation and closure, we should expect that of people who were once active in terrorist groups.

In the face of all that, I have to ask the Government why there is a need for such haste. What is it that Ministers fear will happen if they do not get the Bill through rapidly and in the form in which it has been presented to Parliament? The truth is that we cannot yet be certain that republicans have made a permanent and irreversible move away from violence—but even if we had that certainty, that confidence, I would still have grave concerns about the substance of the Bill.

The Secretary of State has repeatedly described the procedures embodied in the Bill as a judicial process, but it is a process from which the courts are at all stages deliberately excluded.

Mr. Mark Harper (Forest of Dean) (Con): The Secretary of State mentioned the importance of finding out what happened and making sure that people have some sort of closure, but clause 7, headed "Exemption from arrest etc", makes it clear that if someone has been granted a certificate of eligibility, no power to obtain information about anything that that person has done in connection with the certified offences may be exercised. We will therefore be unable to find out anything about the offences alleged to have been committed by a person who holds a certificate, so the chances of convicting that person and then letting him out on licence, by which the Secretary of State sets great store, are extremely slim.

Mr. Lidington: My hon. Friend makes a compelling point. The process in the Bill is not one known to any court in the United Kingdom. Once a certificate has been granted, the defendant is immune from arrest or detention and the tribunal will have no power to set bail or to impose bail conditions. A terrorist could therefore return to live in the next street or next door to the victim whom he has wronged. The police will have no power to enter premises or to search either people or property and they will have no power to take fingerprints or samples. Even evidence that the perpetrator gives about himself in order to obtain a certificate is, in the Bill, explicitly made inadmissible in any proceedings before the tribunal. In practice, once someone has a certificate, no effective further investigation can take place. As my hon. Friend points out, the rules seem to have been drafted to provide the smallest possible chance that any case before the tribunal will end in a verdict of guilty. That is a travesty of both judicial process and the rule of law.

Mr. John Hayes (South Holland and The Deepings) (Con): My hon. Friend will remember that when the Secretary of State was challenged on that matter by our hon. Friend the Member for Isle of Wight (Mr. Turner), the right hon. Gentleman suggested that the only reason why he was not putting such cases through the courts was that he feared they would jam the courts. He used a logistical argument to justify the difference. Does not that nonsense betray the fact that he has no faith in the courts to deal with the matter because he knows that they would exercise proper and rigorous scrutiny, which he does not want?

Mr. Lidington: My hon. Friend makes a powerful point. I thought that that particular argument advanced by the Secretary of State was astonishingly weak—it suggests to me the extent to which the Government are flailing around in their attempts to justify a measure that, in their hearts, they know is unacceptable.

Mr. Hain: I wish to remind the hon. Gentleman and the House of what I said. The procedures of the special tribunal will mirror those of the Crown court, except in respect of the defendant not having to appear. That is

[Mr. Hain]

the only exception. The same rules of evidence and the same process in other respects of proper Crown court procedure will apply.

Mr. Lidington: I have to tell the Secretary of State that that is not my reading of the Bill, nor that of senior lawyers with whom I have discussed its contents.

Mr. Andrew Turner: If what the Secretary of State says is true, and I have no reason to believe that it is not, why does he not simply allow the courts to operate in the absence of the accused?

Mr. Lidington: I can only speculate. Given that I do not believe that the logistical argument about court business has any weight, I conclude that the reason is to do with pandering to the reluctance of Sinn Fein-IRA to recognise the courts—to recognise British justice and the legitimacy of the courts of the United Kingdom operating in Northern Ireland.

The Secretary of State made great play of the fact that someone who is convicted and sentenced to a period of imprisonment under the special measures would be released only on licence. There is a crucial difference, however, between that provision and the 1998 legislation. In 1998, to be eligible for early release someone had to serve a minimum term: A fixed-term prisoner had to serve at least a third of his sentence before qualifying, and a lifer two-thirds of his expected term. Under the Bill, even if someone commits a serious crime that is unconnected with terrorism—to pluck an example at random, let us take someone who is convicted of a bank robbery—he will not forfeit his licence or have it revoked unless he receives a prison sentence of five years or more. That is a serious gap in the licensing arrangements.

Lady Hermon: Even if the Bill completed its passage through the House and another place, is it not the case that it would not succeed if challenged on the ground that it was not compatible with the European convention on human rights? Its time scale is discriminatory and it does not guarantee an adequate remedy for breaches of the convention.

Mr. Lidington: It is highly likely that if the Bill is enacted—I hope that it will not be—there will be challenges in our own courts, and possibly at Strasbourg, on the ground set out by the hon. Lady.

Mr. Brazier: May I pursue that point and ask my hon. Friend to address the grave matter raised by the right hon. Member for Birkenhead (Mr. Field), who is from the Secretary of State's own ranks and pointed out that the measure will discriminate between terrorist murderers in Northern Ireland and terrorist murderers in the 7/7 bombing?

Mr. Lidington: The Government's arguments on counter-terrorist policy appear less persuasive when they are seen to apply different standards in that fashion.

The other key argument on which the Government have relied is that the Bill will produce closure and provide the equivalent of the Truth and Reconciliation Commission in South Africa. I fear that the contrary is the case—if anything, the Bill risks making things worse, and I shall explain why. It does not include a deadline by which a perpetrator must admit what he did to acquire a certificate. It provides no penalty whatever for refusing to tell the whole truth. My understanding of the South African experience is that someone's failure to divulge everything that they had done wrong was in itself an imprisonable offence if other misdeeds subsequently came to light.

Clause 5 explicitly envisages second or subsequent applications for certificates from the same individual. That is grotesque. It means that the terrorist can sit back, waiting to see how much of a case the police have, and can keep the victims dangling in suspense, confident that they have a get-out-of-jail-free card to play whenever the need arises. Nor is there any obligation for the defendant to appear before the tribunal. All he need do is send a letter to the certification commissioner. As was pointed out, he will then be entitled to full legal aid. He never has to turn up in person, and his lawyers can subpoena witnesses, perhaps including victims, and cross-examine them. The defence can seek discovery of sensitive material, and try to embark on fishing expeditions. Not once, however, will the defendant be required to appear.

Mr. Carmichael: Is not the situation even blacker than the hon. Gentleman paints it? If, having undergone that process, the defendant is convicted, for want of a better term, he would probably have cast-iron grounds for appeal, as he was not present to instruct his defence during the trial.

Mr. Lidington: The hon. Gentleman, who is an experienced lawyer, makes a good point, which we look forward to pursuing on Report and in Committee.

The lack of any obligation on the defendant to appear in person is of more than just procedural importance. The Government have consistently said that they have tried to put the interests of victims at the heart of the Bill, but the Bill denies those victims even the symbolic justice of seeing the terrorist who has perpetrated wrongs against them appear in court in person, either to own up publicly to what he has done or to have responsibility imposed on him by the judgment and subsequent sentence of the court. The House should insist that to bring about peace with justice in Northern Ireland, terrorists and paramilitary organisations should bring themselves within the rule of law. The Bill, however, sets aside the rule of law and proper process to implement a back-stairs political deal. Far from bringing about truth and reconciliation, I fear that it will conceal the truth and prolong the bitterness and grief of families who have already endured years of suffering. It is counter-productive and plain wrong.

I hope that the Secretary of State, having listened to what has been said by Members from all parts of the House, may yet pause. I hope that the House will tell him tonight that it wants him to take the Bill back and think again.

Mr. Deputy Speaker: May I remind the House that Mr. Speaker has placed a 15-minute limit on Back Benchers' speeches?

3.17 pm

Mr. Paul Murphy (Torfaen) (Lab): I am grateful to you, Mr. Deputy Speaker, for calling me to speak in this important debate.

Only two Members in the Chamber were present for most of the negotiations that led to the signing of the Good Friday agreement. At the time, however, many hon. Members, in both Northern Ireland and Great Britain, were aware of all the implications of the agreement. The Democratic Unionist party did not agree with the Belfast agreement, and it still does not. Its view was genuine and sincere, but I disagreed with it, because the Good Friday agreement was the only way we could make progress in Northern Ireland. When we examine, as we must, the nature of the release of paramilitary prisoners under that agreement, its implications for our debate will become clear.

The people of Northern Ireland in the referendum, and the people of Ireland generally, voted in support of the Good Friday agreement. In doing so, they voted to support the release of paramilitary prisoners, but in a context that included many other things. It was a difficult pill for everyone to swallow and, although I will support the Bill this evening, it still is.

I want to deal with one or two issues mentioned by the hon. Member for Aylesbury (Mr. Lidington) with which I agreed and which the Government could perhaps take on board in Committee and in the other place.

Mr. Robathan: I am grateful to the right hon. Gentleman, who knows that I have great respect for him. Was he ever asked to introduce a Bill such as this while he was Secretary of State?

Mr. Murphy: Yes, I was. I was coming to that in a moment. Part of the difference between what happened in 1998, when the people of Ireland voted for the Good Friday agreement, including the release of paramilitary prisoners, and the situation later was, as I said, that the context was very different. However, there is no doubt that the issue was discussed at Weston Park in 2001. I was not part of that at the time, but two years later, in 2003, when the joint declaration was published after a long period of negotiations and discussions at Hillsborough castle, it appeared in the public domain. It did not form part of the main joint declaration because there was no agreement on it, but it was out there in public. So it is no real surprise to us all, although perhaps some of the details might be different, that the principle of the Bill was out there in the open.

Mr. Peter Robinson: One of the points that have been made is that that deal was done exclusively with Sinn Fein-IRA, both at Weston Park and at Hillsborough. Can the right hon. Gentleman say whether that was so, or whether any of the other parties were involved in discussions on the Bill?

Mr. Murphy: The other parties did not agree with the Bill.

Mr. Robinson: What was discussed?

Mr. Murphy: I cannot recall every detail of the discussions, other than that when the final joint declaration emerged, this part of the discussions, which were mainly with Sinn Fein and the British and Irish Governments, had to be published separately because people did not agree with it.

There are two issues that the Government ought to consider with a view to the Bill being accepted by people in Northern Ireland and in the United Kingdom generally. First, the Government should consider seriously some of the amendments that are likely to be proposed. A number have been mentioned this afternoon, including the hugely important one about the victims appearing in court at a time when the person concerned may not have appeared. I hope the Government will listen to the amendments proposed. The difference between now and 1998 is that there has not been a referendum and the context is clearly very different.

Secondly, it is extremely important to accompany the measure with other measures.

Sir Patrick Cormack: Can I take it from what the right hon. Gentleman has just said that he would support an amendment to ensure that the people in question had to appear in person in court to answer for their crimes?

Mr. Murphy: I would have a great deal of sympathy with such an amendment, but I would take the same view as the hon. Member for Aylesbury and my right hon. Friend the Secretary of State—we will examine the details of the amendments when they are tabled. What I am saying is that the amendments are worth considering seriously, and I hope the Government will be in a position to answer some of these points in Committee and in the other place.

Lady Hermon: Will the right hon. Gentleman confirm whether the Government gave an undertaking to Sinn Fein that republicans would not appear in court? Was that a categorical assurance? May we have an amendment to make sure that they do appear in court?

Mr. Murphy: If my memory serves me right, the publication in 2003 would have included that provision.

The point that I am trying to develop is that time goes on, and the word "progress" rather than "closure" is sometimes important in this context. We made progress in Northern Ireland as a result of the Good Friday agreement, including having to take some very unpalatable and difficult decisions. If the Bill is to have the same effect, it must be accompanied by other measures, so that the whole community in Northern Ireland feels comfortable with the progress that we are making.

The hon. Member for Aylesbury made an important point in this regard. Although I welcome the statements made by the IRA in July and the decommissioning in September—everybody welcomes that—we must recognise that the Independent Monitoring Commission has a job of work to do, and that we cannot allow continuing criminal activity among the IRA or loyalist organisations to be in any way tolerated. The policing arrangements have now to be accepted by the republican movement in Northern Ireland, just as everybody else accepts what is, after all, part of the Good Friday agreement.

Mr. Hain: I pay tribute to the work that my right hon. Friend did in getting us to the point where the IRA gave up its terrorist campaign on 28 July. For the record, I confirm that his memory is correct. The proposals published in 2003 after Hillsborough, where he was present, as he said, stated—this was published and the House was aware of it—that the applicant would not be required to be present at the trial.

Mr. Murphy: I am grateful to my right hon. Friend for that. I am also grateful for not being in his position today. That is another matter, but he did valiantly.

The other issues that need to be addressed include the question of victims. That is paramount. The appointment of a victims commissioner is a huge step forward, and I know that hon. Members are grateful for that. A victims forum is very important. My hon. Friend the Member for Foyle (Mark Durkan) has been pushing for that for some time. There should be some provision in the legislation that would prevent victims from having to go through a traumatic court appearance.

There are further issues that we should consider. Of the political parties in Northern Ireland, clearly it is only republicans who want the Bill to go through. My hon. Friend the Member for Foyle will make his own speech, if he catches the Deputy Speaker's eye this afternoon. The Unionist parties have made their position clear, as has the Alliance party. It is imperative, therefore, that measures are taken to give some sort of reassurance right across the community in Northern Ireland about other issues that people need to consider. My hon. Friend will raise some of those later.

There is also the matter of the Royal Irish Regiments and the home battalions. I refer not to the decision to run those battalions down, but to what happens in the future. That, after all, is a major redundancy issue affecting whole communities in Northern Ireland. Not only people in the Royal Irish Regiments, but people who work in ancillary services will lose their jobs. In order for the legislation to be accepted, it is vital that it is accompanied by other measures to provide reassurance across the board.

Mr. Carmichael: Does the right hon. Gentleman accept that the other group whose interests must not be forgotten and should be proceeded with in tandem are those who have been exiled as a result of paramilitary activities in the Province?

Mr. Murphy: That will be a matter for considerable debate during the passage of the Bill. The hon. Gentleman knows that the Alliance party in particular has taken up the matter over the years, but other parties are very much in favour of trying to tackle it.

Dr. Julian Lewis: I thank the right hon. Gentleman for his generosity in giving way. Does he accept that the reason we are in a more peaceful situation has very much to do with the work of the soldiers and the security forces who were in the front line throughout the years of the troubles? Will he, therefore, from his experience throw light on the circumstances under which it was decided that there would be a historic review of any and every operation in which they were previously involved, which will far from reassure them that their work is appreciated or that their future is secured?

Mr. Murphy: I can certainly say that so far as the so-called cold cases were concerned, with the police, for example, I thought it very important that closure was brought to the cases of hundreds of police officers who had lost their lives when there had been no conclusion in terms of getting to the bottom of those cases. That was important, and my right hon. Friend the Secretary of State touched on that, too. That is a question of closure.

Ultimately, if we are to achieve peace, prosperity and stability in Northern Ireland, this measure has to be part of it, but it has to be part of many other measures too.

Dr. McCrea: If this agreement was reached between the United Kingdom Government, the Government of the Irish Republic and IRA-Sinn Fein, why is there a difference in the treatment of the murderers of Garda McCabe and the murderers of Reserve Constable Finlay, or any other of the police officers in Northern Ireland?

Mr. Murphy: It is not for me to speak on behalf of the Irish Government. It is for them to tell the Government and for the Government to tell the House, but I can understand the comparisons that the hon. Gentleman makes, and I have some sympathy with them.

If we are to get all the institutions of government in Northern Ireland up and running—the Assembly, the Executive and everything else—we must make progress on a number of issues, some of which are rather unpalatable, such as this one.

When I was Secretary of State for Northern Ireland, I was always conscious of the fact that not one single person in Northern Ireland had voted for my party and that I held no mandate in Northern Ireland in terms of its governance, although, of course, one must govern wisely, as best one can. The sooner that direct rule finishes and people in Northern Ireland can govern themselves, the better. Ultimately, the stability of Northern Ireland will be proved by the fact that the people there can work together to govern themselves. Therefore, for his measure to obtain any sort of acceptance—

Mr. Ellwood: The right hon. Gentleman talks about long-term prosperity. Is he not concerned about one of the remarks that the hon. Member for Vauxhall (Kate Hoey) made to the Secretary of State, when it was implied that this measure is a condition of disarmament, and that unless it goes through, the peace process could be ruined?

Mr. Murphy: To be honest, I do not think that that was said. I do not think for one second that we will return to what we saw in the past, and I sincerely hope not. I am concerned—I touched on this in the course of my remarks—that we ensure that we tackle the continued criminality of paramilitary organisations. Unless it can be shown, through the Independent Monitoring Commission, that that has ended, this legislation will be as nought, because ultimately we will have an unwholesome society in Northern Ireland that we will not be able to cope with.

Mr. Francois: This point is not at the core of the Bill, but the right hon. Gentleman mentioned the disbandment of the units of the Royal Irish Regiment. He will know from experience that the Territorial Army has been in a different category in Northern Ireland for many years. Given that the TA is so under strength, especially the infantry, would there not be some practical utility in trying to convert some of those RIR units to TA infantry battalions to serve the country as a whole?

Mr. Murphy: There may well be, but it is not for me to answer that question.

I hope that the Government will consider seriously sensible amendments that are proposed to the Bill, and always, and most importantly, ensure that it is accompanied by measures that give confidence and some assurance to people in Northern Ireland who are not from republican backgrounds.

3.33 pm

Lembit Öpik (Montgomeryshire) (LD): I thought long and hard about whether I should contribute today, but on the balance of considerations I thought that it was appropriate for me to do so, and I hope that right hon. and hon. Members will bear with me.

On the evening of Monday 21 November 2005, without warning and with a suddenness that one could never prepare for, my brother, Endel Öpik, died. He was born in Belfast, an Inst. boy through and through, although not a very good one, and he was 37 years old. We do not yet know the cause. We hope that tomorrow's post mortem will tell us.

More even than the death of my father in May this year, I have found his death devastating and difficult to deal with. However, I am making a contribution after much consideration because I feel that this will help me, my family and my friends to put his death into some sort of context, if a death so sudden can ever be regarded as having some message, lesson or meaning. I make it because Endel was greatly interested in parliamentary matters, and I am sure that he would want me to be here today, not least because to be mentioned in the Commons by name would appeal to his vanity.

I thank colleagues, including the Secretary of State for Northern Ireland, the hon. Member for Aylesbury (Mr. Lidington) and the right hon. Member for North Antrim (Rev. Ian Paisley), the leader of the Democratic Unionist party, for their comments. I am lucky to work with so many people who care for others in times of tragedy. All the same, such shocking personal news makes one think about all the things that one does—it alters one's sense of priorities. I am passionate about what we do here, and no one takes the business of the House and this legislation more seriously than me, which is why I have sought to fulfil my duties today. The passing away of that wonderful gentle giant from my life perhaps causes me to connect more closely with what I learned last week, when I met victims of terrorism in Northern Ireland. The connection is unexpected, and it is one that I would not have wished for, but it is important all the same.

When I met relatives of victims last week, I marvelled at their dignity and their words of sorrow, not of anger. I imagine that when they were first informed of the news, they felt that a mistake had been made. They may have felt that they would turn up at the hospital and see their loved one safe and well, or at least recovering. They will have felt angry and bewildered, because those victims of unexpected death were not done with their lives. They will have wished that there was a way to bring back their relatives. When I met them, I did not understand how they could be so circumspect, because their losses were so sudden and unexpected.

I hope that I find some peace from the verdict on what killed my brother, when we finally get it from the doctors, but ultimately I already know that fate took him. By contrast, the people who took the victims of terror are in part still at large. The relatives of victims have not had an opportunity to face the killer of their friend, their relative or their lover, which is what makes their loss so hard for them to bear. It is that, and my own loss, which causes me to come here not to confront the Government, but to seek to find a way to make the legislation right.

The Secretary of State has said that the Bill is about closure, and I used to use that phrase, too. I now realise that it is not really about closure, because it is hard to get closure about the sudden death of someone one loves, but it is about coming to terms with that loss. The Bill is about giving the relatives of the victims some control back, after an event in their lives that was totally out of their control. As the Bill stands, it does not provide a reasonable and balanced process to achieve that outcome. Let us examine the problems with the Bill and what we might do collectively to improve it.

At the outset, I note that the Government take wildly different approaches to terrorism and terrorists, depending on whether the terrorists come from Northern Ireland or elsewhere. On 9 November, the Prime Minister fought hard for the legislative power to detain terrorist suspects without charge for up to 90 days, but on that same day his Government introduced legislation to give Northern Ireland terrorist suspects on the run from the authorities the right to return home free from any danger of arrest or incarceration after a limited quasi-judicial hearing. In my view, that is a contradiction. Why do Ministers think it consistent to seek to allow those suspected of terrorism in Northern Ireland to return without sentence while detaining for 90 days those who have not even been charged with anything?

In general, I favour the approach adopted by the Government in Northern Ireland. I support their serious efforts to address the motivations behind terrorists, even if that directly contradicts their so-called war against international terrorism. I even agreed, as the Liberal Democrats collectively did, with the early release of politically motivated prisoners, which was one of the most difficult aspects of the Good Friday agreement. It was a bitter pill for many law-abiding people to swallow, not least the victims and the relatives of those victims. However, it was accepted, because it was part of the wider package agreed by the participants at the talks process in Northern Ireland.

The Bill has sparked an even greater storm, because across the political spectrum in Northern Ireland it was not recognised as part of the Good Friday agreement, and it was not part of a cross-party agreement.

Let us remember who the on-the-runs are. They are people suspected of terrorist acts who have never faced the courts, or they have escaped from prison. They include those suspected of involvement in all kinds of atrocities; the hon. Member for Aylesbury apprised us

[Lembit Öpik]

of a number of those. It is obvious that this should be addressed in a manner that is sensitive to the needs of all the people of Northern Ireland, not only the on-the-runs, nor the organisations from which they derive.

Unfortunately, however, that was not the case. The first proposals for dealing with the on-the-runs came from the British and Irish Governments at Weston Park in July 2001. It was not part of a package that all the participants had negotiated and agreed to. We heard confirmation of that from the right hon. Member for Torfaen (Mr. Murphy). It was asked for by Sinn Fein and, as far as I can tell, agreed to by the British Government. It was bipartisanship but of an unusual sort, because the two parties were Sinn Fein and the Government. Those original proposals amounted to an amnesty. At the time, Liberal Democrat Members stated very clearly that we would not accept such an amnesty.

Matters developed until the joint declaration in April 2003. The Secretary of State said that there was no written agreement with regard to the content of the Bill. In a sense, he is right, but then there is the dubious status of the attachment to the joint declaration. As he noted, it says:

"The applicant would not be required to be present at the trial."

I fully understand why a member of Sinn Fein or the IRA would interpret that as some kind of commitment, because it was proposed by the Government. However, very importantly, the Secretary of State confirmed today that no written agreement was made with Sinn Fein. That is important because, unless he is implying that a verbal agreement was made with Sinn Fein, it means that the Government have the latitude to improve the legislation here and in Committee without compromising any secret deal with Sinn Fein or the IRA. I do not need to speculate about whether there was a secret deal. If the Secretary of State and the Prime Minister stand by that statement that there is no secret deal, the Government are not constrained to reject proposals of the sort that are being made by us.

I recognise that the Government have to some extent moved on the issue since the original statements at Weston Park. The Bill proposes that an offender who wishes to return to Northern Ireland will have to apply to a certification commissioner. The case is then heard by a special tribunal presided over by a retired judge. There will be a special prosecutor to put the case for the state. There are various complicated appeals processes. As it stands, however, it is so far outside the normal judicial process that one has to ask why the Government do not simply use the procedures that are already there. If the crucial element in all this is licensing, I do not see why we are not discussing a simpler Bill which, although unpalatable to many, would unquestionably have much more support than the Bill that we are considering.

Let me look at the specifics. Qualifying offenders will not have to appear before the special tribunal in order to avail themselves of the scheme; instead, they will be able to be represented by proxies. As the special tribunal will have all the powers of the Crown court, the Bill creates a very distressing situation whereby victims and witnesses of the offences could be subpoenaed to appear in court to give evidence against an accused person who is not even there. How can anyone regard that as full judicial process? How can anyone regard it even as a process that can work?

Various explanations have been given for this but I find none of them plausible. First, it is simply not victim-focused. That is completely wrong. An appearance in court would give a limited sense of relief to some victims and relatives—small consolation, but it would be a start. It would clearly show that what the offender did was criminal and continues to be wrong, even if they were released on licence.

The second, related point is about the status of the court. We believe that the qualifying offender should be tried before the Crown court since one of the justifications for the Bill is that it generates full judicial process. If the Government want full judicial process, they should use it rather than creating a parallel quasi-judicial system.

Greg Mulholland (Leeds, North-West) (LD): I, too, wish to express my condolences to my hon. Friend. I also pay tribute to the courage he has shown by being here and leading our Northern Ireland team in the debate. That sends a clear message to everybody about the importance of the issue to him and to us.

I do not believe that the question that I want to ask has been addressed so far. If the people called to the cases that we are considering cannot be arrested or detained, I presume that they cannot be questioned. If that is the case, it is impossible to have any process that could be called justice; it makes a farce of the proposals.

Lembit Öpik: My hon. Friend makes a good point. I hope that the Minister in his summation will explain in what exactly the defendants can expect to participate if they are not involved in the most important element in the eyes of the victims—a personal appearance in court.

In addition, and connected to my hon. Friend's comments, if justice is not seen to be done, the Government send hopelessly mixed messages to terrorists of the past and vigilantes of the present and future. Again, the Government provide an extraordinary defence of the non-use of courts. The Secretary of State—I appreciate that he needed to leave to meet some relatives of victims—said that he did not want the process to jam up existing courts. However, did not the same Government repeatedly tell us that the number of on-the-runs was relatively small? In that case, why would the process jam up the courts?

If the Government regard the courts as jammed up by the process, what exactly is the legal system in Northern Ireland for? There is no more important subject to the relatives of the victims or to those who cherish the rule of law than the trial of people who escaped justice for some of the most atrocious terrorist offences. If the best that the Government can do is tell us that they are worried that the courts will be jammed, I challenge the Minister to state the more important cases to which we must give way.

Kate Hoey: Water charges.

Lembit Öpik: What is so important? Is it the water charges or some minor felony? To justify the creation of a parallel system by citing the fear of overstretching the existing one is not joined-up government and is disrespectful to the considerable needs and psychological requirements of the relatives and victims.

The Government could expand the legal system. That would be perfectly logical and I am sure that hon. Members of all parties would understand if there needed to be greater appropriation to fund the expansion of the existing legal service in Northern Ireland. Again, we find a contradiction—the contradiction of cost. Not so long ago, in a Standing Committee, my hon. Friend the Member for Solihull (Lorely Burt) proposed the increase in size of Diplock courts from one judge to three. The Under-Secretary of State for Northern Ireland, the hon. Member for St. Helens, South (Mr. Woodward) opposed that suggestion. He said:

> "One issue as well as fairness that it is appropriate to consider in any judicial system is cost to the taxpayer."

He went on to say:

> "Those judges would have to be recruited and trained, and accommodation would have to be provided for them. If necessary—of course we would do this if we were to move to that system . . . That would have significant financial implications."—[*Official Report, Standing Committee E*, 8 November 2005; c. 25–26.]

So one of the key reasons the Minister cited for opposing the expansion of the number of judges on the Diplock courts from one to three was cost. But think of the cost of creating this new, parallel system to try what we are told is a relatively small number of on-the-runs. It is utterly inconsistent to oppose the relatively modest cost of expanding the size of a Diplock court while completely ignoring the financial implications of these proposals. I believe that all hon. Members would accept that, for the sake of justice, costs should be borne. The Government cannot justify what they said on the matter of the three judges, but this simply highlights the tactical and non-strategic way in which they have introduced this legislation.

Thirdly, the Government still resist an explicit linkage between the return of the on-the-runs and the return of those exiled by paramilitary organisations. Thousands were driven from their homes by loyalist and republican paramilitaries, even after the signing of the Good Friday agreement. The latest Independent Monitoring Commission report backs this up. It covers the period from March to August 2005, and states that

> "we believe there have been a number of instances during the period covered by this report where people have been forced from their homes by paramilitary groups or by their members—PIRA, RIRA, the UVF and the UDA . . . We have yet to find evidence that any paramilitary group is generally allowing the return of those it has exiled, or is considering doing so. The PIRA statement of 28 July makes no specific reference to this issue."

We accept that, while some exiles might be petty criminals, others simply fell out with the local paramilitary godfathers. This is a forgotten aspect of the peace process. In 2000, the Northern Ireland Select Committee noted the difficulties in quantifying the scale of the problem, as victims naturally feared reporting the intimidation that they were experiencing. It is obvious that they would. It is perverse to allow some paramilitaries to return in safety while those exiled by the paramilitaries are kept away. We feel that certification should be linked to a positive report on this matter by the IMC.

Fourthly, the grounds for revoking a licence were set very narrowly in 1998. All paramilitary activity constitutes a threat to democracy and the rule of law. During the loyalist violence this summer, however, Ministers treated as different the actions directed by paramilitaries against those "from their own community". A commitment to end all violence was supposedly at the heart of the recent IRA statement. It makes sense, therefore, to link the licence terms of the on-the-runs to the condition that there will be no engagement in any criminal activity, either by the individual or by the organisation with which they associate. This really must include exiles.

Our fifth core concern is the lack of a sunset clause in the Bill. Already, the hon. Member for Aylesbury has rightly pointed out the danger of creating a get-out-of-jail-free card that can be manipulated by the on-the-run in question, rather than achieving a settlement for the victims. Victims need a time frame for those accused of a particular offence to come forward. The uncertainty would otherwise present yet another trauma. Have they not suffered enough, without this extra open-ended wait?

In recent months, there has been little sense of an inclusive process that takes into account the whole community. We have seen a series of trade-offs between the Government and the republicans, and a parallel process of minor concessions to the DUP, presumably to balance out the concessions to the IRA and Sinn Fein. If the Government are exclusive, they will not create the consensus on which we absolutely depend for the restoration of devolution. Imposing unjust measures over the heads of the people of Northern Ireland will destabilise the process rather than consolidating it.

In its present form, the Bill looks like yet another concession. If it applied, in some high-profile form, to the legal system throughout the United Kingdom, I would question whether the Government would carry the vote. The reason they could well do so in this instance is that, being Northern Ireland legislation, the Bill is not as provocative as some of the other highly criticised legislation that we have debated recently. Being able to get the Bill through, however, is not a good enough reason to force it through.

Very little of what we say in the House directly affects the lives of the public, but our decisions do make a difference. There is no risk that the Government will lose face by doing the right thing. Indeed, their acceptance that the Bill should be changed will register only fleetingly in the public perception, but the changes will make all the difference to victims and their families. I would not regard movement by the Government as a sign of weakness. I would regard it as a sign of strength, and, crucially, a sign of compassion. By the same token, changes in the Bill do not constitute a defeat for Sinn Fein or the IRA. If promises made in the past by the Prime Minister or anyone else were unreasonable, it is obvious that those unreasonable promises should be seen for what they are, and that the case for a more reasonable settlement should be accepted today.

I ask the Government to show that they are serious enough about doing the right thing to change the Bill to meet the psychological needs of the victims, without dragging us through the normal process of brinkmanship and rejection between the two Houses between now and December. If the former perpetrators of terror are really serious about the peace, they will understand the reasons for the changes. Like other hon. Members, I know from meetings I have attended that

[Lembit Öpik]

former terrorists do understand the consequences of what they did. I appeal to them directly: surely, in their hearts, they recognise the needs of victims too.

To those who have threatened us with the collapse of the peace process, I say this. Do the Government really believe that the peace is so fragile and flimsy that it will be brought down by a number of important but ultimately minor modifications to the entire body of law in Northern Ireland? I believe that it is more robust than that, because I have faith in what has been said. I urge the Government to believe their own words about that peace, and act with the courage of their convictions.

No one can pretend that the Bill is about victory for the Conservatives, the Liberal Democrats, the Democratic Unionist party, the Alliance party in Northern Ireland, the Social Democratic and Labour party or any other party. No one can pretend that this is a direct tussle between the Government and the Northern Ireland Human Rights Commission, which also has major problems with the Bill. It is not about us. It is about the relatives—relatives who, bewildered, came to see their dearest lying injured or silent and lifeless in a hospital; relatives who stood there unprepared and uncomprehending that this could have happened to them.

I would like to find a way of supporting legislation to bring all this to a close, but as things stand, I cannot. That is why, along with the Conservatives, we tabled the amendment, and we shall vote accordingly later. There is too much emphasis on protecting the accused, and too little emphasis on supporting the bereaved. I understand that for those on the run it will be hard, but it will be easier than the sudden loss of someone, without warning, on a day that began as normal and ended in bereavement. I know that facing a court, and facing relatives in court, is hard for a defendant; but it is not as hard as waking every morning knowing that, for the rest of your life, someone whom you loved will never walk into your house again, and missing that person more than words can say.

4 pm

Mark Durkan (Foyle) (SDLP): Like other hon. Members, I want to offer my sincere condolences to the hon. Member for Montgomeryshire (Lembit Öpik), who has just spoken so movingly not just of his own bereavement, but of the sense of grief and grievance that is still carried to this day by so many victims in Northern Ireland. It is a mark of the hon. Gentleman's sense of duty to Northern Ireland as well as to this House that he is in his place today at this difficult time in a very difficult debate. It must tax his emotions as well as his concentration today. He has our full sympathy and the regard of every hon. Member in the House.

I wish I shared the faith of the hon. Member for Montgomeryshire in much of what the Government have said, but unfortunately I do not. I do not because, as the right hon. Member for Torfaen (Mr. Murphy) reflected, a couple of us in our places today were present for most of the negotiations on the Good Friday agreement and we were in and around—if not always allowed to be part of—the various subsequent negotiations, including all the side deals, sub-deals and pseudo-deals that have littered the process ever since.

When we negotiated the Good Friday agreement and when it was put to the public in the referendum, yes, prison releases were certainly part—albeit a very difficult part—of the process. However, in the context of the referendum campaign, people asked hard and difficult questions about outstanding cases, including those for which there had been no convictions. People asked whether there would be an amnesty or a wipe-out or whether the files would be closed. Assurances were given by Minister upon Minister, including the Prime Minister and the Taoiseach, that all the outstanding cases would continue to be pursued and that those who had issues to face would be brought to court. It was said that, if convicted, they might have to spend only two years in jail, but they would appear in court, they would be convicted and they would spend time in jail. That is what the victims were told at that time. It was on the basis of that expectation that many people struggled to vote in favour of the agreement and did so. What is happening now betrays the commitments and promises that were given at that time. It is dishonest and disingenuous for the Government to claim that the Bill was always going to happen as it is simply a logical extension of prior agreements. It contradicts assurances and explanations that were specifically given at the time of the agreement and the referendum.

Mr. Robathan: I hope that the hon. Gentleman will not be so foolish as to trust the Government again.

Mark Durkan: The Government know that I have never been quite so foolish as always to trust them. I have not always believed them, and even if I trusted them, I certainly would not rely on them—we found that to our cost.

As the Secretary of State and others have confirmed, the whole question of the on-the-runs first arose in the context of the Weston Park negotiations. Those were peculiar negotiations in which the two Governments talked to different parties about different issues. Yes, we were in the same premises, but we were all on a different agenda. The SDLP was being talked to about policing and the question of public inquiries in respect of the Finucane, Nelson and Hamill cases. Sinn Fein was talked to about OTRs, as that was the issue that it had raised, and decommissioning. The Ulster Unionist party were talked to about decommissioning and the institutions. We were all being talked to about different things.

The Governments came forward with declarations and promises at Weston Park and I note that the Secretary of State said that the Government feel that they are duty-bound to honour commitments. We were given commitments at Weston Park. The public were given commitments post-Weston Park in respect of the process set up to establish whether inquiries should go ahead. We were told that if Judge Cory recommended public inquiries, public inquiries there would be in certain cases. That promise was not honoured, even though it was part of an international agreement between the British and Irish Governments.—*[Interruption.]* The hon. Member for South Antrim (Dr. McCrea) says that we did not have guns. Weston Park was the third occasion since the Good Friday agreement on which the then SDLP leadership of John Hume and Seamus Mallon complained to the

Government about how the process was conducted, particularly about the privileged and exclusive negotiating position given to Sinn Fein and, to a degree, to the Ulster Unionist party. It was also the third occasion on which the Prime Minister gave us what we regarded as a counsel of cynicism at the time—"You guys, your problem is you don't have guns". That is what the SDLP was told at Weston Park and it was the third time that we had been told it.

Michael Gove (Surrey Heath) (Con): The hon. Gentleman is making a profound criticism of this Government's handling of the peace process. Does he agree that the privileged status given to Sinn Fein-IRA during that process has been devastating for the fate of constitutional nationalism in Northern Ireland? Does he also agree that the Government's management of the peace process has ensured that republicans and their advocates have a strengthened political position, while the hon. Gentleman and his colleagues, who have stood honourably for constitutional nationalism, have lost out, as have their electors? Has not the process of building a democratic middle ground suffered as a direct result of the Government's tactics?

Mark Durkan: In many respects, what is devastating to the SDLP is neither here nor there. I do not want to go down that road. What is important is that different Governments have handled the process, through arrangements such as those made at Weston park, in a way that has devastated the Good Friday agreement. This Government's approach has not merely interrupted the implementation of the agreement, but corrupted it.

As the right hon. Member for Torfaen has said, that issue came up again in the Hillsborough negotiations of spring 2003.

Mr. Andrew Turner: In an earlier intervention, I asked whether the Prime Minister had made that appalling statement about the SDLP and the fact that it did not have guns. Am I right in thinking that the hon. Gentleman indicated his agreement that it was the Prime Minister who used those words?

Mark Durkan: Yes, and this is not the first time that the matter has gone on the record. Seamus Ma[illegible]on has referred to it before, as have I, in describing our criticisms and frustrations with how the process has been handled since the Good Friday agreement was reached originally.

In the Hillsborough negotiations, different parties again found themselves talking to the Government about different issues. There was to be a joint declaration at the conclusion of those talks, and it was originally to have five annexes. One of those annexes was to deal with the subject of OTRs. Another dealt with the establishment of the IMC and a menu of sanctions demanded by the UUP.

The UUP was very clear that it wanted no part of the provisions relating to OTRs, and completely disagreed with them. My party made it very clear, as we did at Weston park, that those proposals did not derive from the agreement. We repeated that any anomaly that needed to be addressed could be dealt with in the proper way, but that nothing should have priority over implementing the agreement. Sinn Fein had issues with the menu of sanctions outlined in the other draft annexe to which I have referred, as did my party.

The Government responded by reducing the number of annexes from five to three. Instead of being an annexe to the joint declaration, the OTR paper was to be published coincidentally and in parallel with it. The same thing was to happen with the paper on the IMC and the menu of sanctions.

That was a dishonest move. It was a deal that was a non-deal, in that it allowed Sinn Fein to say that it had secured provisions on OTRs but had not accepted sanctions. It also allowed the UUP to continue to say that it had never accepted OTRs and would continue to oppose any legislation on the subject emerging from this House, while claiming that it had secured a promise on sanctions.

That was no way to run a process originally founded on inclusion and which stemmed from an agreement whose institutions could work only on that basis. That is how the Government have got themselves into the mess and debacle that they face today as far as their credibility and sense of moral authority are concerned.

I deeply regret that. I have many criticisms and frustrations about the Government's handling of the process since the Good Friday agreement was reached, but I do not believe that any agreement could have been achieved without this Government and Prime Minister. Many good measures and benefits have flowed from the Government's positive handling of some matters, but they could have listened to better counsel in respect of Hillsborough.

The Bill springs from the commitments made to Sinn Fein at the time of the Hillsborough declaration. However, other commitments were made in the Hillsborough declaration that the Government still show no urgency about honouring. I could take this from the Secretary of State if every other commitment had been honoured to the letter and in the spirit in which they were given, but they have not been. A case in point is the joint declaration, at the SDLP's behest and supported by the Alliance party and some others, that consideration would be given to establishing a forum for victims and survivors. It still has not happened. All that we are told is that the new victims commissioner will look at the issue. Surely one point of having a victims and survivors forum is to allow victims and survivors themselves to advance ideas and proposals on how to deal with the issues of truth, remembrance and recognition that are so important to them. That is an outstanding promise from the Good Friday agreement that has still not been delivered to victims.

Only when we know that a framework has been sensitively and properly agreed with victims and survivors for dealing with truth, remembrance and recognition should we deal with the so-called anomaly of on-the-runs and decide how the perpetrators of the victims' hurt should be dealt with. As other hon. Members have said, if those issues have to be dealt with, surely it would be better to do so once we have certainty about where everyone is in relation to policing and the proper administration of justice.

We have in this Bill the anomaly that police officers will be forced to take part in pseudo-court proceedings and lend the authority of their office to them, while the

[Mark Durkan]

people who will benefit from the proceedings will not have to turn up and can continue to impugn the legitimacy and credentials of those same police officers. In the same way, as other hon. Members have mentioned, victims—especially those who witnessed the crime in which they lost a loved one—could be compelled to be a party to proceedings with which they fundamentally disagreed, whereas the alleged culprits do not even have to appear. They can stay in the comfort of their home—in the comfort of their holiday home in some cases—and just receive a text message to confirm what has happened. They will find it harder to download a new ring tone than to obtain the benefits of the new system. The difference between the way in which the possible perpetrators of crimes will be treated, as opposed to the victims or the police who have tried to deal with those crimes, is invidious.

After the Good Friday agreement, victims were told that cases would continue to be pursued. One of the good things that the Government have done in recent years—I pay tribute to the right hon. Member for Torfaen—was to provide the resources to establish the cold cases review, or the historic inquiries team, which offered the assurance that the files would not remain closed, people would not be allowed to escape any liability and the truth would be pursued. The legislation will fundamentally undermine that commitment, because it will mean that if anyone is named by the review or has anything to hide, they can sit and wait in a calculated way. They do not have to take a chance and apply to benefit from the legislation, because there is no time limit as an incentive to disclose their involvement. That is normally what happens with tax and other amnesties. Instead, they can sit back and wait and see if a police officer ever knocks on their door about a particular crime. If the police officer knocks and the person is charged, they can play the Bill like a trump card. They can say, "Right, we're going to benefit from what Martin McGuinness and Gerry Adams have negotiated in the OTR concession." That will apply to everybody—not just republican paramilitaries, but loyalist paramilitaries and people in the state forces involved in a crime, whether committed by them directly or committed by paramilitaries and in which they were complicit, whether through collusion or other forms of crime solicitation. All those people will benefit from this legislation, and that is wrong. That is why more and more victims are expressing their shock, disgust and hurt at the legislation.

For victims, the Northern Ireland (Offences) Bill is the Northern Ireland offensive Bill, and it is particularly offensive that the Government are presenting it in terms of closure. That shows neither sensitivity to victims, nor due regard for the intelligence of Members. The Bill is about closure for victim makers, to give them the comfort that they will never have to answer for their crime: not merely will they not have to spend a day in jail; they will not even have to spend a moment in court. It will be harder to appear on the X Factor than to benefit from the procedures that the Government are setting up. They will be open to anyone who has anything to hide about any crime.

The offence has to be

"in connection with terrorism and the affairs of Northern Ireland",

so it would not even have to be the murders or the more overtly political crimes we have been talking about; it could be any crime committed before April 1998. As long as the person claimed that they committed the crime as a function of their membership of this or that paramilitary organisation, or as a spin-off from their membership of the security forces, they can claim indemnity.

The Government say that the Bill is not an amnesty. It may not be called an amnesty, but it has all the DNA of an amnesty and the Government should not try to pretend otherwise. The Secretary of State has moved from the Prime Minister's argument yesterday, that an anomaly needed to be resolved, to the argument that the Bill is about bringing people to justice and making them answerable to justice. However, it is such a bespoke system, with so many guarantees and so many comforts and privileges for the accused that it is an amnesty in all but name. The Government should be more honest in their language if they expect Members to be reassured about some of their commitments.

We will vote against the Bill. We shall also table amendments in Committee, some of which will test the Government's sincerity as they will propose to limit the Bill only to the on-the-runs whom the Government and Sinn Fein say the measure was originally about. The Secretary of State challenged the hon. Member for Aylesbury (Mr. Lidington), the Conservative spokesman, but I challenge the Government to tell us what they will do when we table amendments to make the Bill do no more than they committed themselves to do in their agreements with the Irish Government and with Sinn Fein. We shall see how the Government rise to that challenge.

I cannot conclude without again emphasising what the process means for victims. We must all be careful as we conduct the debate that we are sensitive to the fact that we are treading on the grief, even yet, of many people.

4.17 pm

Rev. Ian Paisley (North Antrim) (DUP): The Bill flies in the face of justice. It is about excuses for crimes, some heinous.

The Bill is fundamentally flawed. It is an attack on some of the most basic elements of justice and yet again demonstrates that the Government are prepared to enthrone expediency and dethrone principle. That is what is happening in the House today. I never thought that I would be a Member of the British House of Commons discussing such a Bill from any Government.

Recently, the whole of the United Kingdom was talking about the 90-day amendment, which was not accepted by the House, yet while Members who voted against the amendment were being impaled because they were soft on terrorism, the Government were issuing a Bill that characteristically is a complete sell-out of the British justice system. If the Bill goes through, we shall set up two systems of justice: one on which there is the light of democracy, liberty and law; while the other is a court that has on it the fingermarks of the IRA.

The Bill has been drawn up to give the IRA what it wanted. How happy I am that I took no part in all the conferences that have been described. The more that I am told of those conferences, the more I say, "Thank God, I was not there," but some today who criticised us for not going to those conferences have indicted some of the talks that took place. When hon. Members look at it, they will remember that the people of Northern Ireland were being deceived. Indeed, the Prime Minister came to Northern Ireland and put up on the wall—he became a graffiti writer—all the good things that would come from the Anglo-Irish agreement, but he did not tell us the things that the people who sat around the table knew, and those things have been declared today.

I have heard many criticisms of those who did not go with the Anglo-Irish agreement, but today the vast majority of people in Northern Ireland do not go with the agreement. The Government never told them that they could have another opportunity to express their wishes. Oh no, everything was done to proceed along a path that the people did not want to go down. That is why there is a distinct change in the representation from Northern Ireland. That is why there is a difference among Unionists in Northern Ireland today. We have come to the position where we must stand up for the basics of our British heritage. We must stand up for courts that are courts. We must stand up for justice that is justice. We must stand up for those elementary rights that are the basics of the British constitution.

When we come to what took place, we remember all the arguments that took place at the time. A senior Irish Government source said:

> "Ulster Unionist leader David Trimble's scathing portrayal of a proposed amnesty for fugitive paramilitaries as the last straw for unionists is deeply disingenuous. The UUP leader they point out was a participant at the Weston Park talks last summer when the principle of an amnesty for on the runs paramilitaries was approved by the Irish and British governments and Trimble was fully aware of the agreement and its implications at the time the document was drawn up."

Yet he was busy denying throughout the country that he had any knowledge of it. In fact, the former deputy leader of the party of the hon. Member for Foyle (Mark Durkan) at that time, Mr. Mallon, said:

> "Is the hon. Gentleman telling me that the leader of his party"—

the Unionist party, as he was addressing a Unionist Member of Parliament—

> "sat through seven months of negotiations that produced a document called the joint declaration which he did not see?"—[*Official Report*, 12 May 2003; Vol. 405, c. 121.]

So there was a conspiracy to keep from the people of Northern Ireland what those at the talks were really discussing.

How very different it was at Leeds castle. I was called in one night—it was almost after midnight—and I was told what I must do by the others. I said, "I'm not doing it. I'm going now to my bed." I called all my people out, and I said, "If you want to see me, Mr. Prime Minister, I'll be here at 7 o'clock in the morning. If you don't want to see me, I don't care. I'm not bending my knee to you. I represent people! Those people put me where I am, and I am going to keep my faith. When I leave politics, no Ulsterman or woman, whether Unionist or nationalist, will look me in the face and say that I did not keep the word that I pledged to my people." And I left, and when I got back, the Prime Minister was waiting to tell me that he was not proceeding with what everyone had planned, so they did not get anything out of me. They will not get anything out of me, other than what I am pledged to fight for on behalf of my constituents. I am here to represent them, and by the grace of God I am going to do that, and so is my party.

Dr. Alasdair McDonnell (Belfast, South) (SDLP) *rose—*

Rev. Ian Paisley: The Government can wheedle and say this, that or the other thing, but the straight line is this: there is only one remedy for Northern Ireland and that is pure democracy. We need a return to pure democracy.

Dr. McDonnell *rose—*

Rev. Ian Paisley: Does the hon. Gentleman want me to give way? He should ask for it—he might get it. I do not believe in silent people.

Dr. McDonnell: Was this on-the-runs stuff not in the comprehensive agreement of a year ago? [HON. MEMBERS: "No."] Well, it was very clear to most of us that there was some—*[Interruption.]* I am sorry, but there was some reference to it and there was a fair amount of detail of it.

Hon. Members: No.

Madam Deputy Speaker (Sylvia Heal): Order. It is for the Rev. Ian Paisley to respond to the intervention.

Rev. Ian Paisley: I say to the hon. Member for Belfast, South (Dr. McDonnell) that I wrote to the Prime Minister to tell him that I wanted him to sign a document to show that we had nothing to do with these things. I have that document, for I was not going to be fooled like other people—there was too much at stake.

Mark Durkan: I thank the right hon. Gentleman—I shall give you your proper title. What you say confirms that you knew that on foot of the Government's dealings with Sinn Fein, legislation would come forward and you would be in the position of opposing it in the House. That was the same position as the Ulster Unionist party—

Madam Deputy Speaker: Order. May I remind hon. Members of the need for the correct use of parliamentary language?

Rev. Ian Paisley: I shall leave the Ulster Unionists to answer for themselves. The people of Northern Ireland know what happened and they have given their verdict. I am not re-fighting the elections; elections come and elections go. The people of Ulster have given their verdict, and I wish that the House would heed that verdict.

Mr. Dodds: On 31 October 2005, the Secretary of State for Northern Ireland said in the House:

> "I can confirm that the pro-agreement parties were consulted and gave their general endorsement to the joint declaration in 2003."—[*Official Report*, 31 October 2005; Vol. 438, c. 632.]

The on-the-runs proposal was part of the annexe to that joint declaration, as was the IMC.

Rev. Ian Paisley: All I can say is that I was in the House when the former Secretary of State for Northern Ireland read out a letter that had been sent by Mr. Trimble on that very issue. It is in *Hansard*, so hon. Members can read exactly what was in it. This is not something that we have made up in our minds. However, I am glad that the hon. Member for Foyle (Mark Durkan) will be in the right Lobby tonight. I hope that he will table amendments for thorough discussion in Committee, because I agree with the former Secretary of State that there are matters with which we must get to grips because they run to the very depths of the matter of Northern Ireland and its good government. I am sure that hon. Members will be able to put their case in Committee.

I have been a Member of the House for a long time, but I have never before seen a Minister getting what the Secretary of State got today. Surely that message should get home to the Government. Surely the Government should say, "Hold on. What are we going to gain by this?"

What did Mr. Adams say today? He said that he did not believe that the police or the Army should have anything but the law of the land, but he wants a different law for his people. That is his attitude. He needs to get the message loud and clear that we all stand on a common platform: every man obedient to the law and every man equal under that law. When Northern Ireland gets that, we will have real agreement, peace and prosperity for our people, whether they be Protestants, Roman Catholics, Jews, Hottentots or anyone else—they will all share in it.

Sir Patrick Cormack: Especially the Hottentots.

Rev. Ian Paisley: Exactly. I always knew that the hon. Gentleman was very ecumenical.

The people of Northern Ireland are looking to the House to defend their rights. They do not want those rights trampled on. They want pure justice. I appeal to hon. Members: give us pure justice. If we have that, we will see our way through this, as we have seen our way through the past.

4.31 pm

Kate Hoey (Vauxhall) (Lab): May I first add my condolences to the hon. Member for Montgomeryshire (Lembit Öpik) and say how brave he has been to come to the Chamber today and give us his views? I happen to agree with every word he said.

It is an amazing day in the House of Commons because the leaders of the two largest parties on the Unionist side and the nationalist side are, give or take a few nuances, virtually in agreement. It is also amazing that my Government are pushing through the Bill. They always say, "Why don't people in Northern Ireland get together? Why can't we get the good non-violent democratic constitutional parties to work together?", but that is what is happening with the Conservative party, the Liberal Democrats and, I hope, some Labour Members—yet the Secretary of State does not seem to be listening. I hope that many of my colleagues think that the only way to show the Government that the Bill needs radical change is either by voting against the Government or, if they cannot bring themselves to do that, at least to abstain.

I heard the Secretary of State on the "Today" programme this morning, when he went on about the Opposition. I am not here to defend them—they can do that for themselves—but it was strange to hear him say that the Conservatives and the Liberal Democrats are not supporting the Bill in the cosy bipartisan way that Labour always adopted when it supported the Conservatives on similar measures. When I first came into the House, I remember having almost to hide because I was not prepared to vote against the prevention of terrorism legislation and other measures. Many of my colleagues in the Labour party did not agree with the Opposition line. Even when the Prime Minister was shadow Home Secretary, we voted against some of the emergency powers legislation. I accept that the parties' views changed and eventually we voted for that legislation, but I reject the idea that all Northern Ireland legislation has to go through on a bipartisan basis.

Mr. David Winnick (Walsall, North) (Lab): I note what my hon. Friend says, but is not it a fact that the Labour Opposition strenuously opposed the IRA atrocities, as we opposed the loyalist atrocities? We made it clear time and time again that the Government were right to resist the terrorist attempt to unite Ireland against the wishes of the majority of the people in Northern Ireland.

Kate Hoey: I respect my hon. Friend and he is right on that, but it does not get around the expectation that people should support the Government because we always support Governments on measures to do with Northern Ireland.

We hear over and over again that the Bill is a necessary part of moving the peace process forward. I am fed up with hearing people talk—the Prime Minister did it again today—about the pain and anguish that they feel. The Secretary of State talked about the difficulty of the situation. I do not understand how a measure that is against the fundamental principles of our judicial system can move the peace process forward.

Northern Ireland is part of the United Kingdom. Why should we allow a cart and horses to be driven through the judicial system? Who has signed up to the Bill? None of the constitutional democratic parties in Northern Ireland has done so. The Secretary of State told us today that there has been some sort of agreement with IRA-Sinn Fein, but we know nothing about that—we were not asked. It is shocking to me that the Bill is being pushed through against clear misgivings, even among members of my own party. Several hon. Members have said to me, "I really don't like this. I know that there is something wrong about it. If some appalling terrorist action took place in my constituency and someone was murdered, I could not vote for a measure that meant that the perpetrators would be able to come back and walk around and face the victims' families." I do not understand why we should treat Northern Ireland as though it were so different. The people of Northern Ireland are members of the human race. As people living in the United Kingdom, they are entitled to the same rights and duties as the rest of us.

Mr. Gregory Campbell (East Londonderry) (DUP): It appears that part of the reason why we are being asked to move the process on by voting for the Bill can be found in the words of the Prime Minister. The other day, he seemed to suggest that Sinn Fein had demanded it as the price for ever again entering an Executive in Stormont.

Kate Hoey: I do not know what the Prime Minister has said about some of these things. I feel strongly that the commitments given under the Belfast agreement by the Prime Minister were not always kept. That is why there is so much discontent among the many people who, despite terrible worries, voted for the agreement because they thought that the Prime Minister and the Government meant everything they said. That did not happen. Now, it is the people who have not kept their promises—namely, Sinn Fein-IRA—who are getting everything they want.

Mark Durkan: The hon. Lady says that she is not sure what the Prime Minister has said in recent days. Yesterday, in front of the Liaison Committee, the right hon. Gentleman said:

> "I really believe it is best to get this issue out of the way so that we can get on with building . . . an executive"

and an

> "assembly that is back up and running again."

Later, he said:

> "I also genuinely believe . . . we need to get this out of the way and"

dealt with

> "so that we then get on with . . . the really tough thing, which is"

building "consent for the institutions."

He added:

> "if you do not deal with this you cannot move . . . forward. I think the most important thing is to move it forward".

The implication is that the Bill is a precondition for restoring the Assembly and the Executive. Whose precondition is it? What party has said, "We'll be in no Executive and no Assembly without it."? If we are to believe what the leader of Sinn Fein has said today—I know that that is a hard thing to ask of the House—it seems that Sinn Fein does not even want the legislation. It did not ask for the Bill or at least not for large parts of it, so who asked for it? Has any party demanded it as a precondition—and if none has, will the Prime Minister revise what he said?

Kate Hoey: The hon. Gentleman has quoted the Prime Minister's statement and I can only say that, in my view, we are faced with a secret, stitch-up deal with IRA-Sinn Fein to allow people who have carried out some of the worst atrocities of the past 35 years to obtain an amnesty—an amnesty with a pseudo-judicial face and one that has the appearance of a trial.

Many people—not just those in the pro-Union community in Northern Ireland, but people in all the communities—are profoundly disturbed by the secret dealings that go on between democratic Governments and an illegal armed group. That has been a real problem. It is why the constitutional nationalists and the constitutional Unionists have felt many times during the whole peace process that they are an unimportant bit on the side because, as the hon. Member for South Antrim (Dr. McCrea) said, they do not have arms.

I shall refer to a letter that many hon. Members have received from a very brave woman, Aileen Quinton, whose mother was murdered by the IRA in the no warning, poppy day massacre in Enniskillen in 1997 as she stood wearing her medals from service in the Royal Air Force. Aileen was in the group of victims whom many of us met last week when they came to Parliament. I agree with the hon. Member for Montgomeryshire that Aileen Quinton and the other victims have shown great dignity. They do not want revenge or retribution; as has been said, they just want justice. My distaste for people who get away with such crimes would be the same if the perpetrators were from a loyalist background. I resent the idea of Unionist versus nationalist, or Catholic versus Protestant. The sides that matter are the terrorists, their supporters, their apologists and appeasers, and the rest of us. We must decide which side we are on, and I hope that hon. Members will decide that they back the right to justice and the rights of our constituents.

I did not receive a proper answer from the Secretary of State when I intervened on him earlier. We did not see IRA-Sinn Fein dispose of their of weapons, but we know that they decided who would witness that disposal. I should have liked the right hon. Member for North Antrim (Rev. Ian Paisley) and the hon. Member for Foyle (Mark Durkan) to be present when Sinn Fein-IRA destroyed their weapons, but nevertheless, if it is not a threat any more—if that event took place and Sinn Fein-IRA are genuinely committed to democracy after disposing of their arms—why have we introduced the measure? Why is it needed? The explanation of closure does not mean anything, and it is clear that the whole thing has been brought about by secret agreement.

The Secretary of State said that everything was difficult. The Prime Minister, too, has talked about how difficult everything is. However, Aileen Quinton points out in her letter:

> "As for it being 'difficult', 'difficult' does not matter. We have been doing 'difficult' for over 30 years. We can handle 'difficult' and would be prepared to do 'difficult' for real peace, glad to in fact. This is wrong and it should be impossible."

I believe very strongly we have used the victims to justify the measure. The victims groups, however, have not asked for it. They want to tell the House that even if we do not particularly care about what happens in Northern Ireland—let us face it, many of my colleagues are listening to our debate, but other hon. Members on both sides of the House are not doing so, and will simply come to the Chamber tonight to go into the Lobby—everyone who lives in the United Kingdom has a vested interest in fighting this dangerous precedent, otherwise justice itself could become a victim.

We voted against holding people without trial for 90 days—I opposed internment, and was involved in the Anti-Internment League many years ago—because

[Kate Hoey]

summary justice does not work and leads to more resentment. However, on the very day on which other hon. Members and I were accused of being soft on terrorism, the Government introduced a Bill that will allow all those people, whatever atrocities they have committed, to get away with it.

Many hon. Members wish to speak, so I shall conclude. However much the Government seek to dress up the measure as a judicial process, the reality is that it is a costly sham. It is masquerading as a judicial process and, if accepted, it will drive a coach and horses through the process of justice. It is an abomination and we should all think carefully before accepting it. If my colleagues are the slightest bit worried about how they will vote tonight, if they would not want it to apply to their constituency, and if they cannot bring themselves to vote against the Government, they should abstain. I hope some of my colleagues will do that.

I hope that the Government will listen. The Prime Minister is supposed to be in a listening mood these days. My party and the Government are supposed to be in a listening mood. They need to listen to the House. If we do not get rid of the detail of the Bill and change a large amount in it, we will be doing a huge injustice not only to the victims, but to people generally in the United Kingdom.

4.45 pm

Mr. Michael Mates (East Hampshire) (Con): It is always a great pleasure to follow the hon. Member for Vauxhall (Kate Hoey), who speaks with sound common sense about a subject that she knows well.

In my 31 years in this place, I have followed the tortuous path from the height of terrorism to something approaching peace from both sides and in many different roles, but I have never heard in the House such genuine anger and concern about a measure that a Government have introduced. The right hon. Member for North Antrim (Rev. Ian Paisley), the leader of the Democratic Unionist party, will forgive me if I say, with some affection, that we have had plenty of bluster from him and his hon. Friends, we have had some synthetic rage and we have had thunder and lightning, fire and brimstone. He even once accused me of being a bully, which brought to mind a parable about pots and kettles, but we will pass over that. Never have I seen such genuine upset at something that a Government are doing. The palpable unease of the Secretary of State as he behaved very generously and correctly at the Dispatch Box said it all.

For most people in Northern Ireland, the measure is almost the last straw. We have gone from the high point of the Good Friday agreement to the even higher point of the referendum—and that is when I believe it all started to go wrong. When there were doubts, the Prime Minister went to Northern Ireland during that campaign and, in answer to worries, said, "I am going to ensure that there is parallel progress in the implementation of this agreement by all sides." That is exactly what has not happened.

Measures have been forced on the Government by one side, with no response by the other. First, there were the prison releases. That was difficult, but instead of pausing and saying to the other side—to Sinn Fein-IRA—"It's your move", they were all let out. I have said this before, but it bears repeating—when I complained to the Prime Minister at Question Time one day, I met Mo Mowlam behind the Speaker's Chair. I admired her for many things. It was about five months after the referendum and she said to me, "Don't worry, Gerry Adams has promised me that the arms will be gone by Christmas." That was seven long years ago.

The Government have not learned from those mistakes. They have gone on making concessions. They have gone on doing things behind the scenes, which the right hon. Member for North Antrim rightly pointed out, although he played no part in it. Now, the Government are doing it again. Once again, a move is being made by the Government to move things forward. Why are Sinn Fein-IRA not making moves to move things forward? Why are they not letting the exiles back? Why are they not stopping the punishment beatings? Why are they not taking a grip on the criminality? Why are they still providing a paramilitary police force? No one says, "You do that and then we will consider your on-the-run people." It has all been the reverse, and every time yet another concession has been wrung from the Government, which has decreased enormously the amount of confidence that the people of Northern Ireland have in the peace process. It has been back to front from the beginning. This is another stage down that road, and it seems to be the last straw for many of us.

I shall not go over all the arguments; I shall say just two things. First, if the Bill is to go through, it should not go through without some specific guarantee about the exiles being allowed to return. Everybody pays lip service to that. It is not coincidence that it is in all three reasoned amendments, but the Government have nothing to say about it because Sinn Fein have nothing to say about it. Maybe the Government have done a deal. Maybe, when the Bill is passed, Sinn Fein-IRA will say something. Is it not their turn to move first? Should not the Government not be rather more robust in dealing with the matter?

I hope that the House will forgive me, but I want to be brief and end by saying something about victims, and it is a personal reminiscence. When I was in Northern Ireland, a case came on to my desk of a terrorist who had been convicted of attempted murder, had served 10 years, had moved on to the next stage of his life sentence and was eligible for parole, and I was supposed to sign him off. When I considered the case—I am choosing my words carefully because I do not want the case to be identifiable as I do not know what has happened to the victim or to the terrorist—I realised that the terrorist lived three or four doors away from the member of the security forces whom he had tried to blow up in his car. For the past 12 years, that person had been in a wheelchair, living with the pain but knowing that justice had been done. The proposition was that 12 years later the terrorist would be released to go back home to the same street.

Had the attempted murder been successful, it would have been a rather easy decision to make, because everything would have moved on in those 12 years. But there the victim was, still living with the consequences of what this man had done, and when he was released the victim would have to come face to face with him daily.

I did not believe that that was acceptable. I was advised that I had no choice, but I said that a way had to be found, and a way was eventually found.

If the Bill goes through unamended, there will be dozens of cases like the one of which I happen to have personal experience. A lot of people have been convicted and served their sentence, and one can at least say to the poor victim that he had some justice, but now there will be no justice at all. There will be confrontation between victims, their families, descendants of victims and the terrorists, who have paid no price for what they did. That is a fundamental denial of justice, and this therefore is a thoroughly bad Bill.

DEFERRED DIVISION

Madam Deputy Speaker (Sylvia Heal): I now have to announce the result of a Division deferred from a previous day.

On the motion relating to Criminal Law, the Ayes were 261, the Noes were 211, so the motion was agreed to.

[The Division Lists are published at the end of today's debates.]

Northern Ireland (Offences) Bill

Question again proposed, That the amendment be made.

4.52 pm

Meg Hillier (Hackney, South and Shoreditch) (Lab/ Co-op): When we last debated security in Northern Ireland, the right hon. Member for North Antrim (Rev. Ian Paisley) spoke movingly about his hand being placed on the head of a curly-haired child who was weeping at his father's coffin, and this afternoon we heard the passion of the hon. Member for South Antrim (Dr. McCrea). I cannot speak with such passion and direct knowledge. I am not a victim of the terror in Northern Ireland, but I grew up knowing the troubles. I was born in 1969, and the terror we have seen in Northern Ireland, the peace process over the past eight years and the subsequent developments have been the backdrop to my entire life.

When I was thinking about today's debate, it occurred to me that when I was a teenager in the 1980s I was studying the history of the current situation in Northern Ireland while still living through it. I am now a mother myself, and despite the fact that my eldest child was born after the Good Friday agreement, we still today, as we debate these measures, have uncertainty and no directly elected Northern Ireland Government. I am sure that all mothers in the United Kingdom want their children to grow up in a world where the violence is at an end for ever, with Northern Ireland living in peace and harmony. Although there are real problems in Northern Ireland—as a member of the Northern Ireland Affairs Committee, I see and hear about some of them, although I bow to the expertise of hon. Members who represent seats in Northern Ireland—we have gone a long way. I join other hon. Members in paying tribute to Secretaries of State past and present for their work in trying to bring that difficult situation to an end.

The Good Friday agreement marked an historic breakthrough. The subsequent referendum and meeting of the Northern Ireland Assembly showed what enormous progress was made between 10 April and 1 July 1998. Seven years later, however, the Northern Ireland Assembly is suspended and direct rule from Westminster is again in place. We have seen some major milestones and some major slip-ups on the road to lasting peace, which we all want to see. I welcome the fact that the IRA has recently decommissioned its arms and formally announced the end of its armed campaign.

The hon. Member for Aylesbury (Mr. Lidington) criticised the Bill because it was not agreed by the people of Northern Ireland, which goes to the heart of today's debate. All hon. Members share that concern, whether or not they are present in the House. Surely the point of the whole process is that we should return to devolved decision-making, whereby the people of Northern Ireland are ruled by their directly elected representatives and not from Westminster.

Mr. Brazier: How can this Bill take us towards that objective, when all the democratic parties in Northern Ireland oppose it? Indeed, as the hon. Member for Foyle

[Mr. Brazier]

(Mark Durkan) pointed out, the Bill is being pushed through only because the one party that wanted it still had guns.

Meg Hillier: I am trying to address that point. We must deal with the remaining issues in Northern Ireland, whether that involves the Bill as drafted or whether that involves amending the legislation. The people of Northern Ireland deserve a directly elected Government, and they should decide not only matters of security, but all issues. Matters such as water rates or school reform should be dealt with not from Westminster, but from a devolved Northern Ireland Assembly. The issues that the Bill addresses must be tackled one way or another.

The perpetrators of heinous crimes on both sides of the terrorist divide must be brought to justice. My hon. Friend the Member for Vauxhall (Kate Hoey) is right to remind the House that we are discussing not only IRA terrorists but loyalist terrorists. I know that all hon. Members condemn all terrorism, and we must make it clear that the Bill applies to all terrorists, regardless of their background.

I am only a new Member of this Parliament and was not a Member during the negotiations that led to the Good Friday agreement. We all know that negotiations in Northern Ireland are often tortuous, and they are difficult for relative newcomers to this House fully to understand from a distance. However, I understand that we must make unpalatable decisions, and the Government—Conservative or Labour—must take that responsibility.

I have some concerns about the Bill, and for me there are two benchmarks. First, we have seen the pain and pressures that the prisoner release programme created in Northern Ireland, but the prisoners who were released—republican or loyalist—all served time, even if many of them had their sentences cut very short for the crimes that they had committed. Internationally, the most comparable situation occurred in South Africa, where the truth and reconciliation commission meant that the perpetrators of crime had to face their victims.

Mr. Wallace: Does the hon. Lady agree that there are two key differences between the South African truth and reconciliation commission and the prisoner release programme in Northern Ireland: first, in South Africa people had to come forward within a time limit to avoid the risk of getting no amnesty; and, secondly, the people who attended the tribunals had to admit all their crimes, and if they were subsequently found not to have done so they lost the protection of their amnesty? Perhaps such conditions should apply to this Bill.

Meg Hillier: I was just coming to that. I was trying to judge whether the Bill measures up to two important benchmarks. The hon. Member for Aylesbury pointed out that those who did not attend the truth and reconciliation commissions faced a sanction.

Does the Bill measure up to the two criteria that I highlighted? Yes, it does, in the sense that the perpetrators will at least face some justice, but, no, it does not in the important sense that it does not even require them to attend the tribunals in person.

I have some serious questions for the Secretary of State. First, will he consider a requirement that those who are on the run and covered by the provisions of the Bill are required to appear at the tribunal in person?

Secondly, what consideration has been given to requiring that those charged and convicted of murder serve some time, at least equivalent to the time served by those who were released under the prisoner release programme?

Thirdly, what opportunity will victims have to see the evidence and to face the people who killed or maimed their loved ones?

Finally, how will the Secretary of State be sure that those who come back no longer have connections with paramilitary groups? Sir Hugh Orde, the Chief Constable, gave us some reassurance on that in the Northern Ireland Affairs Committee, but perhaps the Minister will clarify it when he responds.

I will vote for the Second Reading of the Bill with a heavy heart. I am to serve on the Committee that considers the Bill, and I trust that my Front-Bench colleagues will take seriously the points made in the House this afternoon, particularly as regards people appearing in person before the tribunal.

5.2 pm

Mr. Peter Robinson (Belfast, East) (DUP): I am happy to follow the hon. Member for Hackney, South and Shoreditch (Meg Hillier), although I have to say that her conclusions did not exactly arise from the argument that she presented. I hope that she might reconsider her position even before the Division, and that, if that does happen, her expectation of being on the Committee will still be met.

For 40 years, murder and brutality have overshadowed life in Northern Ireland. During the worst of those days, as part of what seemed a numbing ritual, Ministers would emerge after each outrage and passionately pledge that the murderers would be tracked down and punished. Over all that time, Northern Ireland Members of this House have followed the coffins, buried the dead, wept with the families and come to this Chamber calling out in righteous anger for action to be taken. We would hear condemnation, receive understanding and be given sympathy. We would listen to the endless obligatory assurances that, no matter how long it took, the people of our war-torn Province could be sure of one thing: justice would be done.

What value should the victims place on the words of those assurances today? In my time in this House, I have witnessed the passage of some grotesque legislation, but nothing that this House has done before compares to the offence that some Members are about to commit against heaven and earth tonight. Let no Member go into the Lobby unaware of the import of his or her decision. What this House is being asked to do today is against every natural, ethical, moral, spiritual, political and legal principle on which civilisation has been founded.

At the heart of every ordered society lies the rubric that wrong-doing must be punished. At about this time last year, in my constituency of East Belfast, a young Roman Catholic man was murdered following an incident outside a public house. His name was

Robert McCartney. Among those involved in his murder were known members of the Provisional IRA. The IRA had not sanctioned his killing, nor had it planned it. It was clearly not in the interests of that organisation to do that. Indeed, I am even prepared to say that, had the IRA known, it would have done everything it could to stop it.

Yet, after it took place, the IRA swung into action. It tried to assist those responsible to get away with murder. Its members meticulously cleaned the scene and removed all the forensic evidence. In effect, they adopted the murder ex post facto. Condemnation was swift and widespread, but the police, the Independent Monitoring Commission and the British and Irish Governments were agreed on one issue. By assisting the murderers to escape punishment, the IRA had become partakers in their crime.

The Government may scantily dress up the provisions of the Bill in whatever legalese they like and attribute to themselves a pretence of worthy motivation in an attempt to cover their moral nakedness. However, in assisting murderers to escape punishment for their heinous crimes, they become partakers in their evil and they will be judged for it.

Through the Bill, the Government may gain legal authority for their shameful proposals, but the provisions will never gain moral authority. They tell us that they are introducing the Bill to keep the peace process alive. I tell them that they will not build peace on injustice. The blood of the innocent cries out against the measure.

Looking decidedly uncomfortable, the Prime Minister attempted to justify the Bill. In a transparently implausible defence, he said:

> "Under the Good Friday agreement in 1998, people who were convicted and in prison for terrorist offences pre-1998 got released. How can you possibly say they"—

the on-the-runs—

> "should be put in prison if the people already convicted have been let out? That is why there is a symmetry if you like about dealing with prisoners and on-the-runs."

Either the Prime Minister does not have a sound recollection of what happened to prisoners under the Belfast agreement or he does not know the meaning of the word "symmetry."

Hon. Members will have held their own views about the prisoner provisions of the Belfast agreement, which were enacted in the Northern Ireland (Sentences) Act 1998. I considered them to be morally wrong because they treated terrorists as a favoured class of criminal and accorded them special rights. I considered them to be politically wrong because they were not linked to paramilitary decommissioning and disbandment. I therefore voted against the legislation. However, whatever hon. Members thought of that Bill, it was an early release measure. Prisoners got immediate release only if they had served a third of their sentence, and those who had not were required to serve up to another two years.

Today's Bill is not an early release measure but a terrorist amnesty Bill. Those who benefit from it will not spend one day in prison either on remand or on conviction. The two situations are not alike. I must tell the Prime Minister that there is no symmetry.

The Prime Minister's second explanation is that we have to move forward. If he is moving towards a world that ditches justice and embraces murderers, I shall not go with him. If he regards forward movement as building a society in which victims are shamefully and callously treated and vile terrorists rewarded, he can move forward without the people whom I represent. The loathsome Bill is corrupt not only because its intended outcome is to assist murderers to escape punishment but because of the process used to achieve that goal. It defies reason that, under the Bill, accused terrorists will not even be asked to waste their precious time attending court for the farce of a trial. Moreover, some of them will even be able to maintain their anonymity under the provisions.

Another outrageous provision has been touched on today, but it requires further highlighting. It is the Government's attempt to assist the terrorists to achieve not-guilty verdicts in the poor imitation of a court that the Bill sets up. Clause 7 will exempt a person who holds a certificate issued under the Bill from arrest or detention, from having his or her property searched, and from being fingerprinted. In short, the police will not be allowed to question the accused about the crime that will be brought before the special tribunal. Yet, under clause 3, the certificate will be issued when the police have only

> "reasonable grounds for suspecting the applicant to be guilty of an offence".

A case would never be brought before a court at that stage in normal circumstances. It is the stage at which the police would bring a suspect in for questioning, and at which they would build up the final aspects of their case. It is the stage at which they would follow up the leads that flow from questioning, and at which they would tie up and tidy their evidence. But not under this Bill. Under these provisions, the police will be required to produce their evidence even though it is incomplete, without even having an opportunity to question the suspect. Moreover, if they are denied the right to fingerprint the accused, they will not be able to check whether the person might be connected to any other crimes.

Mr. Philip Hollobone (Kettering) (Con): The hon. Gentleman is right to focus on the asymmetry between the Bill's provisions and those that apply to prisoners released under earlier legislation. Those released under earlier legislation were questioned by the police and fingerprinted, and had to appear in court. None of those requirements will apply to suspects under this Bill.

Mr. Robinson: Under previous legislation, those people had been through the courts, been found guilty and convicted, and had been put in prison, where some of them then served a considerable part of their sentence. All of them had a minimum sentence that they had to serve. There is no symmetry between those arrangements and the Bill's proposals. If there is to be symmetry, the Government will have to table an amendment to the effect that people will have to serve a sentence of at least two years.

Under clause 7, the prosecutor will be asked to take half-baked cases into court, and the inevitable upshot of this crackpot scheme will be not-guilty verdicts. I wonder whether that is what the Government want.

[Mr. Robinson]

I was propelled into active politics after a school friend of mine was murdered by the Provisional IRA. He had just left school and was in his first job. The IRA bombed the premises of the Electricity Board for Northern Ireland, for which he worked. He was just a teenager, and his life was taken from him. No one has ever been found guilty of having planned that operation, but a Member who has not taken his Oath in this House was in charge of the Provisional IRA for the area in which this person was bombed and killed.

One evening in 1978, shortly after I became an elected representative, I was preparing to go out when I heard a very loud bomb explode. The target was close by. As it transpired, it was the La Mon House hotel. I went immediately to the site, and I witnessed the most horrific scenes. The bombers had hung their device on the security grille over the hotel window, and attached a large can of petrol to it. When the bomb was detonated, it sent a huge fireball through the hotel, incinerating all those in its path. Twelve innocent people were burned alive in that attack. Their charred remains were a gruesome image, and all who saw it will carry that image in their minds for the rest of their lives. What was their crime? They were attending an evening dinner with the Irish Collie club, a dog club. Gerry Adams was arrested and questioned about the attack, and was later released. The Bill will ensure that no one spends a single day in prison for those murders.

Mrs. Iris Robinson: As my hon. Friend knows, I have been dealing with the victims of the La Mon atrocity for some years, because it happened in my constituency. I asked in the House for a public inquiry, but sadly it was refused. I think that the refusal was based on the fact that, as my hon. Friend said, Gerry Adams's fingerprints were all over that atrocity, and he was arrested in the back hills of Castlereagh some time after it. What rights does my hon. Friend think the victims will receive under the Bill if the Government achieve their objective?

Mr. Peter Robinson: Under the Government's proposals, victims will have very few rights. In certain circumstances, they will have the ability to be informed that the case is being considered by the certification officer and will therefore go before the special tribunal. My hon. Friends and I will table amendments that would insert victims' rights into the Bill. They would allow time-limiting of the use of the application system for the terrorists, and open up the system to victims so that, if necessary, cases could be heard in absentia. That would give victims real closure, and those responsible for the crimes would have to serve their sentences.

I could list a catalogue of cases for which no one has yet been convicted, but I believe that I have made my point. We are not dealing with some tidying-up exercise. We are dealing with lives that have been cruelly and abruptly ended by evil terrorists, and we are dealing with the lives of those who loved them and who are now also victims. We are dealing with people whose hopes and dreams were crushed, and whose lives have been destroyed. We are dealing with decades of hurt and pain.

The Government have not produced the Bill because they think it right, decent or just. They have produced it because in 2001 at Weston Park and in 2003 at Hillsborough castle they made a shabby deal with the IRA. My right hon. Friend the Member for North Antrim (Rev. Ian Paisley) is not slow to point out to us all that it is never right to do wrong. This Bill is very wrong.

There are those who say that if we do not support the Bill, the IRA will go back to bombing and shooting. Is that where this great nation stands? Are we so craven and unprincipled that we cower before a bunch of corner boys and thugs who make demands of us? Are we cringing into submission because savage murderers demand that we throw out due process and British justice, or they will not co-operate with us?

Mr. Brazier: Will the hon. Gentleman give way?

Mr. Robinson: I am afraid that I cannot. I have very little time left, and I would be allowed no extra time for the hon. Gentleman's intervention.

Justice is a two-way street. It brings punishment to those who cause suffering, and closure to those who have suffered as a consequence. Victims have rights too. Both the European convention on human rights and the United Nations convention against torture require the United Kingdom Government to provide victims with an effective remedy. The Bill is a violation of those rights, and if this House and the other place enact it, the Government can be sure that, as a result of their defiance of those conventions, they will face a challenge in the courts.

Members can complicate the issue if they wish, but tonight's Division will show whether they are on the side of appeasing terrorists or on the side of the victims. It will show whether Members are on the side of due process or on the side of a sleazy deal. It will show whether they believe in the separation of powers, or whether they support the Government usurping the functions of the courts. The Bill is immoral, obscene, cruel and unjust. I urge the House to decline to give it a Second Reading.

5.20 pm

Gordon Banks (Ochil and South Perthshire) (Lab): I would like to set out the background to the Bill as I see it. Since 1997, we have come a long way. In 1998, we had the Good Friday agreement, leading to the early release of 440 prisoners, and we have also had devolved government. With only 14 early releases being returned to jail for breach of the licence conditions—a 97 per cent. success rate—it would appear that the action has been significantly successful.

Even though devolved government has proved to be difficult to uphold, 1998 and 1999 saw the Patten commission producing a raft of proposals relating to crime and policing. Today, of course, we have heard much about Weston Park in 2001, when the commitment was reiterated to move the peace process forward. Consideration of on-the-runs seemed to emerge from that. In 2004, we had the Independent Monitoring Commission and this year saw the IRA statement ending the armed struggle. September then saw the historic act of decommissioning. Even more recently, we have seen the ending of the Ulster Volunteer Force and the Loyalist Volunteer Force feud and the LVF's decision to stand down.

Every one of those matters has been difficult—difficult for the Government, difficult for Northern Ireland political parties and difficult for the people of Northern Ireland—but each has moved the peace process forward and improved the stability and quality of life in Northern Ireland. Northern Ireland is, I believe, a better place in 2005 than it was in 1997, and there has been a 40 per cent. reduction in security-related incidents since 1997. In parallel, unemployment has dropped by 54 per cent. Many, both within and outside the House, should feel a good deal of satisfaction and pride for their role in delivering increased prosperity and stability to Northern Ireland. In view of the steps that I have outlined, it is arguably the case that the Bill is, as the Secretary of State has argued, an evolution of everything that has gone on before.

In 2002, the then Secretary of State for Northern Ireland, my right hon. Friend the Member for Airdrie and Shotts (John Reid), said in a written answer to the hon. Member for Lagan Valley (Mr. Donaldson):

> "The Government have acknowledged that there is an issue concerning fugitives on the run who would stand to benefit from the early release scheme if they were convicted. As part of the package of measures proposed at Weston Park last July the Government made a commitment to take steps to resolve this issue."—[*Official Report*, 11 March 2002; Vol. 381, c. 705W.]

What we see today is part of the Government keeping true to that commitment and not hiding from very difficult issues.

The Bill includes a number of challenging areas, which I would like to deal with. First, some people oppose the Bill on points of principle. While I respect that viewpoint, I do not have to agree with it. For real progress to be made, difficult issues have to be faced and tough decisions taken. That certainly applies to the passage of the Bill.

I acknowledge that many victims and their families will have difficulties with the proposals, but I would like to make two points. First, the Bill provides a real opportunity to bring closure to many crimes—not for the victims, but for the crimes—and provides specific obligations, as we have heard, in respect of a certification commissioner and special prosecutor to provide a point of liaison for victims, to keep them informed of relevant cases and to see the concerns of victims as central to the role. Furthermore, the requirement for the certification commissioner to put an annual report before Parliament provides an additional level of scrutiny, which I hope is welcomed by right hon. and hon. Members on both sides of the House.

Mr. Donaldson: One of my first memories of the troubles was of an horrific incident in which three young Scottish soldiers were lured by women connected to the IRA to a flat in west Belfast, where they were abducted by the IRA, brutally murdered and their bodies left on a road in County Armagh. Is the hon. Gentleman seriously suggesting that the right thing to do is to grant an amnesty to the men who perpetrated that deed? Will he return to his constituency and say that that is the right thing to do? That is what he expects me to tell my constituents in Northern Ireland.

Gordon Banks: What I will say is that it is right for Northern Ireland to move on and take advantage of all the benefits that have accrued since 1997.

Mark Durkan: My hon. Friend says that the Bill is necessary for progress, but what progress necessitates the Bill? Who says that we cannot have the institutions and other provisions set out in the Good Friday agreement unless we have this Bill?

Gordon Banks: I have not been party to those discussions, but my answer is very similar to the one that I gave to the previous intervention: it is that I believe that it is necessary to move forward so that there is a reduction—*[Interruption.]*

Madam Deputy Speaker: Order. We must have one debate, conducted in the correct manner.

Gordon Banks: We must ensure that crimes such as have been described today do not occur in the future. I do not want to hear that such things are continuing to happen, and I believe that the Bill will help us to make progress in that regard.

Mr. Richard Benyon (Newbury) (Con): Will the hon. Gentleman give way?

Gordon Banks: No, not at the moment.

Secondly, the Bill offers an opportunity to move to a safer and more tolerant Northern Ireland. That Northern Ireland will be able to put violence and prejudice firmly behind it and close the door on the paramilitary past.

Among other requirements, the Bill provides for the appointment of a certification commissioner to determine eligibility, an appeals commissioner to handle appeals, and a special prosecutor with at least 10 years' standing as a barrister or solicitor. The special tribunal, about which much has been said already, is perhaps the most difficult proposal. In it, eligible certificate holders will be tried for the certificated offence.

It is no accident that the tribunal system should be separate from Northern Ireland's existing judicial system. It has been designed to have all the powers of the Crown court, as my right hon. Friend the Secretary of State said, but without bottlenecking the existing system. The requirement for special tribunal representatives to have held

> "high judicial office or office as a county court judge in Northern Ireland or a circuit judge in England and Wales"

is evidence of the serious consideration that the Government have applied to the Bill. It would be inappropriate for my right hon. Friend the Secretary of State to put forward a Bill that would damage the current judicial system.

Mr. Dodds: It says here.

Gordon Banks: If my right hon. Friend had written the speech for me, I am sure that it would be much better

[Gordon Banks]

than my version. The Bill attempts to preserve the current system while addressing a situation that could be quite demanding, legally.

In various briefings, much has been made about the absence from the Bill of provisions for trial by jury. However, it is vital to understand that it deals with terrorist trials in the same way as all such trials in Northern Ireland are handled, and in which juries do not take part.

The lack of an end-date to the process has also caused concern for many people.

Mr. Wallace: Will the hon. Gentleman give way?

Gordon Banks: I want to finish this point. At this stage, it is difficult to predetermine an end-date, as we are not sure of the numbers of crimes involved. At present, there appear to be between 60 and 160 but, given that there are some 2,000 unsolved murders in Northern Ireland, it is difficult to predict the level of take-up that may emerge in future.

Mrs. Iris Robinson: Will the hon. Gentleman give way?

Gordon Banks: No, as I want to finish this point. That the Secretary of State has a power to end the programme is understandable. The Bill allows the decision to be taken at some future date, with a level of evidence and detail that we can only guess at today. However, if during consideration of the Bill we can come up with a proposal for a way to incorporate an end-date, I am sure that I and many other hon. Members would be able to support it.

Mr. Wallace: The hon. Gentleman may not be aware that, since July this year, in west Belfast there have been 21 armed robberies and 37 kneecappings, which have been attributed to paramilitary groups. Does he not agree that, before we reward the terrorist groups with a Bill like this, the paramilitaries should face up to their responsibilities under the Good Friday agreement and make sure that such incidents do not continue to happen?

Gordon Banks: I agree wholeheartedly with the hon. Gentleman.

The application of the Bill to members of the security forces, which was raised earlier in the debate, is a reasonable proposal. I have raised the issue with a Minister in the Northern Ireland Affairs Committee, and I believe that it would be unacceptable to apply the legislation to former paramilitaries who match the criteria, but not to members of the security forces.

Mrs. Iris Robinson: I thank the hon. Gentleman for giving way. So that we may assess his credibility, can he tell us whether he has ever been to Northern Ireland? Has he ever met the victims? I suggest that he reads the book "Ulster—The Facts" by my hon. Friend the Member for Belfast, East (Mr. Robinson), which shows in graphic detail the extent to which the IRA perpetrated its heinous crimes.

Gordon Banks: Yes, I have been to Northern Ireland. My viewpoint as a Member of Parliament is no less valid—and no more valid—than any other Member—*[Interruption.]*

Madam Deputy Speaker: Order.

Gordon Banks: The difficulty is whether the Bill is in effect an amnesty, but it sets out a proper judicial process under which individuals will be prosecuted and, if found guilty, will have a criminal record and be on licence for the normal tariff for their conviction. If they break the law, in the terms set out in the Bill, they will be liable to imprisonment both for the new offence and for the certificated one.

Mr. Hollobone: The hon. Gentleman mentioned the 2,000 unsolved murders in Northern Ireland. What has he to say about clause 7, which will mean that the police will not be able to interview suspects brought forward under this legislation?

Gordon Banks: I understand that point, but if the Bill is enacted, the new process will be what we have, and that is why we are debating it today.

Like many people, I find the provisions on non-appearance in court difficult. If the individuals involved were required to make personal appearances in court, it would go some way to reducing the mistrust of the Bill, as we have already heard today. The ability of the defence to subpoena witnesses sits uneasily in the Bill if personal appearances are not required. I imagine that we will hear a lot more about that in Committee, in this House and in the other place. The lack of a requirement to plead guilty is also a challenge, but we must remember that the normal judicial process does not demand a guilty plea. Surely there should be an opportunity for people entering the process to be proven not guilty if the evidence and argument show that to be the case.

The Bill sets about attempting to move Northern Ireland forward, difficult though that will be—as we have seen today. Northern Ireland has as much right as any other constituent part of these islands to enjoy the economic progress made since 1997, but to enjoy such gains, peace is a vital factor.

Dr. McCrea *rose—*

Mr. Charles Walker (Broxbourne) (Con) *rose—*

Gordon Banks: I do not intend to give way.

The last Conservative Government and, since 1997, the Labour Government, made significant strides in delivering peace in the Province. The Bill is designed further to deliver peace as well as to take a step towards closure on a very violent and disturbed past. Each society that moves from violence to a peaceful future has to face difficult and, at times, unpalatable situations in that quest. I believe that that is the case today.

The Bill provides a process to convict terrorists of their heinous crimes, but—the House will be pleased to learn—I consider it to be far from perfect. However, it is not possible to produce a perfect piece of legislation to deal with the issues set out in the Bill. There is always a need for people to give ground, although in a perfect world that would not be necessary. The people of Northern Ireland are being asked a big question, as are we in the House. Are we big enough to recognise the past but not let our entrenchments jeopardise the future? The future should be as positive for the people of Northern Ireland as it is for the people I represent in Ochil and South Perthshire. If we can secure the passage of the Bill, we will take another significant step towards delivering that aim.

5.34 pm

Sir Patrick Cormack (South Staffordshire) (Con): I have real affection for the hon. Member for Ochil and South Perthshire (Gordon Banks) who sits on the Select Committee on Northern Ireland Affairs, but I do not think that contribution really did him justice. When he reads his speech I hope that he will be not exactly proud of it.

Like my right hon. Friend the Member for East Hampshire (Mr. Mates), who preceded me as Chairman of the Select Committee, I have never heard a Minister so savaged as the Secretary of State was today. The right hon. Gentleman behaved with great restraint and dignity and I have a regard for him. I am sorry that he is not in the Chamber at present. I know that he went to meet the victims and we are all glad about that. My hon. Friend the Member for Aylesbury (Mr. Lidington) is talking to victims groups at present. As the Secretary of State has already seen the groups—I hope that he was converted by them, if not by us—his place is now in the Chamber and he should be listening to the remainder of the debate.

I have been a Member of the House for 35 years and I have never had to speak in a debate on a piece of legislation that was so illogical, shoddy and base. I understand why the Government are anxious to move, as they see it, the peace process on, but it was clear from the body language, and indeed the language, of the Prime Minister when I questioned him at the Liaison Committee yesterday, and of the Secretary of State this afternoon that their heart is not in the legislation. They know that they cannot justify it.

In many ways, this is the most bizarre day in parliamentary history, because whatever happens in the Lobbies tonight, if the Bill has its Second Reading—I hope it will not, but I suspect that it will—it will have been carried not by a majority of Government Members but by the influence of the hon. Members for Belfast, West (Mr. Adams), for West Tyrone (Mr. Doherty), for Fermanagh and South Tyrone (Michelle Gildernew), for Mid-Ulster (Mr. McGuinness) and for Newry and Armagh (Conor Murphy). Five Members who do not take their seats in this place, who play no part in our deliberations and who, despite their recent protestations that they are moving towards democracy, play absolutely no part in the Parliament of the United Kingdom to which they have been elected—

Mr. Dodds: They take the money.

Sir Patrick Cormack: Oh, they take the money and they like the facilities, but they are not prepared to act as Members of the House; yet they have influence—I would even say malign influence. The leader of the Social Democratic and Labour party, the hon. Member for Foyle (Mark Durkan), who made a good speech, quoted what the Prime Minister had said to him about the power of the gun. They were the most chilling words that we have heard in our debate. The hon. Gentleman was honourably elected to lead his party and honourably returned to the House with his friend and colleague, the hon. Member for Belfast, South (Dr. McDonnell), who plays a valuable part in the Select Committee; yet at Weston Park, the Prime Minister pointed out that their words and their influence did not count for as much as that of people who have not eschewed terrorism, because they had relied not on the power of the bullet but on the power of the ballot. That is disgraceful—utterly disgraceful.

I do not know whether those people are personally implicated in any of the crimes that we are obliquely talking about today, but I know that in spite of the declaration in July, which we all welcomed, and in spite of the act of decommissioning that was real, if not total—none will know how total—there has not, as I said in an intervention on the Secretary of State, been one word of remorse or contrition.

David Simpson (Upper Bann) (DUP): Nor will there be.

Sir Patrick Cormack: Sadly, that is very likely.

If we are to draw a line, if we are to move forward, as we would all like to do, and if we are to create a United Kingdom where every part of that United Kingdom is as normal as the other parts, Sinn Fein-IRA must make a declaration that they have not just renounced the bullet or not just put away their arms, but that they have indeed entered fully into the democratic process. They need to take their seats and to argue their cause on the Floor of the House. They should take their place on the Select Committee. They should play a full and constructive part in building that Northern Ireland, which we all accept is part of the United Kingdom unless and until a majority of its population decides otherwise. We would respect that verdict, although I hope that that does not happen.

What have the Government done? They have introduced the Bill, which they had no need to introduce. It is not part of the Belfast agreement—nor was it in the Government's manifesto—but it is a gesture of appeasement towards those who have not properly embraced the democratic process. The grotesque juxtaposition of introducing the Bill on the very day that the Government were seeking to pass some of the most draconian legislation that the British Parliament has ever had placed before it is extraordinary, and it is indeed differentiating between terrorists.

The people who caused the atrocities to which hon. Members have referred in moving speeches today are as evil as the people who puts the bombs in the London tube, and let us not pretend otherwise. If those people who, on Remembrance Sunday 1987—this is seared on my memory; I shall never forget it—blew apart a community as it sought to honour its dead and created more dead are not prepared to say that they are sorry for what they have done, they are not really fit to sit down with the rest of us in a democratic forum. *[Interruption.]*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am sorry to interrupt the hon. Gentleman. Sedentary

[Mr. Deputy Speaker]

comments of that kind, coming from certain hon. Members, do not assist the debate. These are very grave matters, and they are diminished when that kind of sedentary comment—or sign—is made.

Sir Patrick Cormack: I do not get injury time for your intervention, Mr. Deputy Speaker, but so be it.

I was about to make a point that I have made several times this afternoon: those people who are guilty of those acts should at the very least come into an open court before a judge and be faced with their victims. This business of issuing a certificate and sending it, as was said earlier, to their holiday homes is no way of closing or drawing the line; it is itself yet another grotesque act.

I hope that the Minister will pass on these comments to the Secretary of State, because we all wish him well. Every member of the Select Committee wants to see normality restored, wants to see the peace walls down and wants to see a Northern Ireland in which we can all take pride, but the Bill is not advancing that cause; it is retarding it. It is rewarding those who have caused desperate anguish and have been responsible for some of the worst tragedies in peacetime ever inflicted in our country.

As the hon. Member for Vauxhall (Kate Hoey) was speaking—and how sensibly she spoke, Mr. Deputy Speaker—I thought again about the peculiar double standards by which we operate. She and I campaigned together at the time of the Bosnian atrocities. She and I would love to see Mladic and Karadzic brought to justice. They are on the run, but would anyone in Her Majesty's Government be happy to give them a little certificate because someone had been sent along to The Hague to say, "Well, give them a certificate. They're free now."? Those are the standards that the Government are trying to impose in a part of the United Kingdom for which they are responsible.

I am glad that the Secretary of State has returned—I am grateful to him. I beg him to listen carefully to what is said in the Chamber. Again, I say to him that the Bill is not by any definition emergency or urgent legislation. It is legislation over which we should take our time. The Bill must be subject to the most critical scrutiny and examination if there is to be any chance at all of creating something from it in which any of us can take any pride at all. As it is, the Bill is a shoddy document. It is fit only for ripping in half—as I now do—and nothing else.

The Secretary of State is a reasonable man who, as I said earlier this afternoon, has exercised great restraint. Will he reflect on what I am sure he heard this afternoon from the victims' groups? Will he reflect on the fact that almost every single hon. Member on both sides of the House who has taken part in the debate has said that they do not like the Bill? Will he either take the Bill away, which would be the best thing that he could do, or, at the very least, agree that the Select Committee or a Joint Committee of both Houses should be given six weeks to examine the Bill, go through it, take evidence and come up with something that is a little more worthy of the oldest of Parliaments and the greatest bastion of democracy? We are besmirching our reputation if we give a Second Reading to this Bill today.

5.47 pm

Dr. Alasdair McDonnell (Belfast, South) (SDLP): I am worried about the Bill because it is extremely far reaching. On the surface, as we have heard, it will affect on-the-runs—members of the provos who may be suspected of serious crimes. However, other elements of the Bill deeply worry me. There are members of loyalist paramilitary groups, and there are renegade members of the special branch police and Army intelligence who colluded with, prompted and handled Ulster Volunteer Force killers and, indeed, a few from the IRA. Cases are ongoing and we shall hear information shortly about some of the activities in north Belfast when members of the UVF conducted operations with the knowledge of the security services in which they killed a number of innocent people—both Protestant and Catholic—just to keep themselves amused. Some of those people will be absolved by the Bill.

There were members of the security forces who acted outside the law. Hon. Members referred earlier to people acting within the laws of engagement, but I shall not go there at the moment. However, there were members of the security forces who acted above and beyond the laws of engagement and the normal instructions to which they operated. Again, some of those people will be wrapped up in the Bill. Hon. Members of all parties feel threatened by the Bill because it is a catch-all measure that will absolve a lot of people from facing justice and accounting to their victims.

I shall make only a couple of quick points because time is running out and other hon. Members wish to speak. It is fairly clear that the Bill does not stem from the agreement. It is an add-on and a side deal. Perhaps it was initiated by Gerry Adams and the provos, but even he dissociates himself from it and denies that he had much to do with it.

The Bill does not deal merely with people who were sought pre-1998, as the Prime Minister said yesterday; it applies to anyone who might be charged, now and in the future, for 2,100 unsolved murders. It is open-ended and limitless. Anyone who is guilty or associated in any way with any one of those 2,100 murders effectively gets cleared of it. That includes 300 state killings that were in some way suspicious.

Not only does the Bill deny the victims justice, but, worse than that, it denies them the very truth that they need for closure. As there is no time limit, those involved in killing those 2,100 people can sit in their living rooms while they wait in comfort to see whether the police ever come knocking on the door. If the police do come knocking, all those people have to do is apply, from the comfort of their homes or, as my hon. Friend the Member for Foyle (Mark Durkan) suggested, their holiday homes, for a certificate.

Sinn Fein specifically negotiated that those people do not even have to go to court. Regardless of Mr. Adams's denials, we are well aware of what happened. When the Bill was announced last week, Mr. Conor Murphy, another absent Member of the House, welcomed it before he had fully read it and realised what was in it. The contrast and distress for me—other hon. Members have made the same point, but it cannot be emphasised often enough—is that victims and police officers, under threat of penalty, can be compelled to turn up in court. Yet the perpetrators of some of those heinous crimes will not have to turn up.

My hon. Friend said that the SDLP will table amendments to undo the Bill's worst aspects. If we are talking just about a small number of people who are outside our jurisdiction, let us limit it to that. If that is the bitter pill that we have to swallow, let us swallow it, but let us not make the measure all-dancing, all-embracing and all-inclusive, so that we do not know where it will end up two or three years down the road. It has to be limited, tidy and exact. People have suffered—some for 20 years, some for 25 years, some for 30 years—and I pay tribute to my colleague, the hon. Member for South Antrim (Dr. McCrea), who expressed that well. People who have suffered are entitled to some closure, truth and honesty.

We have clarified that the deal was initiated as a separate side deal, starting at Weston Park and continuing at Hillsborough, between Sinn Fein and the Government. They did not involve us. We were often kept negotiating on something on the margins. All other parties were excluded from the discussions. The deal is far too vital for one-to-one negotiations, from which the vast majority of interests were excluded.

We warned of the dangers, but others went ahead. Time and again we made it clear that the deal was way outside the remit of the agreement and what people voted for in 1998. That is a matter of public record. We published different proposals on victims and the truth that is needed for victim satisfaction. We raised our concerns time and again in Downing street and with the two Governments. Our detailed proposals for the truth process for victims are a long way from any attempt to cover up, to exclude or to collude on the past, which is what is happening to a large extent.

Under separate legislation passed to implement the Good Friday agreement, on-the-runs would, at worst, have had to serve a maximum sentence of two years. Even if no one had to go to prison under this Bill, the victims—those who have suffered and whose lives can never be put together again, who are the main people in all this—should not be denied the truth, yet that is precisely what the legislation would do. My colleagues and I intend to propose as many amendments as we can to ensure that the innocent victims—some dead, but some still living and suffering—get a better deal than the Bill as it stands offers them. If we cannot get justice, we will work to ensure that at least they get the truth. To my mind, the Bill offers victims nothing—not even, as was suggested earlier, the limited benefits that victims got through the truth process in South Africa.

5.55 pm

Lady Hermon (North Down) (UUP): I am grateful for the opportunity to speak on the Second Reading of this Bill, which I regard as so morally wrong, so morally bankrupt, that no amount of amendment—even if the Government wished to amend this wretched Bill—will ever get me to vote for it or support it. Judging by the speeches made this afternoon, I am not alone.

I should, of course, declare a particular interest in the Bill in that I am married to a former Chief Constable of the Royal Ulster Constabulary. If Sir Jack were well, he would be appalled by what the Government—his Government—have presented to the House today. As right hon. and hon. Members—I congratulate the right hon. Member for North Antrim (Rev. Ian Paisley)—probably all know, Sir Jack has Alzheimer's. Today is his birthday. He is not aware that it is his birthday, but it is the reason why I always remember the date on which the George cross was awarded to the Royal Ulster Constabulary. It was rightly, though belatedly, awarded to mark the courage, dedication and sacrifice of 302 dead officers—302 police officers. It grieves me—as I know it would grieve Jack if he were aware of it, but as I said, mercifully he is not—that the Government are proposing that the murderers of policemen and women in Northern Ireland will never have to stand in court or face any tribunal; they will never have to apologise, put their hand up and say, "I'm sorry. I have done wrong." The Bill as it stands will never require them to do that. It must not leave this House without the firm requirement that whoever is guilty of perpetrating the most heinous of crimes, against not only police officers but the innocent people who were in La Mon House and the relatives and friends of the hon. Member for South Antrim (Dr. McCrea), be held to account.

All those people deserve the right to life to be respected as much in Northern Ireland as it will be respected in the rest of the United Kingdom. I say that as one who, once upon a time, was proud of the Government, when they made the European convention on human rights part and parcel of our domestic law. I was proud because the Government sent out the message to the world—not just to Northern Ireland or the United Kingdom, but to the world—that they respected human rights, the right to life and the right of everyone within the jurisdiction of the United Kingdom to an effective remedy for breaches of that convention.

The Bill proposes a certification commissioner—a wonderful title. I have no idea what it means, apart from being the title of the person who will recommend an amnesty for people who have committed the most terrible crimes. It also creates a special tribunal, a special appeal and a special prosecutor. My goodness, what an array of new appointments and gimmicks. I apologise to whoever takes up one of those offices for referring to them as gimmicks, but I mean it—it is gimmickry. It is not an adequate and effective remedy for those who have suffered through the years in Northern Ireland. I am ashamed and deeply embarrassed that my Government have introduced the Bill.

I appreciate the fact that the Secretary of State met the widows and families of Royal Ulster Constabulary officers, but with respect, he and his fellow Ministers cannot appreciate the depth of hurt and the enormous trauma experienced by a family when someone's life is taken by terrorist bombing and killing. Having spoken to RUC widows and families, I am sure that they would tell the Secretary of State that the first injury caused by losing a loved one was dreadful. I can tell him with confidence, as I am sure they have already told him, that the second injury is caused by their own Government giving an amnesty to those murderers, which is as deeply affecting and upsetting as the first injury.

I made a rather cross intervention on the Secretary of State—I apologise, but I was annoyed; there is a great deal of anger in the House this afternoon—to emphasise the fact that the Home Secretary and successive Home Secretaries have spoken in the House about increasing

[Lady Hermon]

and improving public confidence in the criminal justice system. People in Bangor, Belfast and North Down are just as entitled to confidence in the criminal justice system and equality before that system as people in north Wales, north London and Bradford—unfortunately, that city comes to mind, because we collectively have lost another police officer, and I am terribly sorry about the death of that young woman. It is on the record that when the Criminal Justice Bill was proceeding through the House in 2003, the Home Office wrote to all Members serving on the Bill Committee to say that, under its provisions, Northern Ireland should not be perceived as becoming

"a safe haven for individuals who are seeking to avoid retrial".—[*Official Report*, 19 May 2003; Vol. 405, c. 798.]

Has the Secretary of State discussed the Northern Ireland (Offences) Bill in detail with the Home Office, because the special tribunal, the certification commissioner, the special appeal tribunal and the special prosecutor probably amount, in his mind at least, to a trial? He has been trying to persuade the rest of us of that case without success, bar with a few hon. Members.—*[Interruption.]* With one hon. Member, in fact. If that is the case, will he confirm that where there is new and compelling evidence against anyone who benefits from the legislation, whether they are loyalist or republican paramilitaries or anyone else, there is joined-up thinking in the Government so that if there is new DNA evidence or if witnesses come forward, the Home Secretary's assurance to me that Northern Ireland would not be a safe haven for criminals means that those people can face another trial at any time in the future? The legislation does not come into force until 2007, and I should like a categorical assurance in the House that the Government will not obstruct the police if they wish to bring before the courts anyone found guilty of any crime in Northern Ireland.

Mr. Hain: The hon. Lady is characteristically persuasive. I can give that categorical assurance. Any police investigation will continue, and will be pursued however the police wish to pursue it prior to the implementation of the legislation.

Lady Hermon: I am most grateful for that assurance from the Secretary of State. I would like the additional assurance that if, in the Government's mind, the provisions of the Bill amount to a trial, the Criminal Justice Act 2003, which extends to Northern Ireland and drives a coach and horses through the old common law rule against double jeopardy, will apply. The Government legislated for Northern Ireland to assure the people of Northern Ireland that where new and compelling evidence becomes available at a later date, even if there had been a previous trial, as will happen if the Bill goes through, those who escape facing the courts and proper justice under the Bill will still be prosecuted under the Criminal Justice Act. I should be enormously grateful for such an assurance, which would go some way towards alleviating the great annoyance, anger and bitterness created by an unnecessary Bill being driven through the House.

Mr. Hain: I probably need to write to the hon. Lady to provide the clarity that she needs in response to her question.

Lady Hermon: I am extremely grateful to the Secretary of State. I should be pleased if he would place a copy of his letter in the Library for the benefit of all other hon. Members who need guidance on the matter.

As I said at the beginning, no amount of amendment will ever improve this morally reprehensible Bill. I am ashamed of the Government for bringing it before the House.

6.6 pm

Mr. Andrew Mackay (Bracknell) (Con): It is a pleasure to follow the hon. Member for North Down (Lady Hermon) in a compelling objection to a very bad Bill. It was all the more impressive on what must be a sensitive date for her. She followed the hon. Member for Belfast, South (Dr. McDonnell) who, like her, has immense experience of the Province. They have both reached exactly the same conclusion. I hope that when Members vote tonight, they will bear that in mind.

I welcome the Secretary of State back to the Treasury Bench. It is right that he has been away talking to victims, but may I update him a little on what has been happening in the Chamber? We have been debating the Bill for the best part of five hours and, apart from his predecessor, quite understandably, saying a few words of faint praise for the Bill, no other Member has done so, except for a strange speech from the hon. Member for Ochil and South Perthshire (Gordon Banks), who read a handout from the Whips Office. It was a painful experience.

We have had some exceptional speeches from Labour Members—from the hon. Member for Vauxhall (Kate Hoey) and the hon. Member for Hackney, South and Shoreditch (Meg Hillier), who has many objections to the Bill and spoke for the first time, I think, in a Northern Ireland debate with considerable wisdom. It is even more significant for the Secretary of State that every democratic party in Northern Ireland is opposed to his Bill. We had powerful speeches from the right hon. Member for North Antrim (Rev. Ian Paisley) and from the hon. Members for Belfast, East (Mr. Robinson) and for Foyle (Mark Durkan). Surely they should be listened to.

I watched the Secretary of State carefully, and I agree with my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) that he spoke with patience, allowed us a considerable number of interventions and proved again that he is a proper Member of the House of Commons and a true parliamentarian. However, in the 25 years that I have been in the House, I have never seen a Secretary of State so isolated on Second Reading. I have never seen so few Government Members speaking in support of a Bill. I have never seen the Benches so thin.

It is a sad day and I genuinely feel sorry for the Secretary of State, but I do not believe that it is his fault—the fault lies elsewhere. At this late stage, he needs to consider not just that every party in the House is against the Bill, and not just that every democratic and peace-loving Member from Northern Ireland is against the Bill, but that so are the Police Federation for Northern Ireland and the victims to whom he has just been speaking.

Will the Secretary of State cast his mind back to a little earlier today to Prime Minister's Question Time when we were fortunate—the ballot sometimes works in mysterious ways—that the hon. Member for Upper Bann (David Simpson) had Question 1, which was a very significant question, the Prime Minister's answer to which was deeply inadequate? It will be recalled that a little later during Prime Minister's Question Time there was a moving question from the hon. Member for Bradford, West (Mr. Singh), who rightly mourned the police officer who was tragically murdered in his city at the weekend. Most of us find it difficult to understand the difference between bringing to justice those who murdered the police officer in Bradford, those who committed awful atrocities on 7 July in this city, and those who will, in effect, have an amnesty under this legislation.

We also find it bizarre—the Secretary of State rather lost his timing—that the Bill was published and received its First Reading two weeks ago, at the same time as the Terrorism Bill was being pursued. Does he not feel that there is something slightly wrong about trying to lock up people for 90 days without charging them on the one hand and giving this complete amnesty on the other hand? Did it not make it worse for the victims in Northern Ireland that that was happening at exactly the same time?As I say, I want to be fair to the Secretary of State because he knows that I have respect for him, but it was deeply insensitive for it to be happening at exactly the same time.

The Secretary of State mentioned closure again and again. I am afraid that that has become a meaningless word—and if he would take a little advice from me, it would be best not to use it again. I am sure that he now regrets saying that the main reason for the legislation is that the courts are log-jammed and it will help. That cannot be a satisfactory reason for bringing forward legislation that will do such harm.

Why is the legislation going ahead? We have established that it is absolutely nothing to do with the Belfast agreement, which the Minister of State and I supported. We have established from the Secretary of State that there has been no threat from Sinn Fein and the IRA that violence will be resumed if the legislation does not go ahead. We have heard from the hon. Member for North Down, who is an expert on human rights, that we could well be in breach of human rights legislation and be taken to the European Court of Human Rights if we proceed. So just why are we going ahead with the Bill at such a pace? Just what happened at Weston Park in private? What deal was done between the Prime Minister and Sinn Fein-IRA? We need to be told before we decide to vote tonight. If no deal was done, there is no sense in proceeding with a Bill that has been so mauled during its Second Reading debate and has so little support. Even at this late hour, I hope that the Minister will withdraw the Bill and consider it further, possibly in a Special Standing Committee, as my hon. Friend the Member for South Staffordshire suggested.

This is a very bad Bill, but today has been a very good day for Parliament in the way that it has been debated.

6.13 pm

Mr. Jeffrey M. Donaldson (Lagan Valley) (DUP): I welcome the opportunity to participate in this evening's debate. I agree entirely that this has been a debate of a very high standard, and many right hon. and hon. Members have spoken with considerable passion. At a personal level, I should say how much I admire the contribution made by the hon. Member for Montgomeryshire (Lembit Öpik)—I know how difficult it must be for him to be here today—and say from his many friends in Northern Ireland that we very much appreciate the contribution that he has made to the debate today.

I cannot say the same to the hon. Member for Ochil and South Perthshire (Gordon Banks), who will not be surprised by that. Whenever he ascends to the high office to which he undoubtedly aspires, I hope that he realises that some things in life are more important than political ambition. There are high principles in politics and justice that are worth preserving, and his contribution to this debate did nothing to persuade any of us that he understands those principles in the context of the Bill. I hope that he will take the time to come to Northern Ireland and meet some of the victims groups, and I certainly intend to send a copy of his speech to all the victims groups with which I am in contact. The central theme of his speech was, "It is time to move on and get over it." I hope that he will have the courage of his convictions and visit Northern Ireland to tell people that to their faces. I do not think that he has the slightest understanding of the hurt and pain that the Bill is causing in Northern Ireland.

I echo the comments of the hon. Member for North Down (Lady Hermon), who spoke with considerable passion about the sense of injustice felt by RUC widows. I know that many of the other victims in Northern Ireland, such as the families of police officers and of Ulster Defence Regiment, Royal Irish Regiment and Army soldiers, share that sense of injustice. Indeed, the issue is not confined to Northern Ireland, because the families of soldiers who served in Northern Ireland have been denied justice, too. As my hon. Friend the Member for Belfast, East (Mr. Robinson) reminded us, many hundreds of civilians also lost their lives in the course of the troubles.

As has been said, the issue was not included in the Belfast agreement. I was involved in the negotiations leading up to the agreement, which I voted against for a number of reasons, including the provisions on the early release of terrorist prisoners. Nowhere in the agreement is there a justification for the Bill. Indeed, in an earlier response to an intervention, the Secretary of State acknowledged that the deal that he has done with Sinn Fein does not emanate from the agreement, although the Prime Minister has sought to draw such parallels. The argument has been advanced that the Bill is unfinished business and that we need it to achieve closure, but I respectfully inform the Secretary of State that in my opinion it will not achieve closure for many of the victims in Northern Ireland.

Last Thursday evening, my hon. Friend the Member for Upper Bann (David Simpson) and I met a large number of victims from south Armagh and Fermanagh, which are the areas with the largest number of unsolved murders in Northern Ireland. Hundreds of murders in which the perpetrators have not been brought to justice were committed in south Armagh and Fermanagh.

[Mr. Jeffrey M. Donaldson]

I do not like to single out individuals, but may I say how much I admire Miss Aileen Quinton's contribution to this debate? She lost her mother in the poppy day massacre in Enniskillen in 1987, which the Chairman of the Northern Ireland Affairs Committee, the hon. Member for South Staffordshire (Sir Patrick Cormack), mentioned earlier. I have heard Aileen conduct radio interviews, and she has shared her views in the national media with considerable dignity. The strength of her argument on this issue is unanswerable: Aileen, like so many of the victims who have suffered as a result of the troubles in Northern Ireland, feels that she will suffer doubly because of the injustice caused by this Bill.

We want a process of healing in Northern Ireland so that we can move forward. I would say to the hon. Member for Ochil and South Perthshire that I want to move forward, but I do not want us to trample over the rights of victims in our haste to do so. We must bring people with us. Dealing with the sense of injustice is part of the process of healing. Peace is not created by injustice.

The problem with the Bill is that it will lead to injustice. Some of the victims—this was expressed to us very clearly when we met victims' groups—will be re-traumatised as a result of this process. There is indignation that the perpetrators can remain anonymous throughout the process and do not have to appear before a tribunal to account for their crimes. It is an aberration to describe that as justice or due process. That simply does not wash with people in Northern Ireland. I am afraid that the legacy of the Bill will be that murder, intimidation and terrorism have proved successful for individuals who have engaged in such activities.

The Secretary of State made it clear that the purpose of the Bill is to meet a demand that has been made by Sinn Fein-IRA. That demand is coming from nowhere else but one source, and one source only. I accept that not only Her Majesty's Government but the Irish Government are party to the agreement that has been reached. The Irish Government are happy to support a deal that permits the murderers of RUC officers to walk free, yet say in their own jurisdiction that the men who murdered Garda Jerry McCabe will not benefit from the process. The hypocrisy of that position shows the extent to which double standards are applied in dealing with Sinn Fein-IRA. Of course, I do not wish the murderers of Jerry McCabe to benefit. I have met Garda McCabe's widow—a fine woman who has shown much courage in highlighting her case in the Irish Republic. Today, we met the widows and family members of RUC officers who were murdered and they cannot understand why that double standard should apply.

Mrs. Iris Robinson: Is my hon. Friend aware that the Taoiseach is on record as saying that he would rather be in opposition than share a Government with Sinn Fein?

Mr. Donaldson: Indeed. We have heard Labour Members trumpeting the July statement and the Secretary of State telling us that the totality of IRA weapons have been decommissioned. Yet even now the Irish Prime Minister says that Sinn Fein is still not fit to be considered as coalition partners in the Irish Government in Dublin, who will no doubt press my right hon. Friend the Member for North Antrim (Rev. Ian Paisley) and my party to form a Government in coalition with Sinn Fein. One standard applies in Stormont and another applies in Dublin.

David T.C. Davies: I am sure that many of my hon. Friends agree with every word that the hon. Gentleman is saying. Does he agree that the double standard, whereby British soldiers will now be treated in the same way as IRA murderers, will be hugely detrimental to our ability to recruit high quality men and women such as those who have for 30 years protected Catholic and Protestant civilians alike in the Province of Northern Ireland?

Mr. Donaldson: I agree, and I thank the hon. Gentleman for his intervention. Some members of the security forces to whom I have spoken find it insulting to be categorised with terrorist murderers in benefiting from the measure. Let us not try to justify the Bill by saying that members of the security forces will benefit from it. That is not the motivation behind the measure. The motivation is to appease Sinn Fein-IRA—that is clearly the bottom line. The Government do themselves no credit by trying to shelter behind the argument that the Army and the police may benefit from the Bill.

The Bill is a raw deal for the victims. My hon. Friends and I will table amendments in Committee in due course. I agree with the hon. Member for North Down that that will not change my mind about opposing the principle of the Bill—I shall continue to oppose it.

Dr. McCrea: Will it not also be a raw deal for, and insulting to, the people of Northern Ireland and the victims if Her Majesty's Government order Labour Members to vote for the Bill? That means that they have not listened to the debate or heard the arguments, but will act as fodder for the Government. They simply obey the Whips.

Mr. Donaldson: My hon. Friend makes a telling point. May I say, as a friend and colleague, how much I appreciated his contribution to the debate? It must have been difficult for him to share some of his experiences with the House. I appreciate the passion and the emotion with which he spoke.

Surely, if the process is to go on, the victims must be given some rights. They should have the right to argue the case to the commissioner that a certificate should not be granted to an offender before going to the tribunal. That is a basic right, but the Bill does not afford the victims the right to put a case that the perpetrators should not receive the certificates that they seek. Victims should also have the right to make a statement in the presence of the offenders when they appear before the tribunal—if they appear. As my hon. Friend the Member for Belfast, East said, when offenders have not come forward, surely victims should have the right to approach the commissioner to establish whether the police have evidence or information about the person or persons responsible for the murder of their loved ones and to ascertain whether there is any intention to pursue tribunal proceedings against those individuals—yet not even that right is accorded them.

The measure contains nothing that enables the victims to receive some form of compensation for the crimes that have been committed against their loved ones. Victims groups ask how the Government are recognising them in the process. Such recognition is not apparent in the Bill. Let me be clear—the victims do not want blood money, but they are entitled to reparation and compensation for their loss. The Government need to deal with that.

FAIR—Families Acting for Innocent Relatives—in south Armagh recently submitted an application for a memorial centre for victims. As I said earlier, south Armagh is one of those areas where there has been high loss but low detection and conviction of the perpetrators. The Government could not even give the group the money for the memorial centre. They chided the victims group and said that it had to prove that it was engaging in cross-community activities. In south Armagh, that means working with Sinn Fein and republicans—the same Sinn Fein whose councillors on Newry and Mourne council prevented the victims group from hiring a community hall in Newtownhamilton. Thankfully, those councillors have been surcharged and I hope that they will be kicked out of office. The Government expect the victims to work with Sinn Fein in south Armagh, and if they do not they will not get the money for their memorial centre. What an appalling way to treat the innocent victims of terrorist violence. This shows that the Government have double standards. It is time that they gave proper recognition to the victims.

I welcome the appointment of the victims commissioner—the Secretary of State knows that—but the commissioner and other groups must be empowered and given due recognition in this process. There is too much money involved. I wonder how much this process will cost the taxpayer in the United Kingdom. I suspect that it will be millions of pounds. Would it not be better to give that money to the victims of IRA violence in Northern Ireland? Just to build a memorial centre in somewhere like south Armagh would not cost the Government that much, but they cannot even get that right.

Finally, I want to quote again the Superintendents Association. Its members are senior officers in the police service whose job is to uphold the rule of law, and it has looked at this legislation and found it to be deeply flawed. It states that it will be

> "injurious to the overall administration of the Criminal Justice Process in Northern Ireland, and public confidence therein."

That is the verdict of senior police officers in Northern Ireland, and it was, after all, this Government who told us that we should listen to senior police officers. Should not the Government listen to these senior police officers and catch on? They should drop this legislation and stand by justice and democracy. That is the only way to achieve real peace in Northern Ireland. Appeasement did not work in 1939 and it will not work now. If the IRA is genuine about peace, it should not need to have injustice.

6.31 pm

Mr. Andrew Robathan (Blaby) (Con): This is a shameful Bill. It relates to a deal that was obviously done between the Prime Minister and the leaders of the IRA. The right hon. Member for Torfaen (Mr. Murphy), who was Secretary of State for Northern Ireland until May, would not introduce the Bill—at least, that is my reading of what happened. He made a good speech today, and he should vote against it, as should the hon. Member for Hackney, South and Shoreditch (Meg Hillier). She pointed out the Bill's deficiencies, and she should vote against it. As the right hon. Member for Torfaen appeared unwilling to introduce it, he was replaced by the right hon. Member for Neath (Mr. Hain), who was much more willing to do so. We know his background with the Troops Out movement, and we know where his real instincts and feelings lie. I believe that he was appointed because he was acceptable to the IRA and Sinn Fein, and that is why he is introducing this disgraceful Bill. I feared that the Belfast agreement might be built on sand, but I hoped otherwise. But as we have seen, Danegeld has been paid, and the thing about Danegeld is that one keeps on having to pay it. Concession after concession has been made. What will be the next one?

In this brief speech, I want to concentrate on the treatment of public servants. The RUC, to which I pay due respect, should certainly be considered, but I particularly wish to talk about the Army, as I served in Northern Ireland with certain hon. Friends sitting around me, and the Bill affects friends of mine. Loyal public servants who were doing the bidding of the Government will be in the firing line as a result of this Bill. What will be the next concession? The Saville inquiry was a concession to the IRA, costing £200 million and rising. I expect that charges against soldiers will result from it, because otherwise there would be no point in making that concession to the IRA. Under this Attorney-General, I expect that the commanding officer will be charged, for he was there, and possibly the adjutant as well. The adjutant was the present Chief of the General Staff, General Sir Mike Jackson.

Mark Durkan: Will the hon. Gentleman give way?

Mr. Robathan: I am sorry, I have not got time.

The former Chief of the Defence Staff, Admiral Boyce, has said:

> "The Armed Forces are under legal siege".—[*Official Report, House of Lords*, 14 July 2005; Vol. 673, c. 1236.]

We have seen the setting up of the historic investigation team by the 6th Regiment, Royal Military Police in Northern Ireland to help the Police Service of Northern Ireland in its historic investigation. But, of course, it is investigating only soldiers. It will be working with the historic inquiry team of the PSNI. More Danegeld is being paid.

I want to concentrate on two cases that I know a little about. Friends of all ranks were involved. The first was in Gibraltar in 1988. We all remember "Death on the Rock"—what a shocker that was. The Minister will tell us what the next concession will be, but I am sure that there will be an historic investigation into this case. Why? The terrorists were plotting to blow up the changing of the guard at Government House and they would have killed hundreds of people. An outrage was being planned. Actually, it is a moot point whether the soldiers were right when they shot the IRA terrorists,

[Mr. Robathan]

because the bomb was still in Spain. But that is the point. The historic investigation could therefore easily bring charges, although the soldiers were acting in good faith, on instructions from the Government and from their commanders, and prevented a dreadful atrocity. The Government will hang those SAS soldiers out to dry, as they have done to some soldiers in Iraq, to placate the IRA.

The other case is even worse. In May 1987, eight IRA terrorists who were armed to the teeth drove a JCB with a bomb on it into Loughall police station and exploded the device. They were then ambushed by soldiers and police officers who had been so instructed by the Secretary of State. That took place with Government approval. I would say that it was a great success in the battle against the IRA, but I fear that that is not how it strikes this Government and this Secretary of State. This Government passed the Human Rights Act 1998. When the European Court of Human Rights said in May 2001 that the human rights of those poor murdering terrorists had been violated, the Government had to pay £10,000 to each family. Under the Human Rights Act, those soldiers are already guilty. It is no surprise that in a written answer to me on 11 November, the Secretary of State said through the Under-Secretary of State for Northern Ireland, the hon. Member for St. Helens, South (Mr. Woodward), that

> "the PSNI has advised us that this incident will be looked at by the Historical Enquiry Team in due course."—[*Official Report*, 21 November 2005; Vol. 439, c. 1641W.]

What confidence can any soldier or ex-soldier have in this Government? It is a disgrace. More SAS soldiers will be hung out to dry, and there will be another concession to the IRA.

Should Adams and McGuinness—both on the IRA army council, and both have blood all over their hands—appear before the tribunal and should they be released on licence, will they be allowed to sit in the House of Commons as murderers under licence? I make this prediction: I guarantee that, should it happen, this Government will make another concession.

Arguably, this is the worst Bill to come before the House in recent times—certainly while I have been a Member of Parliament. I should like Defence Ministers and senior commanders of the armed forces to stand up and say, "This is a disgrace", because it is a disgrace. *The Sun* accused me, and my hon. Friends, of being soft of terrorism. Where does it list the people who will vote for this disgraceful Bill tonight?

When we come here we should always know what we are doing, and we should know that what we are doing is right. We should always strive to do what is right. We swear before the House that we will try to do what is right. It is not right to pass this dishonest and corrupt Bill. I hope that all Members who vote for it will hang their heads in shame.

6.37 pm

Mr. Laurence Robertson (Tewkesbury) (Con): When we think about Northern Ireland, many words come to mind—"courage" being one in so many instances. Before I deal with the Bill, perhaps I can be allowed to stray for a moment to speak of the courage of the hon. Member for Montgomeryshire (Lembit Öpik). His must have been a very difficult speech to make, but he made it with his usual commitment to the issue. He will take this in the spirit in which I mean it: he has far more friends in this place than his modesty would allow him to think. I know that he will also take this in the spirit in which I mean it. He is a man with a great sense of humour, and his great strength of character will allow him to come through these difficult times. Every Member looks forward to the eventual return of the humour for which he is well known. He is a great Member of Parliament.

This has been a very passionate debate. I have been in the House for only eight years, but I cannot think of a time when I have seen the Government under so much fire from every corner of it. We heard a very effective speech from the former Secretary of State, the right hon. Member for Torfaen (Mr. Murphy), who says that he hopes the Government will consider serious amendments to the Bill, and will consider other people rather than just republicans. I think that I quote him accurately.

The hon. Member for Foyle (Mark Durkan) said that the Bill undermined assurances given about prisoners during the agreement referendum campaign. He also made the important point that loyalist terrorists have not decommissioned, yet they will benefit from the Bill.

The right hon. Member for North Antrim (Rev. Ian Paisley) spoke with his usual passion. He fairly said that the Bill introduces two systems of justice in Northern Ireland, but I suspect that he would accept that one of those systems is not justice at all.

As usual, the hon. Member for Vauxhall (Kate Hoey) spoke extremely well. She pointed out that, in opposition, the Labour party did not always support anti-terrorism legislation. She asked why, if the IRA is no longer a threat, we need the Bill.

My right hon. Friend the Member for East Hampshire (Mr. Mates) said that there are too many concessions in the Bill and that they all point one way. He provided a moving personal account of the difficulties that he had faced in one instance as a Minister. He argued that the Bill might well lead to Ministers having to take more difficult decisions, perhaps compromising victims' rights time and again.

The hon. Member for Hackney, South and Shoreditch (Meg Hillier) expressed great concern about the lack of any deadline in the Bill and the absence of any need for the accused to appear in court.

The hon. Member for Belfast, East (Mr. Robinson) spoke about the great injustices of the Bill. He rightly pointed out that, because of the limit on the amount of evidence that can be gathered, it assists in the achievement of non-guilty verdicts by the accused. He spoke movingly about the events that propelled him into politics, which are highly relevant to the issues surrounding the Bill.

Even the hon. Member for Ochil and South Perthshire (Gordon Banks)—I shall be kinder than others about him—expressed concern about the fact that the accused do not have to appear in court and about the ability of the court to subpoena witnesses, but not those who are accused.

My hon. Friend the Member for South Staffordshire (Sir Patrick Cormack) reminded us, in a wide-ranging speech, that the people that we are talking about in the context of the Bill are just as evil as those who bombed London. He provided a good analogy when he said that on-the-run mass murderers and terrorists from Bosnia would not be given a certificate for freedom.

The hon. Member for Belfast, South (Dr. McDonnell) spoke about the need to provide victims with justice and truth. Indeed, he felt that the Bill lets those victims down.

The hon. Member for North Down (Lady Hermon) expressed shame at the Government for introducing the Bill and my right hon. Friend the Member for Bracknell (Mr. Mackay) appropriately asked exactly what deal was done at Weston Park.

The hon. Member for Lagan Valley (Mr. Donaldson) spoke about the real hurt caused in Northern Ireland by the Bill. He pointed out that the Government said only a week ago that Opposition Members should have listened to police officers in respect of proposals for 90 days, yet police officers are clearly being ignored in respect of this Bill.

My hon. Friend the Member for Blaby (Mr. Robathan), who, along with some other colleagues, served in Northern Ireland, made a hard-hitting speech. He condemned the concessions that it seems the Government are making.

It is important to ask why we need the Bill. The Government have not provided the answer to that question. Who is the Bill for? It is certainly not for the victims, who do not want it. The only political party in favour of the Bill is Sinn Fein. It is rather alarming that the Government are prepared to negotiate with Sinn Fein but will not negotiate with constitutional parties about amendments to the Bill. The Secretary of State said that there was an agreement with the Irish Government, but they are certainly not implementing the terms of the Bill.

As hon. Members have already asked, what will result if the Bill is defeated? Let us suppose that it does not get through Parliament: what are the Government afraid will happen? The Government say that they believe the IRA when it says that the war is over. That leads me to the question of why the Bill should be introduced now. If the war is perhaps not over, is not the Bill premature?

We have heard the IRA statement and subsequent confirmation that the IRA has put its arms beyond use, but I am not aware that it has put the proceeds of the bank robbery beyond use. As far as I know, the Government still hold the IRA responsible for that robbery, as do the Irish Government and the police in Northern Ireland. While the IRA has the means to rearm and to pay its volunteers, is not the Bill at least premature?

The Secretary of State spoke about closure—what he described in his article in *The Times* yesterday as the end game. The Good Friday agreement makes it clear that its participants believe that the aims of the criminal justice system should be to

"have the confidence of all parts of the community".

I do not think that we can say that this Bill has the confidence of all parts of the community when it comes to the so-called justice that it will deliver.

I shall give a very brief analogy. A few years ago, I and some other hon. Members visited Rwanda, where there had been the most awful genocide. I walked through the bones and skulls of some of the victims of that genocide, and then attended one of the court sessions. About 850,000 people had been massacred, and I said to the Justice Minister, "We have all these courts set up, and we are going to send people to prison, yet we are talking about reconciliation. Can we get the reconciliation if we go down that path?"

What a naïve question for me to ask. The Justice Minister said, "We have to have the justice before we can have the reconciliation." That is the point that hon. Members of all parties have tried to make today.

The Secretary of State said that we can never bring an end to the victims' hurt. That may be true, but we can make that hurt worse. I suspect that that is what the Bill will do.

The Secretary of State did not help the process with his article in *The Times*. He wrote that those returning would face the prospect of a "full legal process", but that is untrue, as they will not have to appear in court. He added that they would have to go through a special court before being let out on licence, but let out of where, let out of what? Those people will not have been inside for a single day. What a misleading article it was.

There is not time for me to go through all the Bill's flaws, as I want to give the Minister an appropriate time in which to respond, but I will say that I see the Bill as yet another concession to the IRA. As my hon. Friend the Member for Blaby asked, what will the next concession be? What will provoke it? Will it be that the IRA starts to make threatening noises again? That is unacceptable in a democracy.

I do not mean this as a personal comment to the Minister, but he will not be surprised to hear that we will take this Bill very seriously if it reaches Committee.

6.48 pm

The Minister of State, Northern Ireland Office (Mr. David Hanson): I appreciate the tone of today's debate. This is a difficult subject, with lots of raw emotion. I hope that the House will understand if I limit the number of interventions that I take, as I have only a short time in which to respond to a long debate in which very serious issues were raised. However, to show that the Government are not afraid of debate, I point out to the House that the programme motion—which I hope will be approved—allows for a long discussion in Committee. I assure hon. Members that I shall welcome prolonged consideration, and that provision has been made to allow the Committee's deliberations to go beyond the normal period.

I found the speech of the hon. Member for Montgomeryshire (Lembit Öpik) very moving and honest. I appreciate the effort he made to come to the House in today's difficult circumstances. On behalf of the Government and Labour Members, I want to express to him and his family our condolences at his loss.

I am also grateful to hon. Members of all parties for their efforts in addressing the very difficult issues associated with the Bill. I hope that I will have an opportunity to deal with some of the matters that have been raised, but I shall start with the question of victims. That subject has been at the heart of many of the contributions made today.

[Mr. David Hanson]

No one could have listened to the speeches of the hon. Members for Belfast, East (Mr. Robinson), for Lagan Valley (Mr. Donaldson) or for Strangford (Mrs. Robinson), or to the very moving contributions from the hon. Members for South Antrim (Dr. McCrea) and for North Down (Lady Hermon), without thinking of the victims of the crimes that are the subject of the Bill before the House. I had the opportunity to meet victims, including Aileen Quinton and Willie Frazer, when the Bill was published two weeks ago. Yesterday, I also looked in the eyes of widows of policemen who had been killed in a brutal and cowardly way by members of the IRA. I have also met the children and parents of people who have been killed and seen the dignity with which they carry themselves. Nobody in this House can understand their pain, and nor can we look those people in the eye without recognising the further pain that this Bill will bring.

Mr. Donaldson: I was with Aileen Quinton when the Minister met her, by accident, in Central Lobby a couple of weeks ago. The Minister undertook to meet Miss Quinton before the Bill today. Did he do so?

Mr. Hanson: I have offered to meet victims. I met victims yesterday and I make an offer today to meet with any victims' groups. I also met police victims yesterday and I have said that I will continue to liaise with them. I have offered a meeting to the individuals concerned and will arrange to discuss the issues with them.

One of the reasons my right hon. Friend the Secretary of State will introduce the victims commissioner from 1 December—Bertha McDougall is a victim herself—is to ensure that victims are recognised.

Michael Gove: Will the Minister give way?

Mr. Hanson: No, because I have limited time to reply.

In the Bill, there is a duty on both the certification commissioner and the special tribunal to liaise with, support and inform the victims during the new process.

As my right hon. Friend the Member for Torfaen and the hon. Member for Foyle (Mark Durkan) said, the Bill was the result of discussions not as part of the Good Friday agreement—which some hon. Members genuinely opposed—but after Weston Park in 2001 and 2003. It was not—as my hon. Friend the Member for Vauxhall (Kate Hoey) suggested—published secretly. It was a published document that was made available. It was also indicated at the time what steps the Government would take to bring the matter forward.

The hon. Member for Tewkesbury (Mr. Robertson) asked, "Why now?" The Bill has been introduced now because part of the agreement and part of the building blocks for the agreement were to bring the IRA to the position it is now in, where it has made what I hope proves to be its historic statement in July.

Several hon. Members *rose—*

Mr. Hanson: I will not give way at this stage, because I wish to make some important points in limited time. My time to reply is limited because we wanted to give hon. Members an opportunity to make their points about the Bill.

We wanted to ensure that the Independent Monitoring Commission—whose reports are being considered—had the chance to recognise what the IRA has undertaken. As part of the political peace process and as part of the building blocks for that process, this measure has been introduced. And, yes, I do say to the right hon. Member for East Hampshire (Mr. Mates), to the hon. Members for Aylesbury (Mr. Lidington) and for South Staffordshire (Sir Patrick Cormack) and to my hon. Friends for Ochil and South Perthshire (Gordon Banks) and for Vauxhall, that we introduced the Bill at this time for those reasons.

The Bill, if it passes all its stages, will not come into effect until 2007 and we will have an opportunity to judge how the IRA performs between now and then. As my hon. Friend the Member for Hackney, South and Shoreditch (Meg Hillier) said, we need to restore the institutions in Northern Ireland, so that local people can decide local priorities.

Mark Durkan: If the Minister is as concerned as he says he is about victims, why are the Government stabbing new grievances into victims' grief and calling it closure? In relation to the Minister's last comment that the Bill will pave the way for the restoration of the institutions, I ask what will not happen if the Bill is not passed? What will be denied us, in terms of the institutions and the agreement, if the Bill is not passed?

Mr. Hanson: My hon. Friend will be aware that part of the discussions at Weston Park and part of the reason that the Bill has been taken forward is because it was part of the building blocks to get people to make the statement in July in the first place.

I wish to make it clear for hon. Members on both sides of the House that there are tight eligibility criteria for the scheme. People cannot qualify for the scheme if they are members of Continuity IRA, the Real IRA, the UVF, the LVF or any specified organisation. They cannot be involved in terrorism now and qualify for the scheme. They cannot have been involved in offences after 10 April 1998 and qualify for the scheme. They cannot have received a sentence for any further crime and qualify for the scheme. That is an important aspect.

Some Members, including my hon. Friend the Member for Vauxhall, the right hon. Members for North Antrim (Rev. Ian Paisley) and for East Hampshire, and the hon. Members for Aylesbury, for Foyle and for Montgomeryshire have called the measure an amnesty. That is a debatable point and people will argue about it, but individuals will come before a court, they will be prosecuted and could be found guilty; a situation where individuals could be subject to criminal prosecution and released on licence is not an amnesty as I understand it.

Mr. John Baron (Billericay) (Con): Will the hon. Gentleman give way?

Mr. Hanson: No, there are only three minutes left. The hon. Gentleman has not been in the Chamber for all of the debate so I certainly will not give way to him.

Several Members referred to non-appearance in court. That is a serious matter and it was raised by the hon. Member for Belfast, South (Dr. McDonnell), my right hon. Friend the Member for Torfaen, the hon. Members for North Down and for Montgomeryshire, my hon. Friends the Members for Foyle, for Hackney, South and Shoreditch and for Ochil and South Perthshire and the hon. Member for South Staffordshire. Non-appearance in court is a difficult issue. We have taken a judgment, because we want to get individuals through the scheme. We want them to qualify for the scheme, to come to account and to face justice as a result of a criminal record.

For the reasons that we have outlined we support the Bill as it stands, but as my right hon. Friend the Secretary of State said we shall examine amendments in Committee, tabled by the hon. Member for South Staffordshire or others. We shall consider what has been said on both sides of the House today, including the comments of my right hon. Friend the Member for Torfaen and others. We shall consider the issue in Committee and in another place, and reflect on the all the points that have been made.

There will be a tight licence under the legislation. If convicted individuals breach the licence, become members of, or involved in supporting, specified organisations get involved in terrorism or are convicted of other crimes, they will face recall and imprisonment. Under the early release scheme that we introduced, individuals have lost their licence and faced the consequences.

My hon. Friends the Members for Ochil and South Perthshire and for Hackney, South and Shoreditch asked about end dates for the scheme. The Secretary of State will have the power to set an end date and we shall consider that in due course unless the scheme comes to a natural end.

I want to mention two further issues. My right hon. Friend the Member for Torfaen, the hon. Members for Montgomeryshire and for Orkney and Shetland (Mr. Carmichael) and the right hon. Member for East Hampshire mentioned exile. The Government certainly do not support the process of exiling. It must end and we utterly condemn activities of groups on either side of the community that are aimed at intimidating individuals in Northern Ireland. I understand the concerns that have been expressed today. It is our intention to listen to suggestions during the passage of the Bill to ensure that we tackle the question of exiling and ensure that intimidation does not occur.

The second point relates to interaction with the historical inquiry team. It is not our intention, in any way, shape or form, to undermine the efforts of the Police Service of Northern Ireland in reinvestigating old murders. Those investigations can take place until the Bill comes into effect. The PSNI can continue to pursue them, irrespective of their eligibility for the scheme. The Bill is about seeking justice, to ensure that individuals are given criminal records, that victims know who has committed the crime and that individuals are held on licence if they are convicted after 2007.

We have included the armed forces and security services because we feel that it would be unfair and impractical to hold an individual on a terrorist basis who could be released after 2007, whereas an individual from the military could be charged with a similar offence and find themselves in jail for that period.

This is part of the political peace process. It is the key to getting where we are today. It is the key to the future. It is the key to ensuring that there are no future victims in Northern Ireland. The Government's concern is to ensure that we do not create future victims. That is why I commend the Bill to the House.

Question put, That the amendment be made:—

The House divided: Ayes 258, Noes 313.

Division No. 107] **[7 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hoey, Kate
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael

Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Ayes:
Mr. Crispin Blunt and
Andrew Stunell

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Mr. Patrick
Hanson, Mr. David
Harman, rh Ms Harriet
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen

Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Ian Cawsey and
Mr. Frank Roy

Question accordingly negatived.

Main Question put forthwith, pursuant to Standing Order No. 62 (Amendment on Second or Third Reading):—

The House divided: Ayes 310, Noes 262.

Division No. 108] **[7.14 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Mr. Des
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter

Hall, Mr. Mike
Hall, Patrick
Hanson, Mr. David
Harman, rh Ms Harriet
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, Dr. Kim
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh Mr. John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Mr. David
Miliband, Edward
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, Mr. Elliot
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Short, rh Clare
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thornberry, Emily
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Mr. Ian Cawsey and
Mr. Frank Roy

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Djanogly, Mr. Jonathan
Donaldson, Mr. Jeffrey M.
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Durkan, Mark
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Forth, rh Mr. Eric
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike

Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hermon, Lady
Hoban, Mr. Mark
Hoey, Kate
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, Dr. Alasdair
McGrady, Mr. Eddie
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Salmond, Mr. Alex
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Noes:
Mr. Nigel Dodds and
Mrs. Iris Robinson

Question accordingly agreed to.

Bill read a Second time.

NORTHERN IRELAND (OFFENCES) BILL

Motion made, and Question put forthwith, pursuant to Standing Order No. 83A(6) (Programme motions),

That the following provisions shall apply to the Northern Ireland (Offences) Bill:

Committal

1. The Bill shall be committed to a Standing Committee.

Proceedings in Standing Committee

2. Proceedings in the Standing Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 15th December 2005.

3. The Standing Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.—*[Mr. Alan Campbell.]*

Question agreed to.

NORTHERN IRELAND (OFFENCES) BILL *[MONEY]*

Queen's recommendation having been signified—

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with bills),

That, for the purposes of any Act resulting from the Northern Ireland (Offences) Bill, it is expedient to authorise the payment out of money provided by Parliament of expenditure incurred by the Secretary of State by virtue of the Act.—*[Mr. Alan Campbell.]*

Question agreed to.

DELEGATED LEGISLATION

Mr. Deputy Speaker (Sir Alan Haselhurst): With the leave of the House, I shall put together the Questions on the two motions.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

CAPITAL GAINS TAX

That the draft Tax and Civil Partnership Regulations 2005, which were laid before this House on 24th October, be approved.

CORPORATION TAX

That the draft Tax and Civil Partnership (No. 2) Regulations 2005, which were laid before this House on 24th October, be approved.—[*Mr. Alan Campbell.*]

Question agreed to.

PETITIONS

Extreme Internet Sites

7.29 pm

Martin Salter (Reading, West) (Lab): I present the petition of residents of Reading and others, numbering more than 50,000 signatures.

The petitioners declare their objection to the presence of extreme internet sites promoting violence against women in the name of sexual gratification and private profit. The petitioners note the recent horrific murder of the Brighton schoolteacher Jane Longhurst by a man who had become an avid user of corrupting internet sites. The petitioners wish their views to be taken into account in respect of the Home Secretary's consultation, which ends on 2 December.

The petition continues:

The Petitioners therefore request that the House of Commons urge the Government and Internet Service Providers to take action to block access to these sites; to introduce legislation to overhaul the Obscene Publications Act to make it a criminal offence to possess such images; to call for better international co-operation to close down sites hosted abroad; and to include internet images in the UK in the remit of OFCOM.

And the Petitioners remain, etc.

To lie upon the Table

7.30 pm

David Lepper (Brighton, Pavilion) (Lab/Co-op): I rise to present a petition on behalf of residents of Brighton and Hove and others, signed by some 2,000 individuals. The petition

Declares their objection to the presence of extreme internet sites promoting violence against women in the name of sexual gratification. The petitioners note the recent horrific murder of Brighton school teacher Jane Longhurst by a man who had become an avid user of corrupting internet sites such as 'necrobabes', 'death by asphyxia' and 'hanging bitches'.

The Petitioners therefore request that the House of Commons urge the Government and Internet Service Providers to take action to block access to these sites; to introduce legislation to overhaul the Obscene Publications Act to make it a criminal offence to possess such images; to call for better international co-operation to close down sites hosted abroad; and to include internet images in the UK in the remit of OFCOM.

To lie upon the Table.

IsItFair Campaign

7.31 pm

Mr. Mark Oaten (Winchester) (LD): I rise to present a petition signed by 374 of my constituents from Winchester and the surrounding villages calling for a fairer council tax system.

To lie upon the Table.

Susan May

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Alan Campbell.]*

7.31 pm

Mr. Michael Meacher (Oldham, West and Royton) (Lab): I wish to raise the case of Susan May in the light of continuing concerns about the safety of her conviction and against the background of new material that has come to light in recent years.

Mrs. May was imprisoned on 5 May 1993, convicted of murdering her elderly aunt, Mrs. Hilda Marchbank. Mrs. May was Mrs. Marchbank's devoted niece and carer. She has always maintained her innocence, and having served the sentence set down by the court and now been released, she still strongly insists that her name should now be cleared.

The trial judge said that the main plank of the evidence against Mrs. May was the forensic issues, and I therefore start with those. The three forensic experts from the Forensic Science Service, were Mr. Michael John Davie, Dr. Javaid Hussain and Dr. Wilfred Basely. In June 1996, Mr. Davie was discredited in the Court of Appeal in the case of the Crown *v.* Doheny, where the conviction was overturned. The Forensic Science Service carried out an internal investigation, the Holman report, regarding Mr. Davie's conduct in Mrs. May's case, and was concerned that his work had fallen short of the standards expected. At second appeal, the prosecution asked that Mr. Davie's evidence should be withdrawn. I should add that the defence was only recently made aware of the contents of the report.

Regarding the second of the forensic experts at the trial, Dr. Hussain, in May 2004 forensic science students at Paisley university carried out an examination of the evidence that he presented at the trial. He had testified that in his opinion he was "certain" that the three stains were in blood. Dr. Hussain's area of expertise was fingerprint detection and enhancement, not blood analysis. The students pointed out that the tetra-amino biphenyl test Dr. Hussain used was not a test from which he could draw so certain a conclusion and that it is only a very general screening test. As they said:

> "Almost any biological material, in addition to blood, would show positive by this method."

Indeed, Professor Jamieson, who was formerly a police forensic expert and is now professor of forensic sciences at Glasgow university, has commented that it is very clear that in Mrs. May's case the prosecution forensic experts made declarations well beyond their remit which were prejudicial and damaging.

Turning to the third forensic expert, after the trial, Mrs. May's then solicitor sought for appeal purposes the assistance of a Forensic Science Service expert, Dr. Basely. That solicitor's behaviour at that time was considered to be "actionable" by Bindman & Co. solicitors who took over representation of Mrs. May's case.

My second main point is that Mrs. May's trial solicitor had been advised by Mr. Gartside QC to procure "independent" forensic expert advice for the defence. That advice was not acted on. The Criminal Cases Review Commission has chosen to use the Forensic Science Service, the same service that carries out work for the police, for its forensic analysis of Mrs. May's case. Again, I simply make the point that a conflict of interest must occur when the same forensic laboratory is asked to represent both parties.

The third general issue is that the use of DNA evidence in court by the FSS has been growing over the past 15 years, and many convictions have been secured on the basis of such evidence. There is, however, growing disquiet, because the criterion for DNA identification has been raised from identical readings at six locations to identical readings at 10 locations. Even that is now being described as unsatisfactory by Dr. Jefferies, the founding expert in the DNA field, who prefers identification on the basis of identical readings at 15 locations.

In Mrs. May's case, when the police took the cleaner to the house three days after the murder, they did not ask whether she had seen stains on the wall when she cleaned the house on the day before the murder. Her evidence, which was key to the prosecution case, was sought only some four weeks after Mrs. May's arrest, which was seven weeks after the murder. The cleaner was never given the opportunity to see the stains on the wall. The stain was not taken off the wall until five days after the murder, and it did not arrive at Dr. Basely's laboratory until 29 April, which was about seven weeks after the murder.

My fourth point concerns the disclosure of evidence to the defence by the police, which fell well short of complete openness. There are a number of examples of non-disclosure or only part disclosure in Mrs. May's case, and I shall briefly present three of them. First, a red car was seen parked outside the house on the night of the murder at approximately 12.45 am. Although the engine was running, there was no one in the car, which was there for 15 minutes. The defence did not draw the jury's attention to those facts. The three occupants have never been identified. Two separate witnesses saw the car. The defence was told that it was never found. Since the second appeal, it has come to light that the police did in fact locate a red car fitting the description. It belonged to the sister of a violent burglar, Michael Rawlinson, who had been drawn to the attention of the police as having been involved in this murder by two people who knew him. The sister had advertised and sold the car within three days of the murder. Forensic evidence taken from the car was never processed.

Secondly, in the police log for the first day of the investigation, clothing "fibres" are recorded as having been found on Mrs. Marchbank's hand. When taken to the forensic laboratory, they were described as

> "visible fibres from left hand".

When that exhibit appeared in Mr. Davie's statement, which is the document from which the defence started its investigation, he had recorded them as "hairs", which would have been of little interest to the defence because in 1992 hairs were not able to provide a person's identification. Further investigation has shown that the police could not match any of Mrs. May's or the deceased's clothing with those fibres. The jury was robbed of significant discussion regarding the origin of the fibres because of the mischievous labelling of the exhibit.

Thirdly, the jury were told of an exhibit labelled, "Craftsman Baker Paper Bag"—a rather odd description—which turned out to be a paper bag

[Mr. Michael Meacher]

containing meat scraps that tested positive for blood. There were finger marks on the outside of the bag that should have been tested but were not. All that I can say—I do not think that one could go further than this—is that that exhibit presents an innocent source of blood from which it is possible that Mrs. May could have made the stains on the day prior to the murder, but it was lost to the trial by a sloppy or mischievous forensic process.

I call on my hon. Friend the Minister to insist, on behalf of the Home Office, that the Criminal Cases Review Commission adopt a policy of forensic examination that is completely independent of the Forensic Science Service, the organisation that carries out most of the police forensic analysis. I further call on her to instigate a system of total disclosure to the defence of all case evidence, from whatever source, that is relevant to this case, without the need for itemised requests.

After a clearly flawed process, in forensic and legal terms, before and during Mrs. May's trial, those are the minimum conditions required for justice to be seen to be done. I therefore earnestly ask that those procedures be now put in place so that the continuing and significant doubts and uncertainties about this case can finally receive the fullest and most transparent examination of all the relevant facts that have previously been denied.

7.44 pm

The Parliamentary Under-Secretary of State for the Home Department (Fiona Mactaggart): I am grateful to my right hon. Friend the Member for Oldham, West and Royton (Mr. Meacher) for giving me the opportunity not only to provide brief responses to the specific points that he raised, but to explain how this case has been handled so far. He will be familiar with much of that.

I know that my right hon. Friend has maintained an interest in the case. I also know that since her conviction, Susan May has pursued her case with two appeals against the conviction, two applications to the Criminal Cases Review Commission and a complaint against the police. I should like to take the opportunity to say something brief about each of them. Afterwards, I shall deal with the specific points about disclosure and the Forensic Science Service.

I am glad that we have a system that enables the Criminal Cases Review Commission to consider and reopen such cases, because I believe that if there has been a miscarriage of justice, we are most likely to be able to determine it through that mechanism.

Let me start with the first appeal. Four years after her conviction, Susan May lost her first appeal on 14 February 1997. The Court of Appeal rejected the fresh medical evidence that Susan May had suffered a memory gap about the circumstances of her aunt's death and said that it did not regard the conviction as unsafe. The appeal was followed by the first Criminal Cases Review Commission review. The case was one of several that was transferred to the commission from the Home Office in April 1997 following its establishment under the Criminal Appeal Act 1995. The commission considered an application from Susan May and concluded that it was worthy of further judicial scrutiny. In November 1999, the CCRC referred it to the Court of Appeal.

In 1993, Susan May also made a complaint against the police, but because of her impending criminal trial, it remained on the table and stayed there until 1998 while she pursued her first appeal. Greater Manchester police carried out the investigation of the complaint under the supervision of the Police Complaints Authority in accordance with the procedure that then pertained. In July 1999, an investigation report was submitted to the Police Complaints Authority, which issued a statement to the effect that the complaint had been investigated to its satisfaction. After that, the investigation report was submitted to the Crown Prosecution Service, which closely examined the report and concluded that there was no evidence that could secure a conviction.

The next step was to consider disciplinary action and, on 21 October 1999, Greater Manchester police submitted their proposals to the Police Complaints Authority. The Police Complaints Authority concluded that all bar one of the 22 allegations had not been substantiated because there was insufficient evidence to prove that any police officer had breached the police discipline code. The substantiated allegation was to do with an early interview by the police. It took place before Susan May's arrest and before she was cautioned. As my right hon. Friend said, she wanted to make the point that she should have been regarded as a suspect and not a witness, thereby having full protection under the law. The Police Complaints Authority agreed with her, and that became one of the subjects of Susan May's second appeal.

At the second appeal, the Court of Appeal heard arguments on the bloodstained handprint on a wall at the murder scene and the treatment of Susan May as a witness rather than a suspect, thereby denying her the protection under the law in relation to various comments that she made. The appeal judges ruled that her conviction was not unsafe and dismissed the second appeal on 7 December 2001.

Let me consider the second review by the CCRC. In August 2002, Mrs. May made a renewed application to the commission, and the second review is still going on. As my right hon. Friend knows, it would be inappropriate for me to discuss in detail the specific issues involved. I have inquired into that. The case is complex and I understand that the CCRC is carrying out several lines of investigation. A decision about whether to refer the case back to the Court of Appeal—I reiterate that that is a decision solely for the CCRC—will be made once its investigations are complete. In deciding whether to refer the case back to the Court of Appeal, the commission will apply the statutory test of whether there is a genuine possibility of the conviction being quashed. The decision on whether a conviction should be quashed rests with the Court of Appeal. That process means that I cannot deal with some of the detailed matters that my right hon. Friend raised.

John McDonnell (Hayes and Harlington) (Lab): It would be extremely helpful if we could have an indication of the time scale of the review being carried out by the Criminal Cases Review Commission. If the Minister cannot give us such an indication, will she at least take the message from the House that it is important that the commission now expedite the matter, given that the lady has now been released and wants some closure so that she can live her life afresh?

Fiona Mactaggart: I assure my hon. Friend that I shall communicate to the chairman of the Criminal Cases Review Commission the views that hon. Members have expressed in this debate about the importance of bringing this matter to a conclusion. Of course, that is a matter for the chairman, but I shall ensure that he is made aware of the feeling in the House.

My right hon. Friend the Member for Oldham, West and Royton mentioned two specific issues relating to the case. The first involved disclosure. I should start by pointing out that the common law disclosure arrangements that applied up to April 1997 were superseded by a statutory scheme in the Criminal Procedure and Investigations Act 1996, which pertains thereafter. We have recently strengthened the 1996 Act in part 5 of the Criminal Justice Act 2003. The relevant amendments came into force on 4 April this year. Although the legislation has been amended, its fundamental principle remains the same: that justice depends on full and frank disclosure by the prosecution of all relevant material.

Under the Act, the prosecution is under a statutory obligation to disclose to the defence all material which

"might reasonably be considered capable of undermining"

the prosecution case, or of assisting the defence case. This duty applies throughout the trial. This is a strong test designed to ensure that the defence gets the material that it needs and that the trial focuses on the points at issue. To ensure that the prosecutor has all the necessary information, there is a statutory code of practice, which has recently been revised, and which obliges the police to retain, record and reveal all relevant investigative material to the prosecutor. I might add that the Criminal Justice Act 2003 strengthens the scheme of prosecution disclosure. Under the unamended Act, two different prosecution disclosure tests applied, one before the defence had produced a defence statement and one after. We have amalgamated those into a single new test, the effect of which will be to ensure that the defence gets discloseable material at an earlier stage than hitherto.

My right hon. Friend's suggestion that all case material should be handed over to the defence is, I fear, unrealistic in most cases. Many cases generate large volumes of investigative material, and under my right hon. Friend's proposed arrangements it would fall not only to the prosecutor to consider unused investigative material, but to the defence as well, thereby duplicating effort. Considerable time would be wasted in considering large volumes of material that did not satisfy the disclosure test. It is also important to note that some material cannot be handed over to the defence. This includes so-called sensitive material, such as that relating to the identity of informants. Such material might sometimes have to be withheld from the defence on public interest immunity grounds, provided, of course, that the court had made an order to that effect.

To conclude, the Criminal Procedure and Investigations Act 1996 already contains a strong disclosure scheme that provides adequate safeguards for the defence. The key is for practitioners to apply the Act correctly in all cases. We have a responsibility in all aspects of the prosecution service and elsewhere to ensure that it is properly applied.

John McDonnell: It would be useful to put on record that, in this case, neither the volume nor the sensitivity of the material was used as an argument for barring the disclosure of information which I believe could have ensured that this lady was proved innocent.

Fiona Mactaggart: I said that I would draw the attention of the chairman of the Criminal Cases Review Commission to the debate. He will note what my hon. Friend has said. I am trying hard not to make specific comments about a case that is under consideration by that body, which is the proper body to decide on these matters. I am trying to deal with the general issues.

My right hon. Friend raised a general issue about the Forensic Science Service, and about the circumstances in which its services should be secured. The Forensic Science Service is an executive agency of the Home Office, and is the principal provider of impartial forensic science services to the police and other investigating forces. It provides information to support the investigation of crime and evidence for the Crown Prosecution Service and the courts, and it also gives independent advice to the Home Office and others who serve the administration of justice, including the Criminal Cases Review Commission.

The Forensic Science Service works within the criminal justice system for both the defence and the prosecution, and takes pride in its impartiality. I think it perfectly possible for an independent forensic science service to provide proper advice on different occasions and examine evidence scientifically for different parties in circumstances such as these. I think we should make it clearer that the duty of experts giving evidence should be to the court and to justice. The Criminal Procedure Rule Committee has published a consultation paper that examines the issue of expert evidence and responsibility in relation to the court. While there may be contestability in regard to particular issues of expert evidence, it is important that the court should be satisfied about the expertise, and satisfied that it has been deployed properly in specific cases.

I asked about the different tests in the Susan May case to which my right hon. Friend referred. I was told that the tests for the police were for blood, while those for the commission were for DNA. Two different processes are involved. The tests for the commission were carried out in Birmingham, and a report on the results was compiled by a Forensic Science Service employee in Wetherby. Those involved in the DNA tests were not involved in the original inquiry.

I believe that it is quite possible for a body such as the Forensic Science Service not to seek to justify an initiating decision, but to provide impartial, accurate, expert evidence in cases such as this. If there is evidence that demonstrates that it has failed to do that in a particular case, it should be taken into account by the Criminal Cases Review Commission in its review.

Mr. Meacher: I made it very clear that three of the forensic science experts who were brought in as witnesses had since been discredited. No one is casting

[Mr. Meacher]

aspersions on the Forensic Science Service in general. All I am saying is that it is important for the Criminal Cases Review Commission to have access to wholly independent evidence. I am sure that those who are concerned about the case would be satisfied if the CCRC were to seek such evidence from a wholly independent source, in the light of the very bad experience in this case.

Fiona Mactaggart: As I have said more than once, how the CCRC conducts the review is a matter for it. The principle is important. My right hon. Friend was probably involved, as I was, in campaigning for an independent body to be able to review miscarriages of justice. It cannot provide that independent function if Ministers tell it how to conduct its business. However, as I said, I will ensure that the chairman of the CCRC is made aware of this debate and all the points that have been raised in it. That is, I think, the only appropriate assurance that I can give from the Dispatch Box.

We want the criminal justice system to be fair, open and accessible. Those who believe that they have a genuine grievance, as does Mrs. May, should have recourse to redress. Her case to date, since her trial and conviction, has been exposed to a great deal of scrutiny. She has used the criminal justice system in pursuit of justice for herself and it is right that she should have the opportunity to do so. She has a further opportunity in the present review of the CCRC. We look forward to its result.

Question put and agreed to.

Adjourned accordingly at Eight o'clock.

Deferred Division

CRIMINAL LAW

That the draft Criminal Justice Act 2003 (Commencement No. 12 and Transitory Provisions) Order 2005, which was laid before this House on 27 October, be approved.

The House divided: Ayes 261, Noes 211.

Division No. 106]

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Bayley, Hugh
Begg, Miss Anne
Benton, Mr. Joe
Berry, Roger
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Browne, rh Mr. Des
Burden, Richard
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Dean, Mrs. Janet
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gibson, Dr. Ian
Goggins, Paul
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hanson, Mr. David
Harman, rh Ms Harriet
Healey, John
Henderson, Mr. Doug
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Howarth, rh Mr. George
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Joyce, Mr. Eric

Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keen, Alan
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khabra, Mr. Piara S.
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Marshall, Mr. David
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh Mr. John
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Timms, Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Winnick, Mr. David
Winterton, Ms Rosie
Woodward, Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Atkinson, Mr. Peter
Bacon, Mr. Richard
Baker, Norman
Baldry, Tony
Baron, Mr. John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Bercow, John
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Dorries, Mrs. Nadine
Drew, Mr. David
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harper, Mr. Mark
Hayes, Mr. John
Heath, Mr. David
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Kirkbride, Miss Julie
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Main, Anne
Maples, Mr. John
Mates, rh Mr. Michael
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Newmark, Mr. Brooks
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paisley, rh Rev. Ian
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rogerson, Mr. Dan
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew

Shapps, Grant
Simmonds, Mark
Simpson, Alan
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Teather, Sarah
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim

Question accordingly agreed to.

House of Commons

Thursday 24 November 2005

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

EDUCATION

The Secretary of State was asked—

Trust Schools

1. **Mr. Edward Vaizey** (Wantage) (Con): What primary legislative changes will be required to create the new category of trust school and implement the other measures in the recent education White Paper. [31309]

The Secretary of State for Education and Skills (Ruth Kelly): Annex A to the White Paper sets out the legislative changes needed to implement trust schools and the other measures in the White Paper.

Mr. Vaizey: I thank the Secretary of State for that reply. Her colleague in another place said that hardly any legislative changes were needed for trust schools. Is not that because these proposals have been watered down so that, in reality, trust schools are no different from foundation schools? Can the Secretary of State give me three specific differences between trust schools and the existing arrangements?

Ruth Kelly: The hon. Gentleman is right to suggest that we are building on a model that is already out there—schools that can acquire a foundation. Voluntary-aided schools are a good example of that in practice, and there are many others. We propose to put safeguards into the Bill to ensure that external partners that want to get involved with schools are committed to raising educational standards, have charitable objectives, are able to avail themselves of the power to innovate, and have a duty to promote race relations and social cohesion.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my right hon. Friend agree that the Government have been hoist on their own hyperbole by talking rather carelessly about independent trust schools? The fact is that, as it says in the White Paper, they will be part of the family of local authority schools and will not have the independence that academies have. In many ways, the local authority relationship will be just as it has been in the past.

Ruth Kelly: My hon. Friend, who has great knowledge of these matters, is right to say that under the new mechanism trust schools will be part of the local authority family of schools. They will be funded by the local authority, which will play a strategic role in improving standards and in commissioning school places in the right places to meet pupil needs and the demands of parents.

Sammy Wilson (East Antrim) (DUP): According to newspaper reports this week, restricted policy documents circulating within the Minister's Department state that trust schools will be able to decide on the admissions criteria that are in their best interests. Will the Minister confirm that such a document exists? Does she accept that that means that schools could use academic selection as part of their criteria? Does she accept that the Prime Minister, the White Paper and education experience in Northern Ireland have proved that that is the fairest and best way of selecting youngsters for post-primary schools?

Ruth Kelly: I do not accept the hon. Gentleman's case. I have been clear about this, and the White Paper is clear about it. Trust schools have to operate with regard to the code of admissions, within the law, which means that there will be no return to selection and the divisive 11-plus. If any unfair criteria are used, they can be overturned by the adjudicator, which acts on a statutory basis in the public interest.

Natascha Engel (North-East Derbyshire) (Lab) *rose—*

Mr. Speaker: I call Kerry McCarthy.

Natascha Engel: I have obviously made a great impression!

What obligation will trust schools have to looked-after children, who are among the most vulnerable children in society? We talk about children who leave with five good GCSEs, but what are we doing about those who leave with no qualifications at all?

Ruth Kelly: I assure my hon. Friend that she has made a great impression on me in the months that she has been in this House, and I am sure that she will continue to do so in years to come.

My hon. Friend is right to draw attention to looked-after children. They are a group of children very close to my own heart, and in the months to come I would like my Department to produce quality proposals specifically dealing with their educational attainment. We need to make regulations to give looked-after children priority in admissions not only to community schools but to trust schools. I am committed to doing that.

Mr. Speaker: I hope that I am right this time. I call Patrick McLoughlin.

Mr. Patrick McLoughlin (West Derbyshire) (Con): I am pleased to say that you are, Mr. Speaker, as always.

Does the Secretary of State accept that the great difference between trust schools and grant-maintained schools is that the latter were established only after parents had a ballot? What right will parents have as to whether schools are trust schools?

Ruth Kelly: It will be up to the school's governing body to decide whether it wants to bring in an external partner, following consultation with parents. As a last resort, the local authority will have the ability to decide whether the trust is in the best interests of the pupils in that area, whether educational standards would rise and whether the majority of parents would feel happy with adopting a trust.

Mr. David Kidney (Stafford) (Lab): Teachers in Stafford are much more interested in behavioural measures in school and individual learning plans tailored to students' needs. Will such measures be introduced without the need for lengthy legislation?

Ruth Kelly: My hon. Friend is right that we need a clear right to discipline. We are committed to introducing that in the legislation. However, trust schools will make it easier to replicate success. For example, when they tailor education specifically to the needs of pupils in their area or link up with a local business on a charitable basis that can provide work placements and use the flexibility to tailor the curriculum to meet the needs of pupils in the area, it will be much easier via the trust school mechanism to replicate that model. All the trust model is trying to do is encourage collaboration throughout an area where a trust has a specific plan to encourage that sort of education.

Mr. Edward Davey (Kingston and Surbiton) (LD): Will the Secretary of State publish before the recess all the research that she has on the impact on social segregation of allowing schools to set their admissions policy? Does she regret the fact that a few schools already discourage from attending and weed out local disadvantaged children? How would allowing thousands more schools, including primary schools, to set their admissions policies stop those unfair practices?

Ruth Kelly: The hon. Gentleman and I had a good discussion about that yesterday. I drew to his attention the fact that the Department is working on drawing up a measure on social segregation. We do not believe that existing measures in the public domain do justice to the issue. In comparing local authorities and considering the impact of own-admission policies on social segregation, the preliminary conclusions of our research show that there is no correlation between the number of own-admission authorities and social segregation. Indeed, they show that, in some areas where the vast majority of schools are community schools, social segregation has been much higher. When we have finished the research we will be in a position to publish it.

Mr. David Chaytor (Bury, North) (Lab): My right hon. Friend knows that there is concern about the exact status of the code of practice on school admissions. Does she think that it is worth considering the argument for including the code of practice as a schedule in the forthcoming Bill?

Ruth Kelly: If my hon. Friend is asking whether we are prepared to make the code of practice statutory, I do not believe that that is necessary to achieve the objectives that he sets for the policy and the Department. The code is established on a statutory basis, but there is discretion and flexibility in it to adapt admissions to meet the specific ends of a school and the pupils in the area. For example, if a school wanted to develop a specialism, the code provides that it could choose 10 per cent. by aptitude. The adjudicator operates on a statutory basis and can make binding decisions for all non-religious schools. My hon. Friend is right to draw attention to the code's importance in ensuring that all schools in the maintained sector operate on the basis of fair admissions.

Mr. Speaker: I call Mr. David Cameron.

Mr. David Cameron (Witney) (Con): Thank you for recognising me, Mr. Speaker.

The White Paper states that the Government's aim is

"the creation of a system of independent non-fee paying schools."

We support that principle. Part of it is giving the new trust schools, such as the academies and the foundation schools, control over their admissions. Instead of endlessly reassuring her Back Benchers, will the Secretary of State explain what benefits she thinks the new freedom will bring?

Ruth Kelly: It can be important for a school in certain circumstances to have control over the criteria that it sets for its admissions. For example, if a school operates in an area where specific ethnic groups are highly concentrated, it might be appropriate for it to move away from a catchment-area system towards one that promotes a mixed-ability intake from a much broader area. On the other hand, it may be appropriate, as I explained to my hon. Friend the Member for Bury, North (Mr. Chaytor), for a music college to be able to select 10 per cent. by aptitude to build up an orchestra in the school. It could then share best practice on music with other schools in the area. That is the sort of freedom that I want. I do not want the sort of freedom that the hon. Gentleman talks about when he says that his only objection to the city academy programme is that it cannot select on ability.

Mr. Cameron: Three weeks ago, the Secretary of State said that the code of practice on admissions would not be made a statutory code. Today, she said that she did not think that that was necessary. Can I ask her to go a bit further and rule out that change?

Ruth Kelly: I can tell the hon. Gentleman that the code achieves its ends of ruling out selection by ability on its current statutory basis. He is confused—the code already operates on a statutory basis. Schools take it into account, and then the adjudicator, which is also statutory, can use its discretion to say whether the school has interpreted it correctly. Interpretation of the code, however, is very important for schools that want to create their own distinctive ethos.

Bookstart

2. **Tim Loughton** (East Worthing and Shoreham) (Con): What criteria are used in selecting books to be given free to pre-school age children under the Bookstart programme. [31310]

The Parliamentary Under-Secretary of State for Education and Skills (Maria Eagle): Bookstart is administered by Booktrust, an independent charity that invites all UK publishers to submit books for consideration. If accepted, they are generally acquired from sponsoring publishers at a fraction of the usual retail cost. Booktrust chooses books on the basis of quality and adherence to safety standards, as well as content and suitability. It operates a selection panel that meets approximately every six to 12 months. The panel consists of librarians, health visitors, speech and language therapists, early-years educationists and Bookstart team members. It is independent and has no Government involvement.

Tim Loughton: May I add my support for the invaluable work that Booktrust does and for the Government's support for the Bookstart programme? We all know that reading between parents and very young children, which is an important part of attachment theory, can help their development later. What is she doing to ensure that as many parents as possible are able to access this scheme, particularly if they have reading difficulties themselves? Given the great expertise shown by this charity, which has been going since the 19th century, will she ensure that the choice of books and materials is left to the experts at the charity, and is not undermined by the heavy hand of political correctness and interference from within her Department?

Maria Eagle: We do not interfere with the way in which Bookstart carries out its functions. We encourage all parents, local authorities and Sure Start units to make sure that they take advantage of it. Between 2005 and 2008, we expect to give out 4.5 million books. I am glad that the hon. Gentleman supports the aims, which are to enable and support children's early communication, language development and social and emotional development, and to get parents used to reading to their children and sharing storytelling and rhymes. That will assist all children who are able to access the scheme to develop to their full potential.

Mr. Philip Hollobone (Kettering) (Con): The Minister mentioned the number of books that she anticipates being distributed. What is her assessment of the impact that the scheme will have on improving reading standards, and how will that be measured?

Maria Eagle: We always evaluate such schemes. Obviously, it is too soon to do so in this case. The scheme is going national, in its three different phases, from this year. There will be evaluation, but it stands to reason to expect that children who read early and often, and who get into the habit of doing so with their parents, will develop earlier the kind of skills that they need to succeed in school.

Further Education

3. **Mrs. Nadine Dorries** (Mid-Bedfordshire) (Con): What assessment her Department has made of Sir Andrew Foster's report on the further education sector; and if she will make a statement. [31311]

The Secretary of State for Education and Skills (Ruth Kelly): Sir Andrew Foster published his report "Realising the Potential: A review of the future role of further education colleges" on 15 November. We think that it is an excellent report. It sets out clearly and convincingly the priorities that we must address. We want to take time to consider the report in discussion with colleges and other stakeholders. We shall announce in the spring the next stage of our reform of further education.

Mrs. Dorries: The Minister will be aware of the significant funding gap between FE colleges and mainstream schools. She has said that she will close that gap by only half. Given that, according to the Association of Colleges, our FE colleges take many children from poorer backgrounds, does she really believe that teachers in FE colleges should be paid less than those in secondary education?

Ruth Kelly: The hon. Lady is confusing two things: the funding gap and how we fund further education colleges, and the use of the money that we grant to further education colleges. Over the past eight years since 1997, funding for further education colleges has increased by 48 per cent. in real terms. Furthermore, last week, I was able to tell the Association of Colleges that we have proposals that will narrow the funding gap by 5 percentage points by the 2006–07 academic year. From 2008, further measures will narrow it by another 3 percentage points. I should have thought that she would welcome those measures.

Mary Creagh (Wakefield) (Lab): What plans has my right hon. Friend to improve basic skills training for the most difficult and disadvantaged young people? Will further education colleges work with independent providers such as Rathbone, a charity that works with young people who are not in education, employment or training? How will my right hon. Friend ensure that the "easy" young people are not cherry-picked, and that efforts are focused on those who are terribly disadvantaged and most in need of those efforts?

Ruth Kelly: My hon. Friend has made an important point. It is a fundamental requirement of social justice for those who do not acquire basic skills at school, or do not secure the equivalent of five good GCSEs, to have a second, third or even fourth chance to do so later in life. I recently announced that more than 1½ million adults had taken advantage of our skills for life initiative, and had acquired basic skills in the work place.

The way to deal with my hon. Friend's concerns is to give individuals the entitlement to receive that training and extra help free of charge. We are therefore reprioritising funding in the way that I described to the Association of Colleges last week. We are ensuring that public funds are used to give the most effective support to the learners who need it most.

Mr. Owen Paterson (North Shropshire) (Con): Walford and North Shropshire college delivers 500 courses to more than 8,500 adults at 150 venues. It is proposed that such activity be undertaken by voluntary groups, museums and libraries. That is totally inappropriate in a thinly populated rural area. May I bring the principal of the college, Mr. Ron Pugh, to meet the Secretary of State and explain that the Foster report is an urban-based document that cannot work in rural areas?

Ruth Kelly: I do not accept that it is an urban-based document that will not work in rural areas, although of course we will consider all the issues raised in it carefully over the next few months. I am not aware of the position of the hon. Gentleman's further education college, but if he puts it in writing I shall be happy to discuss the best course of action with him.

Mr. Michael Foster (Worcester) (Lab): I congratulate my right hon. Friend on announcing last week that she would reduce the funding gap. Her announcement was welcomed by all who are genuinely interested in further education. While the momentum is in our favour, may I urge her to go that little step further and examine the treatment of sixth-form and further education colleges for value-added tax purposes? Will she try to ensure that they are governed by the same regime as schools?

Ruth Kelly: My hon. Friend has raised a complex and important point. As he knows, tax issues are dealt with by my right hon. Friends in the Treasury, but we discuss the issues regularly to ensure that we use facilities to best effect and meet the requirements of learners who need them most.

Mr. Stephen O'Brien (Eddisbury) (Con): The Foster report has been welcomed by the Government and, indeed, by Members in all parts of the House. On page 52, it makes two criticisms: of the Department's micro-management of the Learning and Skills Council, and of the Learning and Skills Council's micro-management of the further education colleges. When will the Secretary of State stop micro-managing, and stop her Department micro-managing, those two disasters, in order—I quote Foster's damning verdict on the Government—

> "to lighten the impact of centralised control"

and monitoring,

> "and minimise the duplication and undue central demands"?

Ruth Kelly: I think that the report is absolutely right to draw attention not just to the situation in FE colleges, but to what the Department and the LSC could do better. We need to reflect on the report and see whether we can improve our management of the situation. The LSC has just announced a radical programme of change, which will mean the loss of 1,300 jobs as it moves away from the process that the hon. Gentleman describes as "micro-management" towards much greater regional clarity about its role.

I accept that my Department needs to define the boundaries between what it does and what is done by the LSC, and we are discussing with the LSC how that can be achieved.

School Refurbishments

4. **Mr. Robert Flello** (Stoke-on-Trent, South) (Lab): How many schools will undergo a major refurbishment in 2005. [31312]

The Parliamentary Under-Secretary of State for Education and Skills (Maria Eagle): We are investing £5.5 billion in school buildings and information and communications technology in 2005–06, including £2.1 billion for "Building Schools for the Future". The first wave of investment will enable BSF to transform secondary schools in 17 local authorities, including Stoke. BSF aims broadly to build half the schools, refurbish 35 per cent. and carry out minor works on 15 per cent.

Mr. Flello: I am most grateful to my hon. Friend for making almost £200 million available to Stoke-on-Trent city council as part of the first wave. I am delighted that the Sandon new school will be up and running by 2007. Will my hon. Friend urge the local education authority to consult widely on how the money will be spent and which new schools will be developed, particularly with respect to Longton and Edensor high schools?

Maria Eagle: Yes, my hon. Friend will be well aware that the organisation of Stoke schools is a local matter that is subject to statutory procedures. Any proposals will have to go through those procedures, a large part of which requires consultation—and preferably agreement—locally. If local agreement is not reached, however, provision can be made for conclusions to be reached.

Nick Herbert (Arundel and South Downs) (Con): The Minister will know that in Scandinavian countries, schools are built for the future through the principle of school choice. In Sweden, for example, that has resulted in 500 new schools. Translated into this country, that would mean 5,000 new schools over the period of a decade. In his foreword to the education White Paper, the Prime Minister spoke in glowing terms about the Swedish reforms, but no mention is made in the body of that paper and if funding does not follow—

Mr. Speaker: Order. By my reckoning, the question is about the refurbishment of schools. The hon. Gentleman is going far too wide of the mark.

Mr. Andy Reed (Loughborough) (Lab/Co-op): As my hon. Friend is aware, part of the programme is about extending the school day and ensuring that pupils have access to sports facilities. Will she ensure that the refurbishment links in closely with the new opportunities fund, which I believe is still lagging a little behind? It is important to make strategic choices about where the sports facilities go in local schools to match the needs of local communities.

Maria Eagle: Yes, my hon. Friend is right to mention both extended schools and the possibilities that they provide for children and young people to have somewhere to go and things to do. He is also right to stress the importance of sport and ensuring co-ordination between different capital funding streams. He will be aware that, during the spending review period, £17.5 billion of capital investment is going into our schools. That should equate to many new sports facilities all around the country.

Temporary Classrooms (Dorset)

5. **Annette Brooke** (Mid-Dorset and North Poole) (LD): How many temporary mobile classrooms are in use for mainstream lessons in schools under the control of Dorset local education authority; and if she will make a statement. [31313]

The Minister for Schools (Jacqui Smith): Dorset local education authority did not include any data about temporary buildings in its asset management data sets returned to the Department, but I understand that there are approximately 220 temporary mobile buildings at their schools. Dorset schools will receive nearly £90 million for buildings over the next three years.

Annette Brooke: I thank the Minister for her answer. Is she aware that 35 of those classrooms are on the site of Lytchett Minster upper school, representing 52 per cent. of its classrooms? They have been there for five and a half years, following a serious fire. To date, the Conservative-controlled county council has not even submitted a planning application. Meanwhile, costs are escalating, so will the Minister and her officials investigate what can be done to break through this impasse and ensure that this really good school can keep up its high standards?

Jacqui Smith: I can understand the hon. Lady's frustration on behalf of her constituents, particularly in view of how long those classrooms have been there since the fire at Lytchett Minster school. There is, of course, a limit to what the Government can do to ensure that Conservative authorities carry out their responsibilities, but I am sure that they will have listened carefully to what the hon. Lady has said today. I hope that they will make good use of the considerable extra investment in school buildings that the Government are putting into Dorset.

Mr. Christopher Chope (Christchurch) (Con): Does the Minister agree that a bigger issue facing parents in my constituency is the county council's refusal to promote change, competition and choice by not allowing Highcliffe comprehensive school to expand—an expansion that could be facilitated by the use of temporary classrooms?

Jacqui Smith: If the hon. Gentleman is talking about Dorset, I am sure that he has taken up this issue with his political colleagues on the county council. This issue has been very important to this Government. In fact, we have facilitated, through capital funding, the expansion of popular and successful schools. It is of course important that local authorities also bear in mind the needs of parents and the need to ensure fair access to a diverse range of schools, and that they use the additional funding that the Government are making available to ensure that that happens. The hon. Gentleman will doubtless put pressure on his political colleagues to ensure that they do.

Further Education

6. **Mr. David Heathcoat-Amory** (Wells) (Con): What discussions she has had with the Treasury about further education funding for Somerset. [31314]

The Parliamentary Under-Secretary of State for Education and Skills (Phil Hope): On 21 October, the Minister for Higher Education and Lifelong Learning, my hon. Friend the Member for Harlow (Bill Rammell), wrote to all MPs setting out the strategic direction for the learning and skills sector for 2006–08. This includes a greater funding focus on our priorities of ensuring a place in school or college, or an apprenticeship, for all young people; and—as was mentioned earlier—a focus on adults who lack a solid foundation of employability skills. These priorities are spelled out in the 14-to-19 White Paper and in the two skills White Papers that were agreed with the Treasury. They are also reflected in our FE allocations to providers in Somerset, which increased by 4 per cent. above inflation this year.

Mr. Heathcoat-Amory: Will the Minister comment on the fact that if a 16 to 18-year-old goes to a secondary school, they attract automatic funding for the school, but not if they go to a tertiary college? That puts Somerset at a severe disadvantage, because we have five excellent tertiary colleges that attract a lot of pupils from outside the county boundary, where funding does not follow the pupil. The situation is made much worse by the Government's cut in adult education funding to those colleges. Will the Minister look again at the particular problems faced by such colleges in Somerset—problems caused by his Department and the Treasury?

Phil Hope: There has been no cut in FE funding; indeed, it has increased by some 48 per cent. in real terms since 1997. That contrasts starkly with the four years in the run-up to 1997, when the average funding unit per FE student fell by about 14 per cent. So let us be clear: resources have been going into FE. The right hon. Gentleman referred to the differing funding rates for young people in different institutions. If he was in the Chamber earlier, he will have heard my right hon. Friend the Secretary of State point out that we are closing the funding gap between FE and sixth forms. It will be down to 8 per cent. next year and we will narrow the gap further. That will mean that young people can look forward to continuing investment in their education—in Somerset and elsewhere.

John Penrose (Weston-super-Mare) (Con): Is the Minister aware that in my part of Somerset, Weston-super-Mare college, of which I am a governor, is suffering—along with many other colleges throughout the country—from a problem that the Association of Colleges has identified as arising from the introduction of the new entitlement to free level 2 courses? That has meant a substantial loss of fee income to FE colleges from large employers in industries such as construction, engineering and catering. Such money must now be made up by the taxpayer as a dead-weight cost of the new policy, before any additional educational benefit is achieved.

Phil Hope: I am glad that the hon. Gentleman has raised the question of level 2 funding for adults in the workplace. We have a huge skills gap, as Members in all parts of the House recognise, and we need to shift our focus—as we are doing—in the way that the Foster report described, on to providing funding for adult skills in the workplace. This system will provide a huge opportunity for colleges in the next two years, as the demand-led roll-out of the national employer training programme gives employers free, full-level entitlement. They will be able to choose the colleges that provide the training that they want, at the time when and in the place where they want it. That demand-led system will drive up skills in the work force, and provide a good opportunity for investment and for the provision of training by FE colleges.

Mr. David Heath (Somerton and Frome) (LD): To return to the county of Somerset, does the Minister appreciate the difficulties that we are experiencing, as even a cursory comparison of funding for FE colleges in Somerset with that for other authorities in the south-west shows? The disproportionately high number of 16 to 18-year-olds in Somerset who go to FE colleges—rather than school sixth forms, of which there are very few—has produced a distorting effect that has squeezed substantially adult education in Somerset's FE colleges. Will the Minister talk to the Learning and Skills Council about this and look again at the figures? We are concerned that some very good college education is being lost as a result.

Phil Hope: I want to make two points. First, to meet the needs of young people in the hon. Gentleman's constituency and its neighbours, funding for 16 to 18-year-olds in Somerset has gone up by no less than 12 per cent. Secondly, although there has been a shift in public funding for adult places, the hon. Gentleman should ask his local colleges about their fee structure. We are asking colleges to collect more fee income from adult learners as part of the process of rebalancing what is provided by taxpayers, learners and employers. We believe that there is scope to increase colleges' fee income so that they can maintain the courses that people value.

Truancy

7. **Jeremy Wright** (Rugby and Kenilworth) (Con): How many pupils were recorded as having at least one incident of truancy in 2004–05. [31315]

10. **Mrs. Theresa Villiers** (Chipping Barnet) (Con): How many pupils were recorded as having at least one incident of truancy in 2004–05. [31318]

The Minister for Children and Families (Beverley Hughes): Figures are collected not for truancy but for unauthorised absence as a whole. In 2004–05, around 1.4 million pupils, out of a total maintained school population of more than 6.5 million pupils, were recorded as having at least one half-day session of unauthorised absence. Unauthorised absence includes pupils who arrive late, term-time holidays taken without the school's permission and absences for which the explanation is unsatisfactory, such as shopping.

Jeremy Wright: I am sure that the Minister will agree that the figure is far too high. The Government have spent just under £1 billion on combating truancy, yet the rate of unauthorised absence is higher now than when Labour came to power. Does she think that the taxpayer is getting good value for money from the Government's anti-truancy schemes?

Beverley Hughes: The amount of money that the hon. Gentleman quoted goes towards a wide range of measures, most of which, contrary to press reports, are focused on behaviour rather than truancy. However, Opposition Members need to understand the real story, which is that the 1995–96 absences total of more than 7.5 per cent. of half-day sessions missed was a record high since statistics were first collected. Since the Government took control and started bearing down on absences as a whole, the figure has fallen every year for the past four years and is now down to below 6.5 per cent. The hon. Gentleman must also understand that head teachers are trying to bear down on authorised as well as unauthorised absences—for example, by refusing to give parents permission to take their children out of school for holidays in term time. That is bringing down the overall level, but it has resulted in a very small increase on last year in authorised absences. He has to take the picture as a whole—

Mr. Speaker: Order. Perhaps the Minister could write to the hon. Gentleman.

Mrs. Villiers: Does the Minister agree that the Government's manifest failure to tackle truancy has been a significant contributory factor to the epidemic of antisocial behaviour under Labour? That has caused much misery to many thousands of people across the country—sadly, including in my constituency of Chipping Barnet.

Beverley Hughes: Unfortunately, the hon. Lady is very ill informed. As I have just explained, unauthorised absences cover circumstances that go well beyond persistent truancy. We reckon that about 2 per cent. of pupils are persistent truants, and Government action has caused schools to bear down on that in a very deliberate way. Hot spots have been identified, and there is a fast-track system of individual case management for the young people involved. Various measures for parents, including penalty notices and prosecution, are helping to tackle the problem in a meaningful way. It is also important to give support to young people, some of whom truant because of self-esteem problems or family difficulties. For the first time, those problems are being dealt with in a real way.

Helen Jones (Warrington, North) (Lab): May I urge my right hon. Friend not to lose sight of the fact that truancy is often linked to poor behaviour in schools, and in particular to bullying? That is what causes pupils to absent themselves. As well as bearing down on parents who wilfully refuse to send their children to school, will she ensure that the causes of some children being absent are tackled properly?

Beverley Hughes: My hon. Friend is right. Persistent truancy will not be tolerated: that is the bottom line, and the approach that we are encouraging schools to take. However, pupils truant for a variety of reasons. Poor self-esteem is the reason for some, while others feel that they are not doing well in school or experience serious problems at home, with parents who cannot help them to go to school regularly. It is very important that those problems are also dealt with, and schools work with local authorities and social services to ensure that that happens.

Dr. Ashok Kumar (Middlesbrough, South and East Cleveland) (Lab): My right hon. Friend should take no notice of the Conservative party, because when it was in power it could not care less about truancy. I praise the Government for giving our council tremendous support in tackling truancy. *[Interruption.]* If you wait a minute, I will tell you. Middlesbrough council—

Mr. Speaker: Order. The hon. Gentleman is out of order. I call Mr. Bercow.

John Bercow (Buckingham) (Con): Given that one way to minimise the incidence of truancy is to maximise the number of interesting and productive lessons, will the Minister confirm that in future there will be no place whatever in our schools for the advice of Kimberley, Meek and Miller on the teaching of reading, for those three academics are on the record as saying:

> "Within the psychosemiotic framework the shared reading lesson is viewed as an ideological construct"—

Mr. Speaker: Order. Perhaps someone will get the supplementary right.

Judy Mallaber (Amber Valley) (Lab): I share my right hon. Friend's concern that we should worry about persistent truants rather than those who have one absence in a period. What action is being taken to make parents take their responsibility seriously and to give them support in preventing children from becoming and remaining persistent truants?

Beverley Hughes: Schools are operating a fast-track case management system that requires them to identify persistent truants and develop an individual action plan that involves their parents. It enables schools to use penalty notices and the threat of prosecution if parents cannot within 12 weeks show an improvement in their child's attendance. It is an individualised, focused approach that enables schools to address some of the needs of young people and parents. It is showing good results. There has been an overall 11 per cent. improvement where the fast-track management system is being used.

Setting/Streaming

8. **Mr. David Evennett** (Bexleyheath and Crayford) (Con): what measures her Department has introduced since 1997 to promote setting and streaming in schools. [31316]

The Minister for Schools (Jacqui Smith): Since 1997, when the Government's first White Paper on schools made clear the presumption that setting should be the norm in secondary schools, we have used our national strategies, the gifted and talented programme, case studies and research evidence to help schools to consider a range of ways to group by ability. That is why there is more setting by ability in secondary schools now than there was in 1997.

Mr. Evennett: I note the Minister's reply, but for the past eight years the Government have allowed political dogma to dominate their education policies, not the best interests of children. We welcome some aspects of the recent White Paper and hope to see the return of setting and streaming across the majority of schools. What assurances can the Minister give that setting and streaming will become the norm in all schools to allow children to develop their full potential and achieve excellence at their own pace and according to their own aptitude?

Jacqui Smith: I think that the hon. Gentleman has let political dogma get in the way of, first, listening to my answer and, secondly, understanding what the Government have put in place. In 1997 we made it clear in the first schools White Paper that, unless a school can demonstrate that it is getting better than expected results through a different approach, we would presume that setting should be the norm in secondary schools. We backed that up with support for our national strategies through guidance to teachers—the sort of guidance and support that, in the 11 years I spent as a teacher, I never received from the previous Government.

David Taylor (North-West Leicestershire) (Lab/Co-op): After more than 20 years as a parent and governor in secondary schools, I strongly support setting and welcome what the Government have done since 1997, but will the Minister decouple streaming and setting? Streaming can have negative effects. It can reinforce social class divisions, it can lead to bias and inconsistency in the allocation of pupils to sets and it can reduce the teaching expectations of the less able. Does my right hon. Friend agree?

Jacqui Smith: My hon. Friend is absolutely right, and he speaks from knowledge. The advantage of setting is that it enables a sophisticated targeted approach for different subjects, where it would be appropriate in some cases and less so in others. That is why, for example, there is variance across subjects, with more than 80 per cent. of maths lessons being set, but probably less than 10 per cent. in classes such as physical education. It is for head teachers, with the support and guidance of Government, to make the decisions that, in their professional judgment, are right for their schools. That is the approach that the Government take—not trying to run schools from Whitehall, as I suspect the Opposition propose.

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): As my hon. Friend the Member for Bexleyheath and Crayford (Mr. Evennett) said, one of the elements of the White Paper that we support is the encouragement for schools to adopt setting, as we also did when that policy was first announced in the Government's White Paper in 1997. So why today are 60 per cent. of academic lessons in secondary schools still being taught in mixed-ability classes? Why, if the Government are serious about encouraging setting in secondary schools, did they remove from Ofsted inspection criteria the requirement to monitor and record whether lessons are setted?

Jacqui Smith: As the hon. Gentleman knows from the various parliamentary answers I have given him recently, Ofsted changed the way in which it measures grouping by ability—[HON. MEMBERS: "When?"] In 2003–04, precisely so that there could be a more sophisticated and clearer understanding of grouping by ability, rather than conflating, banding and setting. The key point, as I emphasised earlier, is that we have made clear our support for setting. We have put more guidance and practical support into schools to deliver setting. There is more setting in our secondary schools than there was when we came into government. The hon. Gentleman appears to be arguing for the running of schools, the setting of timetables and the division of pupils from Whitehall rather than from the head teacher's office. That is the approach that he is proposing, but he is wrong. The approach that we are taking is much more likely to ensure that pupils can progress and that schools can make the decisions that are right for them.

Higher Education

9. **Alison Seabeck** (Plymouth, Devonport) (Lab): If she will make a statement on the funding of the higher education sector beyond 2007. [31317]

The Minister for Higher Education and Lifelong Learning (Bill Rammell): Government expenditure on higher education is increasing by about £2 billion between 2004–05 and 2007–08, to almost £9.5 billion. Higher education institutions are also benefiting from increases in research funding. Government funding beyond 2007–08 will be decided as part of the comprehensive spending review. Institutions will have an extra income from variable fees that is estimated to reach £1.35 billion in steady state by 2010.

Alison Seabeck: I thank my hon. Friend for that detailed response, but I must press him a little further. Will he allay the concerns raised with me by Plymouth university—a popular new university that is growing fast and attracting students—that post 2007–08 there could be a reduction in funding in direct relation to the increase that universities receive in fees, as happened in Australia and New Zealand? Were that to happen, it would be very damaging to universities such as Plymouth.

Bill Rammell: I thank my hon. Friend for that question. I certainly share her view about the good work that Plymouth university is doing. Vice-chancellors regularly raise the issue with me and I highlight to them, as I do to my hon. Friend, the fact that we are currently maintaining the unit of teaching resource, which is a reversal of the policy that we inherited from the Conservatives. No Government can make a commitment beyond the current spending review; however, in discussing that review we shall very much keep in mind the priority that universities give the issue.

Michael Gove (Surrey Heath) (Con): Given the benefits that universities have as a result of the tuition fee system introduced by the Government, can the Minister assure me that he will look favourably on proposals to allow universities to lift the current cap on their tuition fees, and on proposals by universities to retain more of those sums rather than having them centralised in the hands of the Chancellor of the Exchequer?

Bill Rammell: This is a matter of balance, but I am intrigued by the hon. Gentleman's question as I thought that the Opposition opposed variable fees. Clearly, things are moving swiftly. I remind the hon. Gentleman of our policy position, which has not changed since we took the Higher Education Bill through Parliament: by law it will not be possible to lift the cap before January 2010 at the earliest; no decision will be taken until the independent commission has reviewed the introduction of the first three years of the system; and after 2010 the cap can be lifted only if approval is given by both Houses of Parliament.

School Finance

11. **Simon Hughes** (North Southwark and Bermondsey) (LD): If she will revise the funding formula for schools to take greater account of the mobility of school populations. [31319]

The Minister for Schools (Jacqui Smith): In developing our proposals for the new dedicated schools grant, we considered with our partners whether there should be a mobility factor in the distribution of funding for local authorities and decided against it. Of course local authorities can already take account of pupil mobility in their local funding formulae. We will announce in the near future our final decisions on the distribution of the new dedicated schools grants for 2006–07 and 2007–08.

Simon Hughes: The Minister will know that, in boroughs such as mine, in most of inner London and in much of the rest of the country, people will be extremely unhappy with that answer. Given that some schools have a 60 per cent. turnover in classes in the same year and, in many, a third of the pupils change between the first and second sets of tests, will she look again at what the Prime Minister's strategy unit said only two years ago and at what the Association of London Government report said in June this year, both of which make it clear that a fair funding formula to reflect rapidly changing pupils in classrooms is necessary for equal educational opportunity?

Jacqui Smith: The hon. Gentleman rightly makes the case that the challenge with respect to pupil mobility rests on the individual schools in which a large proportion of pupils are mobile. That is why it is absolutely right that local authority funding formulae can and should take account of differential funding for schools with high mobility. Given the wide spread of mobility across a range of local authorities, the effect of distributing between authorities on the basis of mobility would have been to flatten and reduce the extra contributions to those authorities with additional educational needs on the basis of deprivation, not to benefit authorities such as the hon. Gentleman's. That is why the decision was taken.

SOLICITOR-GENERAL

The Solicitor-General was asked—

Witness Initiatives

21. **Ben Chapman** (Wirral, South) (Lab): If he will make a statement on the Merseyside "No Witness, No Justice" initiative. [31301]

The Solicitor-General (Mr. Mike O'Brien): Under "No Witness, No Justice", the pilot witness care unit opened in Sefton in March. It helps to increase witness attendance at court by about 20 per cent. As a result of that success, a new centralised witness care unit is being set up in Liverpool to cover a wider area, and I understand that it will open next Monday.

Ben Chapman: I very much welcome both the opening on Monday and the increased attendance of witnesses that the scheme has brought about. Given that the MORI survey that was commissioned to look at the issue also found an increase in both witnesses' and victims' confidence in the criminal justice system, how does my hon. and learned Friend assess the scheme's potential, when it is rolled out in Merseyside and elsewhere, to bring about more speedy and effective justice?

The Solicitor-General: The aim is to ensure that we encourage witnesses to attend court, give evidence and help to secure justice. The Liverpool centralised unit is intended to cover the Wirral and Merseyside, and it aims to provide a better service for witnesses and victims. Victims will have a single point of contact to ensure that they get information about how their cases are proceeding. The unit will keep them informed of progress, offer help with issues such as child care, transport to and from the court or referral to witness support if they need it. We will also seek to ensure that, when people attend court, the witness service meets them and looks after them while they are there. The aim is to get a better deal for witnesses and victims, and a better deal for the public because more offenders are brought to justice.

Sentencing Policy

22. **Bob Russell** (Colchester) (LD): If he will make it a requirement for sentencing in all road traffic cases where a fatality has occurred to be made at the Crown court. [31302]

The Solicitor-General: Currently, offences of causing death by dangerous driving and causing death by careless driving while unfit because of alcohol or drugs are triable at the Crown court. Careless driving is dealt with at magistrates courts. The Government intend to create two new imprisonable offences of causing death by careless driving and causing death while driving while disqualified, unlicensed or uninsured. Magistrates will decide the appropriate venue for sentencing, taking into account all the circumstances of the case, including the driver's culpability.

Bob Russell: I am grateful to the Minister for that very encouraging response, but does he not accept that, on some occasions when a guilty plea is made at a magistrates court for careless driving, the magistrates are not made aware of the fact that there has been a fatality? Does he not agree therefore that, on every occasion where there has been a fatality, the court needs to know and, preferably, the case should go to Crown court for sentence, even on a guilty plea?

The Solicitor-General: It is certainly my view that if a fatality has occurred following a traffic incident, magistrates should be informed. It is then for the court to decide the appropriate venue for sentencing. The court is, to a considerable extent, best placed to make that decision. The sentence depends on the culpability of the defendant, rather than the consequence. Obviously, the death of someone is a horrendous consequence, but culpability inevitably varies according to the circumstances of a case. Cases involving a momentary lapse of concentration are different from those involving consistent erratic driving. Magistrates will have to judge whether they are able to deal with a case, or whether it should be dealt with at the Crown court, but they should certainly be aware of the fact that a fatality has occurred.

Mr. David Kidney (Stafford) (Lab): I am pleased that the Home Office has decided to create the new offence of causing death by careless driving, which is being put into the Road Safety Bill *[Lords]*. The offence will carry a maximum sentence of five years, so it is likely that most cases will be dealt with in the Crown court, provided that the prosecution charges manslaughter—at the worst—death by dangerous driving, or the new offence. Will my hon. and learned Friend give me a commitment that he will issue guidance to prosecutors throughout the country to ensure that one of those offences is charged in every case of death for which there is some culpability?

The Solicitor-General: It will be for the CPS to assess the appropriate charge in individual circumstances under the code of practice and based on the evidence. Clearly, guidance will be provided. I cannot give entirely the undertaking that my hon. Friend wants. I want to examine the way in which the guidance should be drawn before I reach a decision. However, I will certainly write to him as soon as a decision on the nature of the guidance is taken.

Mr. Dominic Grieve (Beaconsfield) (Con): The Solicitor-General will be aware that historically in our country we have been reluctant to criminalise a consequence when the cause of that consequence is inadvertence or negligence. Certainly, draconian penalties have not been imposed. I was thus pleased to hear him say that there will be cases in which death by careless driving can be dealt with in the magistrates court. Does he agree that there will be cases in which although the consequence might have been tragic, the extent of culpability will be such that the matter should stay in the magistrates court? Moreover, can he tell the House anything further about how a distinction will be made between dangerous driving and careless driving, given that the maximum penalty of five years for careless driving that is contemplated is a very substantial sentence indeed and well in excess of the majority of sentences imposed for death by dangerous driving at present?

The Solicitor-General: We must carefully examine the way in which the courts will deal with the new offences in practice. That was why I was careful when I responded to my hon. Friend the Member for Stafford (Mr. Kidney) about the guidance. Following the consultation that was completed in May, we took account of the views of hon. Members and people outside the House who thought that we needed to introduce the new offences in the Road Safety Bill. During the consultation, it was clear that the initial suggestion that the matter should be dealt with primarily in the Crown court was not viewed by the professionals as the right approach—they thought that it should go either way. There will thus be circumstances in which the magistrates court can appropriately deal with cases, so we must look at the detailed guidance for prosecutors on how they address magistrates on the matter.

Crown Prosecution Service

23. **Ms Sally Keeble** (Northampton, North) (Lab): What steps he is taking to speed up decision making by the Crown Prosecution Service. [31303]

The Solicitor-General: Every effort is made by the Crown Prosecution Service to make decisions within a reasonable period. However, owing to the complexity of some cases, some decisions obviously take longer. The CPS must balance swift decisions with the need to get the decision right, based on a careful analysis of the evidence by experienced lawyers who operate under the code for Crown prosecutors.

Ms Keeble: My hon. and learned Friend is aware of the particular case about which I have been concerned. I appreciate his efforts and those of his colleagues on that. However, may I press him again and ask him to ensure that the CPS understands that there is not just a question of distress to the family, which obviously wants matters dealt with properly? There are much wider policy implications attached to some cases, and they cannot be progressed as long as the CPS does not take decisions. Will he ensure that such wider issues are also understood?

The Solicitor-General: I know well the case that my hon. Friend raises and have spoken to the Director of Public Prosecutions about it on a number of occasions. I know that she has also spoken to the DPP.

Cases sometimes take a long time to reach a decision because of the need to collect evidence. My hon. Friend has raised concerns about the way in which that restricts the ability to discuss wider issues about how institutions of the penal system, in particular, operate. As there has been a delay in making a decision on the case, she has been unable to raise those concerns. I understand, however, that the Procedure Committee will consider the matter. I hope that the issues that concern my hon. Friend can be brought to its attention and that it considers the restrictions on her raising them in the House.

Simon Hughes (North Southwark and Bermondsey) (LD): Are Law Officers willing to consider whether Crown prosecutors in different areas can be publicly accountable for the speed of decision making, as mentioned by the hon. Member for Northampton, North (Ms Keeble), or for the success of their prosecutions, so that there is public engagement with the people who make decisions on our behalf?

The Solicitor-General: Crown prosecutors can engage with local MPs, and the hon. Gentleman can talk to the chief Crown prosecutor in his area if he wants to. Indeed, many hon. Members do that. The Law Officers supervise the Crown Prosecution Service and are answerable in this place for what happens. From time to time, the DPP has been brought before Select Committees, and other Crown prosecutors can appear before Select Committees on request.

There are a number of ways in which the CPS can engage publicly. To some extent, it depends on parliamentarians making the request. If the hon. Gentleman has a particular request, we would be happy to discuss it with him.

Business of the House

11.32 am

Chris Grayling (Epsom and Ewell) (Con): Will the Leader of the House give us the business for next week?

The Leader of the House of Commons (Mr. Geoffrey Hoon): The business for next week will be as follows:

Monday 28 November—Second Reading of the Childcare Bill.

Tuesday 29 November—Second Reading of the Health Bill.

Wednesday 30 November—Remaining stages of the Terrorism (Northern Ireland) Bill.

Thursday 1 December—There is a change from the business that I previously announced. We will now take the remaining stages of the Council Tax (New Valuation Lists for England) Bill.

Friday 2 December—Private Members Bill.

The provisional business for the following week will be:

Monday 5 December—Second Reading of the Work and Families Bill.

Tuesday 6 December—Remaining stages of the London Olympics Bill.

Wednesday 7 December—A debate on fisheries on a motion for the Adjournment of the House.

Thursday 8 December—Estimates [1st Allotted Day], subject to be confirmed by the Liaison Committee.

At 6 o'clock the House will be asked to agree all outstanding estimates.

Friday 9 December—The House will not be sitting.

Chris Grayling: I have told the Leader of the House how annoyed hon. Members are about the decision to postpone next week's debate on police reform. Will he give an absolute assurance that he will hold the debate before Christmas?

Has the Leader of the House seen media reports that when the Under-Secretary of State for Defence, Lord Drayson, was chief executive of PowderJect Pharmaceuticals, he was responsible for selling substandard vaccines to the national health service, and that concerns about the company's practices were raised with the Government by regulators here, in Ireland and in the United States? Does he accept that there needs to be an immediate statement to the House about the allegations and that Health Ministers need to tell Members what they are planning to do to investigate the matter?

Furthermore, will the right hon. Gentleman also ask the Secretary of State for Defence to come to the House to make a statement on whether any of the vaccines provided by Lord Drayson's company to our armed forces were also substandard? Does he agree that if that proves to have been the case, Lord Drayson's position as a Minister would be in serious doubt?

I know that the Leader of the House is aware that since I raised the subject of energy supply with him at Prime Minister's questions three weeks ago, the wholesale price of gas has rocketed. Indeed, it was discussed at Prime Minister's questions yesterday. We will either have gas shortages this winter or consumers and businesses will pay much more for their energy. Why does the Leader of the House continue to refuse to hold a long-promised debate in Government time on energy, and when can we expect to hear more about the way in which the Government plan to respond to the growing crisis?

Despite all their promises, the Government plan to negotiate away the British rebate in Brussels in the next few weeks. In a recent visit to Brussels, the Deputy Prime Minister said:

> "We have put our abatement on the table. It is not the best way to spend European money."

Can we have an urgent statement from the Prime Minister about the rebate, and will the Leader of the House admit that the promises made by the Prime Minister to the House in the summer were worthless?

Finally, last week, the Leader of the House was dismissive of the absurd rules and regulations in barmy Britain. Let me try again, and ask for a statement from Health Ministers. The guild of friends in my local cottage hospital has agreed to spend a few hours each week tending the flowers in the wards, but they have been told that before they can even top up water in the vases they must provide evidence of their identity and address to the Criminal Records Bureau. Does the Leader of the House not think that that is truly barmy?

Mr. Hoon: I am always grateful to the shadow Leader of the House for the entertainment that he provides, no doubt after scouring the pages of many local newspapers to produce the information that he sets before the House. As for the specific points that he made, I make it clear that the Government regard the debate about police reform as a matter of great importance. We could hold the debate in Westminster Hall before Christmas if the Opposition insist on it. [Hon. Members: "No."] There may not be time to hold the debate on the Floor of the House before Christmas, but I assure them that if it needs to be held here we can arrange that early in the new year.

I have seen the reports about my noble Friend Lord Drayson. As for the question of substandard vaccines in general, I am confident that the vaccine supplies both to this country and to Her Majesty's armed forces are of the required standard. As for the energy supply, I am sorry to spoil the scaremongering tactics deployed by the shadow Leader of the House, but I should like to acquaint him with some important facts about the energy supply. Gas prices are rising throughout Europe, because they are linked to oil prices—that is a fact. The great majority of our businesses are not affected by the changes in gas prices, because they have contracted to buy their gas at fixed prices—again that is a fact. Gas prices here, despite the rise in the past year, are still some of the most competitive in Europe, and the same is true of our household bills—again, that is a fact. The national grid, which knows rather more about these matters than some Opposition Members, has made it clear in its winter outlook statement that there will not be a problem for domestic gas customers and smaller businesses and organisations, however severe the winter, barring freak technical disruptions. That, too, is a fact. It is important that Opposition Members consider the facts instead of entertaining us with their

[Mr. Hoon]

scaremongering tactics. They should bear it in mind that, as Age Concern has pointed out, it is the elderly and the most vulnerable in our society who are most concerned about the kind of material that the shadow Leader of the House and others are issuing in a deliberate effort to upset people. That is simply intolerable and should not happen.

As for the British rebate, Opposition Members have become obsessive about it over the years, but the Government's position has not changed. The rebate, as I made clear last week, was a direct consequence of the fact that the United Kingdom was paying a disproportionately large amount to the EU budget as the result of the common agricultural policy. The Government have made it clear that if the CAP is reformed to bring about lower payments by the UK the need for the rebate disappears. That is perfectly logical and proper, and it has been the Government's position throughout. As for the hon. Gentleman's final point, it is obviously important that individuals who are prepared to volunteer to help people in our hospitals should do so with the minimum possible inconvenience.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): May we have an urgent debate on corporate governance, particularly the corporate structure of the Tchenguiz family? We know them well in the north of England because they run a company called the Estates and Management group, which gives a tough time to elderly and vulnerable leaseholders in many of the northern towns, using all sorts of strategies to extract money. They have a corporate structure that the House of Commons Library describes not just as a chain of companies, but as a spaghetti of companies registered in the Virgin Islands, the Bahamas and elsewhere. May we have a debate on the company, which is involved in a major takeover of a restaurant and pub chain? Let us find out exactly who owns it, where it is owned and how it conducts its business.

Mr. Hoon: I cannot promise my hon. Friend an early debate, but there are opportunities that he might seek to exploit by way of an Adjournment debate or a debate in Westminster Hall. If I may say so, he has probably made his point just as effectively today.

Mr. David Heath (Somerton and Frome) (LD): In the light of tragic events overnight, may I yet again ask the Leader of the House when we will have a debate on the political situation in Iraq, which, extraordinarily, we have not had in the lifetime of this Parliament? Perhaps we might also have a debate on the role of the Attorney-General and his attempt to gag newspapers with the threat of the Official Secrets Act not on the grounds of national security, but on the grounds of potential embarrassment to the Prime Minister or to any presidents with whom he happens to have conversations.

I echo the widespread irritation and annoyance at the cancellation of the debate next Thursday on police restructuring. The Leader of the House must realise that already the options have been reduced without Members having any opportunity to express an opinion. In my part of the country, the south-west, we face the prospect of a police force whose area runs from the Isles of Scilly to Tewkesbury in Gloucestershire. Tewkesbury is nearer to Scotland than to the tip of Cornwall. Many hon. Members want to raise important questions. Westminster Hall is not an adequate substitute. We need a debate in the Chamber.

Lastly, has the right hon. Gentleman come across the "Fantasy Health Minister" website? I understand that the Secretary of State for Defence is a frequent player. Is the Leader of the House aware that one can accumulate a large number of bonus points for allowing colleagues a free vote on the issue of smoking?

Mr. Hoon: My right hon. Friends the Secretaries of State for Foreign and Commonwealth Affairs and for Defence have regularly come before the House to set out the position in Iraq. Foreign Office questions takes place next Wednesday, I believe. There are regular opportunities for hon. Members to raise the matter of the political situation in Iraq, and I have never been in any doubt that they seek every opportunity to do so, and very successfully.

I am slightly surprised, but perhaps I should not be, to hear yet again Liberal Democrats not even prepared to see effective enforcement of important legislation that safeguards our security and liberties. If the hon. Gentleman is really telling the House that there are no circumstances in which the Attorney-General should exercise long-standing powers under the Official Secrets Act, he needs to say so a little more plainly, rather than resorting to the kind of sub-editor's headlines that he tends to speak in. The Attorney-General has a legal responsibility, which I suspect was given to him by a Liberal Government. It needs to be exercised from time to time. That is done with great restraint and only in certain limited circumstances, but it is an important power that must be exercised from time to time.

I have said all that I intend to say about the debate on policing. It is an important matter. I have dealt with the hon. Gentleman's final point already.

Mr. Ian Austin (Dudley, North) (Lab): May we have a debate on the irresponsible and antisocial use of fireworks this year? Everybody enjoys bonfire night, but I do not see why my constituents should have their lives made a misery in the days and weeks running up to and after bonfire night each year. Such a debate would enable us to examine the extent to which police and local authorities have been using the new powers that were given to them last year, and it would give us the chance to discuss whether tougher restrictions would enable my constituents to live free from the noise, nuisance, disturbance and danger that fireworks can cause.

Mr. Hoon: My hon. Friend has raised an important issue, which inevitably comes up each year. May I assure him, having examined the figures on the number of complaints this year, that there has been a significant reduction, not least because of the very effective measures the Government have implemented to limit concerns in the community, particularly among the elderly and the vulnerable? If there is a requirement for additional change and reform further to reduce the threat to people, we will re-examine the matter.

Sir Nicholas Winterton (Macclesfield) (Con): Will the Leader of the House arrange for an Education Minister to make a statement about the decreasing number of students coming forward to study physics and chemistry, which is causing grave problems for important manufacturing industries such as pharmaceuticals? AstraZeneca, the largest employer in my constituency, has spoken to me at length about the matter. The problem is that too few teachers are prepared to teach those subjects in secondary schools, which therefore reduces the number of students who go on to study them at university. Chemistry and physics are vital to the future of this country.

Mr. Hoon: The hon. Gentleman is right. I am sure that he had an opportunity to raise that question in the past hour with Education Ministers at Education Question Time.

Sir Nicholas Winterton: I tried.

Mr. Hoon: I am always delighted to serve as a substitute for those hon. Members who fail to get called at Question Time. I am delighted to emphasise to the hon. Gentleman the importance that the Government attach to training teachers in physics and chemistry, not least as someone whose physics teacher advised him never to darken his door again—advice that I was glad to follow. The issue is important for industry, and we must continue to train the right number of physicists and chemists for the future of our high-technology industries.

Mr. Marsha Singh (Bradford, West) (Lab): Will my right hon. Friend find time to debate the south Asian earthquake disaster, which *The Independent* described today as "the forgotten disaster"? I am proud and pleased about the response of the Department for International Development and the British Government, but 100,000 people could die during the winter. Tents and shelters are still needed, and 2.3 million people will need food. In my constituency, concern is growing, especially among my constituents with Kashmiri or Pakistani backgrounds, that too little is being done too late. Will my right hon. Friend find time for that debate?

Mr. Hoon: I am grateful to my hon. Friend for raising the issue. The international community clearly needs to emulate the example set by the British Government, which my hon. Friend has generously acknowledged, in ensuring that there is not a further disaster this winter in remote and inclement parts of Pakistan. He is right to raise the issue, which the British Government are, I assure him, keeping at the forefront of their mind.

Mr. Peter Robinson (Belfast, East) (DUP): After yesterday, does the Leader of the House believe that he can persuade the Secretary of State for Northern Ireland to return to the Dispatch Box, this time to explain the major changes he intends to make to public administration in Northern Ireland, including local authorities? The Secretary of State was smuggled into a Belfast hotel earlier this week, and he has not made a statement to this House, which would have allowed hon. Members an opportunity to ask questions. Will the Leader of the House ensure that the Secretary of State comes to this House to explain himself?

Mr. Hoon: My right hon. Friend the Secretary of State for Northern Ireland was here yesterday both answering questions and initiating debate. I know that the hon. Gentleman is a skilful and successful parliamentarian, and I am surprised that he did not take the opportunity when my right hon. Friend was smuggled into the House to put those questions and participate in that debate. I am sure that the hon. Gentleman will have further opportunities on future occasions.

Ms Celia Barlow (Hove) (Lab): Will the Leader of the House make time for the Home Secretary to make a statement on the case of my constituent, Amir Nazabzadeh, who was arrested at his home on 15 November, pending deportation? I strongly feel that my office was misled by Home Office officials, who told us that Amir was served with a removal order on 10 November, although the removal order was dated 15 November, that no removal directions had been set, although he was scheduled for removal on the next morning, and that he had been moved from Heathrow, although he was still there. Will my right hon. Friend assure me that Amir will not be removed until my representations of 6 October have been fully considered and until the friends of Amir have had time to take guidance on a judicial review?

Mr. Hoon: I will certainly ensure that my right hon. Friend is made aware of my hon. Friend's concerns on this matter.

Mr. Christopher Fraser (South-West Norfolk) (Con): Will the Leader of the House consider an urgent debate on the crisis in adult learning? The Federation of Women's Institutes, in my constituency, is deeply unhappy with the Government's funding policies, particularly as they affect adult education, and that a sacrifice will be made in non-vocational subjects, especially in rural areas.

Mr. Hoon: I am well aware of the concern that has arisen throughout the country. I am sure, however, that the hon. Gentleman will accept the principle that is being operated, which is that the resources that are available should primarily be devoted to ensuring that people have the opportunity of gaining employment, which means that we will concentrate more of the available money on training and on vocational opportunities. That is not to say that adult learning is not an important part of the wider learning programme that the Government intend to continue. We must obtain the right balance between the contribution from those who are participating in what are often leisure activities rather than simply pure learning and the contribution that the Government make. I am not in any way dismissing these proper concerns and I am grateful to the hon. Gentleman for raising the matter.

Mr. Siôn Simon (Birmingham. Erdington) (Lab): My constituents, whom I will not name but whose case is well known, who are victims of Professor Roy Meadow

[Mr. Siôn Simon]

and have never been charged with anything, are faced with their third child having been kidnapped by Birmingham city council social services department and being adopted against their will. As a result of the secrecy of the family court there is nothing that I can do about it, as their representative. There is nobody that I can talk to about the matter. May we have a debate about family courts in general, the kidnapping of my constituent's child and children in particular?

Mr. Hoon: I will not comment on a specific legal case, but I accept the more general point in relation to the operation of family courts. I know that it is something about which my right hon. and learned Friend the Lord Chancellor is concerned. The question of secrecy and the way in which the courts operate is an issue. I emphasise that these are particularly sensitive and difficult issues affecting children, their relationship with their parents and the role of local authorities. It is important to look at different ways in which these courts might operate, but we must have paramount regard to the interests of the children in question.

Sir George Young (North-West Hampshire) (Con): May we have an early debate in Government time on the Prime Minister's refusal to allow Lord Birt to appear before a Select Committee of this House? Is it not an unacceptable restriction on our ability to hold the Executive to account for the Prime Minister to have a personal veto on our witnesses?

Mr. Hoon: I am surprised that the right hon. Gentleman raises the issue in that way. He is usually rather more fair-minded about the approach that he takes to these issues. He will know that it is a long-standing aspect of the Osmotherley rules governing who may appear before Select Committees that it is a matter for the Minister in question—I am sure that the right hon. Gentleman was in this position at some stage in the past—to decide whether any particular civil servant will or will not represent him before a Select Committee. That has been part of the rules since they were first drafted, and that remains precisely the position.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): Will my right hon. Friend arrange for a statement to be made on the Government's thinking on corporate responsibility? I ask that question against the background that when politicians act irresponsibly and endanger people's lives they receive lengthy prison sentences, but when company directors do likewise they often escape prosecution, and when they are prosecuted they receive paltry fines. Surely that is unfair.

Mr. Hoon: Certainly a great deal of attention has been given to this aspect of the law in recent years. It is important that we ensure that those who are responsible for the commission of criminal offences are brought before the courts and prosecuted, and that remains the Government's position.

Mr. Edward Garnier (Harborough) (Con): May I ask the Leader of the House to take the removal of the debate on police restructuring a little more seriously? I ask him to do that both as an east midlands Member like him and as the shadow spokesman on the police. The police restructuring debate was on the future business section of the Order Paper. It has been removed, and no reason for its removal has been given, either by the Home Office or by the Leader of the House this afternoon. The Adjournment debate initiated by the hon. Member for Stockton, North (Mr. Cook) in Westminster Hall is not a substitute. This is a matter of huge public concern. It concerns the most major restructuring of the police for about a third of a century. Simply to dismiss the matter as something that might be dealt with in Westminster Hall or at some time in the new year is not good enough. Will the Leader of the House, who is a decent person, ensure that the Government do their duty to the House and bring a substantive motion before the House before Christmas?

Mr. Hoon: I am grateful to the hon. Gentleman. He was clearly getting into [illegible] contentious area in the later part of his remarks. I appreciate the vote of confidence, if that is what it was. I was not in any way failing to recognise the seriousness of this issue for right hon. and hon. Members throughout the country. The issue affects all Members of the House. I was not suggesting that a debate in Westminster Hall was a substitute. I was suggesting that if Opposition Members believe that it is important to have such a debate before Christmas, that is an opportunity. If, however, the wish is to have the debate on the Floor of the House, I assure the House that opportunity will be given early in the new year.

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): I am sure that my right hon. Friend is aware of early-day motion 801, which calls for the vote at 16 and has the support of 91 Members across the parties in the House.

[That this House believes that the time is right to lower the voting age to 16; recognises that at 16 and 17 young people's lives are as rich and varied as at any other age, that they have considerable responsibilities that routinely involve making complex decisions and that are unrecognised in their current democratic rights, that many youth-led organisations have been campaigning for the voting age to be reduced, and that lowering the voting age could play a huge role in helping young people feel more connected with political processes which would strengthen local and national democracy and is the next logical extension for citizenship education; and calls on the Government to use the Electoral Administration Bill to legislate to lower the voting age to 16 for all public elections in the UK.]

As a constitutional moderniser, does my right hon. Friend agree that, given that we have citizenship classes up to the age of 16 in all our schools, it is a great pity that young people will have to wait until they are 18 to exercise the right to vote?

Mr. Hoon: My hon. Friend raises an important issue, and it is something that the Government continue to consider. Making such a major change is not something that can be done lightly. It requires a great deal of thought and consideration. I assure my hon. Friend that this is a matter that the Government are keeping under close review.

David Howarth (Cambridge) (LD): May I return to the question of next Thursday's business and offer the Leader of the House a suggestion? Consideration in Committee of the Council Tax (New Valuation Lists for England) Bill took barely more than an hour and a half, and I doubt whether the remaining stages will detain the House for very much longer than that. Could we schedule the debate on the Bill so that it takes place for a shorter time, and then return to the original debate, which is of great importance to Members on both sides of the House, for the rest of that day?

Mr. Hoon: The hon. Gentleman raises an interesting constitutional question about the willingness of Opposition parties to participate in the scheduling of Bills. Their enthusiasm for ensuring that consideration of Bills continues for a limited period on the Floor of the House is something that I will note, and may rely on in future.

Mr. Chris Mullin (Sunderland, South) (Lab): May I press my right hon. Friend on the suggestion that a free vote be held on the extent of the restrictions on smoking when the issue is debated next year? He will recall that our right hon. Friend the Prime Minister, at annual conference, said that whenever he introduced a reform he always thought in retrospect that he had not gone far enough. We are in danger of introducing a measure that makes no one happy. I put it to him that the way round that is to allow a free vote on the extent to which the restrictions should apply.

Mr. Hoon: I have dealt with this question on a number of previous occasions, and I am sure that I have tested the limits of your patience, Mr. Speaker, because this is not strictly a matter for the Leader of the House or for the Chamber. I suggest that my right hon. Friend raise the matter at the regular meetings of the parliamentary Labour party. That seems to me to be where decisions on whether a free vote should be allowed should properly be discussed.

Mr. Roger Gale (North Thanet) (Con): I should place on the record my interest as a warrant-holding special constable. The Leader of the House is fully aware that chief officers have been given a desperately short period in which to respond to the proposals contained in "Closing the Gap". That consultation closes, and therefore effectively the debate closes, on 23 December. It is therefore ludicrous to suggest that the debate in the House should be held in the new year. Is he aware that it is an insult to the Chamber and to the police to suggest that an hour and a half in Westminster Hall is sufficient? The right hon. Gentleman knows perfectly well that that hour and a half debate could not possibly be followed by a vote. There are many Members who require a vote on this subject. The Government have recently paid particular attention to the views of the police. If the Leader of the House and the Prime Minister receive representations from the Association of Chief Police Officers indicating that it is concerned about this, will he guarantee a debate before Christmas?

Mr. Hoon: The first stage of the consultation is scheduled to be concluded by 23 December, but that will happen only where police forces agree to amalgamation. If there is no such agreement, there is a further opportunity for consultation lasting another four months. There is every opportunity for right hon. and hon. Members to set out their concerns, and it is important that the matter be widely discussed. I do not intend to repeat what I have already said about the need to give right hon. and hon. Members the opportunity to set out their views in this Chamber, but should any structural changes be required there will obviously be opportunities for Members to vote on them once any necessary legislation is brought before the House.

Mr. Fraser Kemp (Houghton and Washington, East) (Lab): Will the Leader of the House ensure that when the education Bill comes before the House there is ample opportunity to discuss its anti-bullying aspects so that we can share the experience of Sunderland city council and of local schools? They have a very innovative and pioneering scheme involving the use of mentors, including 14-year-old Demi Stanners from my constituency, where all the evidence and experience shows that people will respond more to people of the same age in dealing with the evil that is bullying in many of our schools.

Mr. Hoon: I am grateful to my hon. Friend for raising that important issue. All of us who are concerned about discipline in schools are worried about bullying, which is part of the problem that, sadly, too many of our children and young people face when they go to school. That is why the Government's most recent White Paper on education includes a chapter that specifically mentions bullying.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): We have learned today that the Foreign and Commonwealth Office made a number of mistakes at the time of the Asian tsunami. Can we have a statement here from either the Foreign Secretary or the Secretary of State for International Development explaining what the mistakes were and why they occurred, and, most importantly, giving an assurance that they will never be repeated?

Mr. Hoon: If the hon. Gentleman will forgive me, I believe that he is being somewhat harsh on the Foreign Office and the work that it did in response to the tsunami. The National Audit Office report is critical of certain aspects, but overall it makes it clear that there was a significant and very effective response on behalf of the United Kingdom. What is important about such reports is that we learn lessons from them, and I assure him that we will do so.

Paul Flynn (Newport, West) (Lab): Is the Leader of the House aware that opinion in Wales is more united against police reorganisation than it has been on any issue since Liverpool decided to drown Tryweryn in 1965? People are saying, quite sensibly, that we do not want to have three years of disruption and upheaval from a reorganisation that will distract the forces from their task of keeping the peace.

Does the Leader of the House realise that the Government have given no figures on the cost of this, although the North Wales police have said that it will

[Paul Flynn]

cost £50 million, which will be an additional burden on the council tax payers of Wales? Following the postponement of next week's debate, can we take some comfort from the Government's waking up to the fact that the demise of those fine police forces would be as futile as most people believe?

Mr. Hoon: I am slightly surprised to hear my normally radical friend taking such a conservative—with a small c—line on such an important matter as police reorganisation. As the Government have made clear, it is necessary to organise our police forces in the best way to allow them to do the job. My hon. Friend refers to the up-front costs, but I can assure him that the projected savings from police reorganisation are significant. Those savings will allow more effective policing in Wales and, indeed, in other parts of the United Kingdom.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): Will the Leader of the House reorganise the business programme so that we can discuss the amalgamation of the police forces next week? He must understand that there is a deep anxiety in the House about that. In my constituency, there is very robust opposition to the suggestion that the Lincolnshire police force should be grouped with adjoining forces, because it is felt that that will lead to prejudice against rural areas. The House needs to discuss this matter on the Floor of the House, with a vote, immediately.

Mr. Hoon: The right hon. and learned Gentleman makes his point with his customary style, and I have noted his remarks.

Mr. David Clelland (Tyne Bridge) (Lab): Is my right hon. Friend aware that the Highways Agency is blocking much needed development of business and housing in my constituency on the basis that that would add to congestion on the A1 western bypass around Gateshead and Newcastle? Can we have an early debate on the powers of the Highways Agency, which has failed over many years to take any action whatsoever to relieve congestion on that trunk road and is now using its powers to block much-needed development and redevelopment in my constituency?

Mr. Hoon: I am grateful to my hon. Friend for raising what is obviously an important issue for him as a constituency Member of Parliament. I will ensure that my right hon. Friend the Secretary of State for Transport is made aware of his concerns and responds accordingly.

Mr. Eric Forth (Bromley and Chislehurst) (Con): If the Leader of the House is going to persist in tying the EU rebate to the common agricultural policy, will he instruct the Prime Minister to come to the House urgently and tell us in terms that any surrender of the rebate will be based only on an absolute and actual reform of the CAP, not a promise, an undertaking or a wish; otherwise, nobody will believe a word that either he or the Prime Minister says?

Mr. Hoon: I am grateful to the right hon. Gentleman for his confidence in my abilities to instruct the Prime Minister to come to the House. I am sure that the Prime Minister would respond to a warm, friendly invitation to set out the Government's position, and he will do that, as he regularly does, after the forthcoming summit.

Dr. Ashok Kumar (Middlesbrough, South and East Cleveland) (Lab): In the light of what the hon. Member for Macclesfield (Sir Nicholas Winterton) said about support for the chemical industry, may I tell my right hon. Friend that there is a great deal of concern about the gas price increases that were announced at the weekend? Two companies in my area, Terra Nitrogen and Huntsman, are worried about reduced capacity and shutdowns. It is a very important issue for the chemical industry and for manufacturing. Can we have a debate on the Floor of the House on the future of the chemical industry? I am sure that Members on both sides of the House would benefit from that.

Mr. Hoon: My hon. Friend is right to raise the important issue of the chemical industry, which is a vital employer and a supplier of significant technology in the United Kingdom. By and large, chemical companies that are large consumers of gas tend to have financial arrangements with the energy suppliers, particularly in relation to gas, based on the spot price on any given day. Indeed, that price fluctuates—it fell overnight. I assume that large chemical corporations arrange their supplies of energy on the basis of what is most cost-effective. Some companies have long-term contracts at fixed prices for the supply of gas. I assume that chemical companies choose not to do that as a financial judgment that they make as being in their own best interests.

Mr. Mark Harper (Forest of Dean) (Con): When I recently asked the Leader of the House about the debate on police restructuring, he said that he was

> "confident that there will be every opportunity to discuss any decisions before they are implemented."—[*Official Report*, 10 November 2005; Vol. 439, c. 490.]

That perhaps reveals his thinking. I should draw his attention to the fact that we like to discuss such decisions in this House before they are taken, not implemented. As he should be aware, most of the proposed changes do not require primary legislation to be brought before the House, so there will be no opportunity to debate such legislation in detail on Second Reading. I, too, urge him to reinstate the debate for next Thursday.

Mr. Hoon: I have nothing to add to what I have said on several occasions about the need for a debate. The hon. Gentleman quotes me accurately and I agree with what I said.

Martin Linton (Battersea) (Lab): Will my right hon. Friend find time for a short debate on the beers offered for sale in Strangers Bar? Will he lend his authority as Leader of the House to my concerns about the replacement of Youngs ordinary bitter—one of the most famous cask-conditioned ales in this country, which has been on sale in Strangers for more than 10 years and is brewed in Britain's oldest brewery, based in my constituency—with San Miguel, a lager from the

Philippines, which is not only greatly inferior but far more alcoholic? In the name of good taste and parliamentary sobriety, will he help us to get Youngs back?

Mr. Hoon: I never cease to be amazed by the range of my responsibilities. I am delighted to discover that I might have responsibility for that matter. I am sure that it will be investigated now that my hon. Friend has raised it so eloquently.

Mr. Mark Prisk (Hertford and Stortford) (Con): In his opening remarks, the Leader of the House told us that there would be no debate next Thursday on police restructuring, but he did not tell us why. If he does not answer that question clearly, there is a danger that it will give my constituents and many others the impression that the Government are either frightened of debate or have no intention of listening to the House.

Mr. Hoon: Given that I announced that there would be a debate, it is a little unfair of the hon. Gentleman to suggest that the Government are alarmed, concerned or frightened of holding one. Indeed, I made it clear today that there will be such a debate. The reason for adjusting the business is clear: it is necessary to complete the remaining stages of an important Bill, which must be taken on the Floor of the House.

Julie Morgan (Cardiff, North) (Lab): I add my support to a free vote on the smoking restrictions. May I urge my right hon. Friend to do all that he can to help settle the dispute with the House of Commons contract cleaners, perhaps by asking the House of Commons Commission to get involved? Yesterday I went to a meeting with other hon. Members in which the cleaners were supported by a delegation of cleaners from Europe, who have much better pay and conditions than the people working in this building. The dispute has been going on for six months, and I urge him to do what he can because it is humiliating that it is happening in the heart of democracy. Will he do all that he can to get it settled before Christmas?

Mr. Hoon: My hon. Friend is right to raise the matter and it is important to try to move towards a settlement. However, I emphasise that the House of Commons authorities are not party to the contract. It is important that negotiations continue between the employer and the employees. I recently met the deputy general secretary of the Transport and General Workers Union and the Trades Union Congress, when the issue was raised. I made it clear that I am willing to meet other representatives of the cleaners to try to resolve the matter fairly and properly.

Pete Wishart (Perth and North Perthshire) (SNP): May we have a debate about the availability of digital television, especially as we move towards analogue turn-off? Large parts of my constituency receive no digital services but my constituents will still be expected to pay the inflation-busting licence fee hike that the BBC proposes. Does the Leader of the House agree that there is a case for a differential in the licence fee when full services are not available?

Mr. Hoon: As I understood it, the reason for changing the licence fee was precisely to allow digital services to be extended throughout the country. That is part of the Government's undertaking to promote digital services and provide an enhanced service to people throughout the United Kingdom.

David Taylor (North-West Leicestershire) (Lab/Co-op): Does the Leader of the House agree that crime is a local problem that should, as far as possible, be tackled locally and that communities lie at the heart of the criminal justice system? If so, will he ask the Home Secretary to come to the House to explain his proposals for the probation service, which deals with 300,000 offenders annually? The Home Secretary is proposing to take control of it before parcelling it out and selling it off to the private and voluntary sectors, with which the probation service has worked successfully for a long time. Next year will be the 100th year of its existence. Should not we allow it to celebrate its successes rather than wave farewell to it?

Mr. Hoon: My hon. Friend is right that it is important that all agencies that deal with crime locally be adequately staffed and have the appropriate resources to make a difference as close to the problem as possible. However, I hope that he agrees that, to make the resources available, it is only sensible to examine the management and organisational structures of the different agencies to ensure that they generate maximum efficiencies and do not, for example, simply duplicate services in small areas that could be tackled better regionally. We need to balance the importance of effective local services with the best management structures.

Mr. David Gauke (South-West Hertfordshire) (Con): May I urge the Leader of the House to reconsider the cancellation of the debate on police amalgamation, which was scheduled for next Thursday? There is clearly widespread, cross-party concern about it. Losing that important debate is symptomatic of the Government's approach to police amalgamation. When the Minister for Policing, Security and Community Safety commissioned the O'Connor report, which will result in the changes, she asked for publicity on the matter to be kept low key. Are not the Government trying to rush through the proposals with little or no debate either here or elsewhere?

Mr. Hoon: No.

Mr. Desmond Swayne (New Forest, West) (Con): May we have a statement from a Health Minister on the spread of MRSA? On Monday, when we discussed part 2 of the Equality Bill on religious equality, Labour Members said that the "proper" withdrawal of Bibles from hospitals was nothing to do with political correctness but that they were agents of the spread of MRSA. I have a Reuters report, which states that Gideons International was so shocked by the implication that the Bibles might be harbouring disease that it commissioned a study by a micro-biologist and a surgeon who said that it was nonsense. The Government and Gideons International cannot both be right, so what is the answer?

Mr. Hoon: The Government have invested an extra £68 million in tackling MRSA and it is showing results.

[Mr. Hoon]

There has been a significant reduction of around 6.4 per cent. in cases of MRSA in the past year and it is at its lowest level since 2001.

Tony Baldry (Banbury) (Con): The Leader of the House was careful in the way in which he quoted from the national grid winter outlook. He made no comments about its prospects for major manufacturing industry. When the all-party aluminium group met leaders of the aluminium industry on Monday, they were extremely worried about prospects for the winter. Their next meeting after the all-party group was with officials at the Department of Trade and Industry who had invited them there and wanted to know from manufacturing industry the impact on it of interruptions in supply this winter. Why on earth should DTI officials want to know from manufacturing industry what would happen if there were interruptions to supply if the Department were not worried that there might be power cuts? Please may we have a debate on energy policy in Government time soon, because manufacturing matters to Conservative Members?

Mr. Hoon: And to Labour Members. Perhaps in contrast to the long period of Conservative Government, when many people lost their jobs, we do something about manufacturing industry rather than simply talking about it. However, the hon. Gentleman raises an important point about security of energy supplies. Speaking in a slightly different capacity, I made it clear to the House that planning, preparing and ensuring that we had contingency plans in place in the event of a severe winter was part of Government policy. That is the reason for the sort of meetings to which he referred.

Mr. Nigel Dodds (Belfast, North) (DUP): The Turner commission on pensions is due to publish its report soon. May we have an assurance that there will be not only a statement when that happens but an early debate in the House on an important matter to the pensioners of today and tomorrow? It appears from reports today that the Chancellor is already ruling out any link between pension rises and earnings. When in opposition, the Labour party supported restoring the link, which is vital for the future prosperity of Britain's pensioners.

Mr. Hoon: I am confident that if there are specific proposals for changes, there will be every opportunity to debate and discuss them in the House. Equally, we anticipate in due course an important report by the Turner commission considering pensions in the longer term, which is vital for all those whom we represent. Let me make it clear that there will be opportunities to discuss that in future.

Mr. Andrew Mackay (Bracknell) (Con): To return to the question from my hon. Friend the Member for North-West Cambridgeshire (Mr. Vara), as today's published report vindicates those many British nationals who were stranded in Thailand at the time of the tsunami who believe that they were badly let down by the Foreign Office—particularly in Thailand, where the service offered was totally inadequate—can we ensure that the Foreign Secretary makes a full statement? As the Leader of the House said in answer to earlier questions, we must learn lessons, but in doing so, we must also be able to cross-examine the Foreign Secretary to satisfy ourselves that the lessons have really been learnt.

Mr. Hoon: I have said that the report is important, and that we must learn lessons from what was an overwhelming tragedy not only for the countries affected but for many citizens of this country who were caught up in those terrible events. There is an opportunity next Tuesday, at Foreign Office questions, to begin the process to which the right hon. Gentleman refers, and it is important that we go on learning lessons and subjecting Ministers to proper political accountability.

Mr. Patrick McLoughlin (West Derbyshire) (Con): Is the Leader of the House aware that the fourth Secretary of State for Work and Pensions in a year announced on the "Today" programme this morning that there would be a statement next week on the Turner report? Why is the Leader of the House not able to tell us, when he announces the business, what statements are planned? Is it because, from week to week, the Government are in such chaos that they cannot tell us what the programme will be?

Mr. Hoon: In the dim and distant past, as a very young member of the Opposition Whips Office, I used to admire the skill and ability of the Conservative Whips Office in its management of parliamentary business. I recall asking a similar question from the Opposition Benches on one occasion, and I will give the right hon. Gentleman exactly the same answer as I received—that that is a matter for the Government.

Greg Clark (Tunbridge Wells) (Con): Will the Leader of the House arrange a debate on the scope of the NHS, at a time when GPs are being encouraged by Ministers to turn people away who are not critically ill or elderly? The flu jab costs £25. The average wage is now £12 an hour. Therefore, if the jab prevents the flu, the cost is saved in two hours. Is the universal NHS that we have had now restricted to those with life-threatening conditions?

Mr. Hoon: On the contrary, the Government have made tremendous progress in extending the availability of flu jabs each year. This year, something like 14.6 million doses will be available. In 1997, under the previous Conservative Government, a mere 6.1 million jabs were available. A huge improvement and increase in protection has been made available to the British people under this Government compared with the Conservative one.

Mark Pritchard (The Wrekin) (Con): Will the Leader of the House find time for a debate on freedom of speech and, as we approach the Christmas season, on freedom of religion? Is it not the case that the Government have passed successive legislation that is creepingly anti-Christian?

Mr. Hoon: I do not accept that at all. The Government have recently proposed a change in legislation to protect religion more extensively than in the past. Given that the hon. Gentleman has raised this issue, I am slightly surprised that he did not support that legislation.

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): Bedford hospital, which cares for my constituents, has just closed two wards. It is £8.5 million in deficit, and as part of its recovery plan, has announced a list of further closures. It will restrict neo-natal services for premature babies, stop 10 theatre sessions a week, close a ward at weekends, close the Mulberry unit—the list goes on and on. Those cuts in services are affecting patients on the front line. Will the Minister make time for a debate so that we can all discuss in more detail the NHS deficits that affect all our constituencies, and the effect on the most vulnerable people who need the services?

Mr. Hoon: The hon. Lady knows full well that a significant increase in resources has been made available to the Bedfordshire and Hertfordshire strategic health authority. If she is not aware of the figures, let me tell her that there are 2,975 more nurses, 659 more doctors and 168 more consultants. That is a huge change in the numbers of people available to serve her constituents. Clearly, they require paying for, but in paying for those extra resources available to her constituents, it is important that the management of those resources is as effective as possible.

Mr. Crispin Blunt (Reigate) (Con): May I re-emphasise to the Leader of the House how bad it looks that we will not have a debate on police restructuring? Given that both Surrey's police authority and chief constable have expressed considerable reservations about the short time scale, have gone through one proposal and are now being invited to consider five different strategic proposals to go back to the Home Office by 23 December, and that the Surrey police authority will manage to have a public meeting on 19 December before their latest submissions go to the Home Office, surely to goodness we can debate the matter on the Floor of the House before Christmas?

Mr. Hoon: The hon. Gentleman knows full well that this Government have put enormous extra resources into policing—something like an extra 14,000 police officers across the country. It is important that we have the right structures to support those police officers who are doing a tremendous job. That is why we need to debate and discuss these issues, and why I have repeatedly made it clear that the House will have the opportunity to have the debate that he requests.

Points of Order

12.26 pm

Mr. Gerald Howarth (Aldershot) (Con): On a point of order, Mr. Speaker. I want to follow up the point of order that I raised on Tuesday. As you will recall, I raised the question of the Ministry of Defence holding a press briefing in advance of the publication tomorrow of the National Audit Office's major projects report. You kindly responded that you would look into the matter, and you have written to me, with a copy to the Secretary of State and a copy placed in the Library, saying that you do not find it desirable that a Department should arrange a briefing so close to the publication of the NAO report. I thank you, on behalf of all Members of the House, for your vigilance on our behalf and the protection that you seek to give to us.

Nevertheless, may I point out to you, Mr. Speaker, that the briefing given by the noble Lord Drayson as Minister with responsibility for defence procurement was headed, "Major Projects Report 2005"? When I raised the matter with you on Tuesday, I was concerned that the debate about such an important report, as the Leader of the House knows, in the annual cycle of Ministry of Defence activities might be tainted or pre-empted by the Ministry of Defence, which had sought to present a favourable gloss on it. I understand that I could have had access to that report earlier this week, as you have pointed out to me in the letter placed in the Library. The fact is, however, that Members generally are not able to use those reports until they are available from the Vote Office.

The headline written up by journalists in yesterday's newspapers was that the Ministry of Defence had cut the overspend by £699 million—the precise figure contained in the report to be published tomorrow. I submit that the Ministry of Defence did not say in its briefing to journalists that the NAO's conclusion was that

> "The decrease in forecast costs results mainly from changed requirements or reductions in the quantity or capability of equipment being procured."

In other words, the savings have not come from Ministry of Defence efficiency savings but from cutting the capability or numbers of major projects to which the report refers.

It therefore seems that the noble Lord has been somewhat cavalier with the House in presenting a partial view of what the National Audit Office was due to release tomorrow. I have written a note to you, Mr. Speaker, and I would be grateful if you could consider the matter again on behalf of the House.

Mr. Speaker: I am grateful to the hon. Gentleman for giving me notice of his point of order. I have already made clear my views on the general issue, both in my initial response to his first point of order and in the letter that I sent to him and copied to the Ministry of Defence, but I do not wish to be drawn into the detailed points that he has now put to the House. He should pursue them with the Secretary of State for Defence.

Mr. Owen Paterson (North Shropshire) (Con): On a point of order, Mr. Speaker. On 27 October Her Majesty's inspectorate of constabulary rated West Mercia police the most efficient in the country, yet by 23 December West Mercia will be rammed into a new regional police force. What—

Mr. Speaker: Order. I must stop the hon. Gentleman there, because that was a not a point of order. The hon. Gentleman raised it because he was disappointed that I had not called him during business questions. I shall bear him in mind during business questions next week: he will be at the front of the queue.

Mr. Roger Gale (North Thanet) (Con): On a point of order, Mr. Speaker. I assume that, as is customary, there will be an Adjournment debate before the Christmas recess. Such debates are normally attended by a junior Minister. Will you use your good offices to ensure that a senior Home Office Minister is on the Bench for the forthcoming debate—and will you confirm that it is in the House's power to force a Division on the Christmas Adjournment motion?

Mr. Speaker: There cannot be a Division on the Adjournment motion itself. I ask for Ministers to come to the House, but their rank is up to the Departments concerned. I cannot force a Secretary of State to attend.

Mr. Patrick McLoughlin (West Derbyshire) (Con): On a point of order, Mr. Speaker. Can you confirm that you still have the power—under Standing Orders, so I think that this is a point of order—to enable two Westminster Hall debates lasting for an hour and a half to be combined as a three-hour debate, should a sufficient number of Members write to you asking for a particular subject to be raised?

Mr. Speaker: I have that power. I am glad that the hon. Gentleman has raised a point of order with which I can deal. As he said, if a sufficient number of Members write to me, the power lies with me.

Mr. Peter Bone (Wellingborough) (Con): On a point of order, Mr. Speaker. May I have a ruling on an important matter? In column 897 of the *Official Report*, dated 15 November, a Government motion states that there is a maximum NHS waiting time of six months. In my constituency, some patients are being asked to wait for between nine and 12 months. May I have a ruling on how that wording can be amended?

Mr. Speaker: That is not a matter for me, but the hon. Gentleman is bound to want to pursue the question of how his constituents are treated. He can ask for an Adjournment debate, or table parliamentary questions. I am very sympathetic to new Members who seek Adjournment debates.

Mr. Paterson *rose—*

John Bercow (Buckingham) (Con) *rose—*

Mr. Speaker: I am a very patient Speaker—there is none more patient than I—but the hon. Member for North Shropshire (Mr. Paterson) may be pushing his luck.

John Bercow: I hope not!

Mr. Speaker: We will try the hon. Member for North Shropshire.

Mr. Paterson: Further to the point of order raised by my right hon. Friend the Member for West Derbyshire (Mr. McLoughlin), Mr. Speaker. What mechanisms exist to allow a vote on an Adjournment motion?

Mr. Speaker: There are no mechanisms to allow a vote in Westminster Hall, but the hon. Member for West Derbyshire, a very experienced Deputy Chief Whip, mentioned the possibility of joining together two Westminster Hall debates to make a three-hour debate. That would make a very good Adjournment debate down in Westminster Hall.

John Bercow: On a point of order, Mr. Speaker. I am sorry if I temporarily suffered an identity crisis earlier: I realise that I could not for a moment be mistaken for my hon. Friend the Member for North Shropshire (Mr. Paterson).

I seek your guidance, Mr. Speaker, on a matter of some importance and immediacy. Is it in order for the Government to send representatives to the World Trade Organisation ministerial conference in Hong Kong, at which binding and irrevocable decisions will be made that will have a dramatic effect on the poorest and most destitute people on the planet, without first arranging for a statement to be made on the Floor of the House or, better still, for a proper debate?

Mr. Speaker: I certainly do not think that is a matter for me.

Mr. Peter Robinson (Belfast, East) (DUP): On a point of order, Mr. Speaker. During business questions, I asked the Leader of the House a question relating to the review of public administration in Northern Ireland. The advice tendered by the Leader of the House was that I should have broken into yesterday's debate on the Northern Ireland (Offences) Bill to raise the matter, which would clearly have been in defiance of the House. Will you rebuke the Leader of the House for his advice, Mr. Speaker, and will you advise him that it would be much better for a Minister to come to the House and make a statement?

Mr. Speaker: I get on far too well with the Leader of the House to rebuke him publicly.

Orders of the Day

European Union (Accessions) Bill

Considered in Committee.

[SIR MICHAEL LORD *in the Chair*]

Clause 1

ACCESSION TREATY

Question proposed, That the clause stand part of the Bill.

12.35 pm

The Minister for Europe (Mr. Douglas Alexander): Clause 1 enables us to implement the accession treaty in United Kingdom law, paving the way for United Kingdom ratification of the treaty later in the year and for Bulgaria and Romania to join the European Union. The clause should be recognisable to all who are familiar with past accession Bills.

Subsection 1 specifies the accession treaty for Bulgaria and Romania as one of "the Community Treaties" covered by the European Communities Act 1972. In broad terms, the Act grants automatic effect to directly applicable treaty provisions, and otherwise allows designated Ministers to make regulations amending existing UK legislation to the extent that that may be necessary to implement the treaty.

It is difficult to speak about this part of the Bill without repeating many points that were covered on Second Reading. I shall be brief, not least because there was a welcome cross-party consensus in the House then on the broad principles of accession.

With this enlargement, we are continuing to lay the ghosts of the last century to rest. After the bitter divisions of the two world wars and the cold war we are building a more secure, stable and prosperous Europe, and it is a Europe of which Bulgaria and Romania deserve to be part. Both have made giant strides in their political and economic development. Let us not forget that it was only 15 years ago that Ceausescu was overthrown in Romania and communism collapsed in Bulgaria. Today both states meet the European Union's criteria for membership, which is an enormous achievement. Their transformations are not yet complete, however, and as I stressed on Second Reading, accession in 2007 is not a fait accompli for either country.

Mr. Andrew Turner (Isle of Wight) (Con): The Minister speaks of laying the ghosts of the last century. Does he accept that 1.5 million of the ghosts are those of the people who suffered in the Armenian massacres? Will he take steps in the future to ensure that some agreement is reached on how the massacres took place before we enable more countries to join the European Union?

Mr. Alexander: I did not expect that issue to be raised directly in relation to clause 1. The British Government's position on the Armenian massacres is a matter of record. Obviously we regard them as a terrible tragedy. I understand that the Government have not designated them a genocide because of the lack of categorical evidence relating to their scale and nature, but I shall be more than happy to write to the hon. Gentleman. I know that the matter continues to be of public concern, and that it has been raised in the context of our other discussions on accession, notably Turkey's accession.

Mr. Nigel Dodds (Belfast, North) (DUP): The Minister said that Bulgaria and Romania were undergoing a transition. Does he expect the transition to be complete by the time of accession, or will further steps have to be taken after that?

Mr. Alexander: There are criteria that must be adhered to. We look forward with interest to the Commission's next report, which will be issued in the spring. It will contain the Commission's latest guidance on the progress that has been made. However, recognising the legal requirements—the adoption of the acquis, for example, is necessary for all countries to become full members of the EU—does not diminish the further progress that can be made once countries are members. One needs to consider, for example, the continued economic progress that has been made by the so-called A10 countries joining the EU in 2004. There was no arbitrary stop to the progress that those countries were making towards the European mainstream when accession took place, but we should recognise that there should be rigour and transparency in the process. That is why I applaud the efforts of Olli Rehn, the European Commissioner responsible for enlargement, when he published the last report. I cannot prejudge the outcome of the next report.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): My right hon. Friend referred to "transformation" in Romania and Bulgaria, but would he accept that, in the case of Bulgaria, the judicial system is one respect in which insufficient transformation has taken place?

Mr. Alexander: Yes, is the answer to my hon. Friend's question. It is, of course, a matter of profound concern to her and her constituents, in view of the particular consular case about which we have met and in relation to which I offered in an Adjournment debate in the House to have a further meeting with my hon. Friend and her constituent's family. There is scope for further progress in that respect, but I have to tell my hon. Friend candidly that I believe that all who want to see that sort of progress carried forward in Bulgaria should support the country's accession to the European Union. That has already been one of the drivers that has led to some of the progress secured to date. I fully accept, in the light of my hon. Friend's question, that further progress needs to be made. If I recall correctly, that point was reflected in the earlier Commissioner's report to which I referred.

Progress is also required in the matter of corruption. That means tackling head-on the problem of organised crime, and it also means continuing at a greater pace the programme of judicial, agricultural and environmental reform that both Bulgaria and Romania have already embarked on.

Sir Menzies Campbell (North-East Fife) (LD): The Minister has, if I may say so, given a series of very

[Sir Menzies Campbell]

elegant answers to penetrating questions, but I would like to ask him a blunt question in the hope that he might provide a blunt answer. If either Romania or Bulgaria fail to meet their obligations in the accession negotiations, does it not remain the case that accession can—and, indeed, should—be refused?

Mr. Alexander: I yield to no one in my admiration of the elegance of the right hon. and learned Member for North-East Fife (Sir Menzies Campbell), who could certainly teach many of us lessons in elegance, but not in bluntness. The level of rigour being applied to Bulgaria and Romania easily bears comparison with the A10 countries that entered the EU in 2004. That is why there is tighter provision in respect of the transparency of the standards to which they need to adhere and in the transparency of the process itself than was the case in 2004. Provision has been made for a so-called super safeguard clause—sometimes alternatively described as the emergency brake procedure—whereby accession would be delayed by a year from 1 January 2007 until 2008. There are also safeguard clauses in respect of areas in which further progress was identified as necessary in Romania.

We also need to emphasise that powerful safeguard mechanisms are available to the European Commission in respect of any accession country for three years following its entry into the EU. Those measures are not time limited, but there are clear processes whereby steps can be taken if difficulties emerge once a country joins the EU, and serious infraction procedures can be brought, which would have a very direct bearing on the interests of the countries concerned. Thus there are safeguard clauses and super safeguard clauses and it remains the case, as we have repeatedly said, that we stand four square behind the European Commission in having both transparency and rigour in assessing the necessary standards.

Several hon. Members *rose*—

Mr. Alexander: I have already been generous in giving way and I am keen to make a little further progress.

Members on both sides of the House can be assured that we continue to make the point to the Bulgarian and Romanian Governments that more progress is necessary—and, indeed, that both countries need to be aware of the scale of the challenge that they continue to face—but we remain optimistic that they can meet the demanding requirements for membership by next year. The fact that both countries have already demonstrated a capacity to realise impressive change in a relatively short period of time supports that contention.

The successful transformation of both countries from planned to market economies is perhaps the most visible and tangible evidence of progress. Since the start of the process of European integration in 1999, the gross domestic product of both countries has grown by around 25 per cent. Restructuring and the privatisation of inefficient, and in many cases bankrupt, communist state industries has taken place. Their banking industries have also been privatised and the two states have rapidly integrated themselves with western European and world markets. Indeed, the EU has been the accession countries' main trading partner for several years now.

Profound changes in the business environment have also taken place, with the creation of food standards agencies, competition regulators, labour inspectorates and even insurance market supervisors. That will, I believe, help UK firms doing business in and with those two countries.

The prospect of EU membership has given a major impetus to ongoing improvements in both states' environmental policies and their health and safety standards—*[Interruption.]*

12.45 pm

Mr. Peter Bone (Wellingborough) (Con): I am grateful to the Minister for giving way. We have heard a statement about how keen these countries are to come into the EU, but is it not rather surprising, after the fiasco of the European constitution, that neither country conducted a referendum on whether their people wanted to join?

Mr. Alexander: It is not for me to prescribe either to the other 24 members of the EU or to candidate countries the mechanism by which they should seek to enter into their international obligations. I suspect that the hon. Gentleman and, indeed, many hon. Members, would look askance at another country trying to dictate to the UK what constitutional mechanism was appropriate in those circumstances.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): The Minister speaks authoritatively about Romania. One of his predecessors, the hon. Member for Leicester, East (Keith Vaz), admitted in a previous debate that he had spent all of six hours during his ministerial career visiting Bucharest. How often has the Minister visited Romania, and does he intend to visit the country in future so that he can be better prepared to discuss it than his predecessors?

Mr. Alexander: I am happy to answer the question directly and acknowledge that, in view of the burdens of our presidency obligations since my appointment back in May, I have not yet visited Romania. I did take the opportunity early in my ministerial post to meet our British ambassador and discuss with him the progress that continues to be made—I am pleased to say with the assistance of British civil servants as well as a range of other bodies—in Romania. Not least because it is standard procedure when meeting British ambassadors to request a visit to the said country, I gave an undertaking to the British ambassador in Bucharest that I hoped to be able to visit Romania fairly shortly after the end of the British presidency. One can readily imagine, in view of the number of countries within the EU at the moment—and on account of future financing, which I have no intention of discussing this afternoon—that pressures on ministerial time are considerable and that a range of visits already lie ahead for me in the remaining weeks of the British presidency.

Kelvin Hopkins (Luton, North) (Lab): Will the Minister give way?

Mr. Alexander: I will give way one final time, but then I want to make further progress.

Kelvin Hopkins: My right hon. Friend was talking a few moments ago about privatisation in Romania and Bulgaria. Is privatisation being made a requirement for those countries before they enter the EU or are they just being encouraged to privatise where appropriate? Given that many of the larger industries in western Europe are still under public ownership and do very well in the public sector, are we to press those two countries to privatise beyond what is expected here?

Mr. Alexander: I sense that, as far as my hon. Friend is concerned, that debate is not restricted to the Romanian or Bulgarian economy. We have had the opportunity and privilege of debating similar matters in respect of the UK, never mind the potential accession countries to the EU in the past. It is a commonsense point that the EU is a union of liberal democracies that operate on the basis of market economies, so I make no apology for the fact that transition was necessary in Romania and Bulgaria from the state-controlled industries of the communist era—under the leadership of Ceausescu and others—to the position today, whereby impressive levels of economic growth have been achieved year on year. In the light of the domestic policies followed by Bulgaria and Romania, it might be challenging for my hon. Friend to examine his own prescription for securing economic growth and compare it with that taken forward by the Governments of those two countries.

Subsection (2) approves for the purposes of section 12 of the European Parliamentary Elections Act 2002 the provisions of the accession treaty in so far as they relate to the powers of the European Parliament. It is important to note that the accession treaty does not create new powers for the Parliament; rather, it increases the geographical scope of the existing powers by making provision for the future participation of MEPs from Bulgaria and Romania. It consequently applies those existing powers to nationals of states to whom they could not otherwise have been applied before the treaty's entering into force.

Mr. Brady *rose*—

Mr. Alexander: As with the previous Bill on accession, the inclusion of this provision is therefore a precautionary measure to put beyond doubt Parliament's approval of those parts of the accession treaty concerned with the European Parliament's powers.

Mr. Brady: I am not sure whether the Minister is giving way or has finished. *[Interruption.]* Given that he has finished, I hope that he will respond in due course to the point that I was about to put to him—I shall raise it later—had he accepted an intervention from me.

The Minister was commendably brief and I shall seek to be likewise. He knows, given the nature of our debate on Second Reading, that there is broad agreement across the House on the desirability of Romanian and Bulgarian accession, and, indeed, a broad welcome for enlargement of the European Union. As has been touched on in some interventions, accession is beneficial to the new member states, and the process itself brings benefits, as we are seeing in Romania and Bulgaria and in other places. It also benefits the EU as a whole, helping to lock in the benefits of democracy and the rule of law, and the importance of tackling corruption, fraud, and organised crime. All such efforts have been redoubled in recent times during the accession process. However, there is still a long way to go, as the Minister accepted.

The Minister spoke throughout his speech about Romania and Bulgaria as though they are proceeding in parallel, with no difference between them. It would help the Committee to know the Government's and the Minister's own assessment of the two countries' separate progress toward accession, and the extent to which each has met the required criteria.

Mr. Douglas Alexander: As the hon. Gentleman is kind enough to allow me to intervene on him, I am happy to confirm that the British Government have no assessment independent of that made recently by the Commission. I think that he is anticipating the question of whether we recognise that each country should be judged on its own merits, rather than being taken together in all circumstances. I am happy to assure him that, notwithstanding the nature of the reports simultaneously produced for Bulgaria and Romania, we absolutely recognise the importance of each country's being judged on its own merits.

Mr. Brady: I am grateful to the Minister. It is important that each country be judged on its own merits, not least because, as I mentioned on Second Reading, there is the slightly odd arrangement whereby the mechanisms for assessing the two countries are different. We need to bear that point in mind.

Progress is being made in tackling corruption and organised crime, but the importance of doing so cannot be overstated, not least in the context of accession to the EU itself, and of the implications within a single market once these countries have joined EU-funded programmes. We should bear in mind the possibility of very large sums of British—and other EU countries'—taxpayers' money going in to Romania and Bulgaria at a time when they perhaps lack the administrative capacity to manage such sums in an acceptable way.

Mr. Philip Hollobone (Kettering) (Con): Does my hon. Friend share my and the Commission's concern at the fact that not a single successful high-level prosecution for corruption has been made in these accession countries?

Mr. Brady: My hon. Friend is absolutely right. The countries in question know that they are being monitored in this regard, and we hear a great deal of talk about their determination to improve. This is an extremely important issue, particularly given the implications for the EU itself and for current member states, should accession take place in the near future.

Mr. Wayne David (Caerphilly) (Lab): Does the hon. Gentleman agree that it is extremely positive that the political consensus in both Romania and Bulgaria is that joining the EU is an essentially positive move?

Mr. Brady: Absolutely, and I might go a little further by pointing to the welcome—if slightly unusual—development whereby consensus on EU matters exists in this House.

Mr. William Cash (Stone) (Con) *rose—*

Mr. Brady: I spoke too soon, Sir Michael.

Mr. Cash: I am afraid that my hon. Friend did speak a little too soon. Having listened to representatives from Bulgaria and the Czech Republic, and given events in Hungary concerning the excessive deficit procedure, my feeling is that—notwithstanding those of us who are in favour of enlargement—some people are living in complete cloud cuckoo land on the question of the kind of Europe that we need to develop. I will not go into that issue in detail now as I hope to make a speech on it later, but we need to be very cautious in assuming that, by absorbing the whole of the existing legal framework of the European treaties, we can maintain the consensus that enlargement is a good idea. That is to say nothing of the question of Turkey.

Mr. Brady: I am delighted that there is consensus. Although we welcome the move toward the final objective of accession for Romania and Bulgaria, Members in all parts of the House accept that there are some real difficulties, as my hon. Friend rightly highlights. I shall return in a moment—briefly—to the specific issue that he raised.

The timetable set out for accession is very short indeed. If accession is to take place in January 2007, satisfactory progress must have been made in the next few months—by April 2006, I think. There is strong support in this House for the accession of both countries, but it must take place at the right time and under the right circumstances. It is worth noting the remarks of the Enlargement Commissioner, who said as recently as last week:

> "If needed, we won't hesitate to recommend, in spring 2006, to postpone accession by one year".

We must accept that, even in that event, we are looking a very short timetable for what is a significant programme of work and change in the two accession countries.

Mr. Anthony Steen (Totnes) (Con): Does my hon. Friend agree that one reason for delaying accession—I am wholly in favour of Romania and Bulgaria joining the EU—is the level of people trafficking, particularly child trafficking, in both countries? There is no offence of child trafficking in this country, as I found out by tabling a parliamentary question on this issue. Does he share my desire that this appalling and obscene practice be stamped on as hard as possible, and does he agree that the British Government should do all that they can to ensure that that happens?

Mr. Brady: Absolutely. My hon. Friend makes an extremely important point; the whole House will want that issue to be tackled with great vigour.

We should note that we are considering not just the accession treaty but the protocol to it, which has particular implications for the applicant countries. Here, I return to the point that my hon. Friend the Member for Stone (Mr. Cash) made in an intervention. Of course, I cannot go down the route of discussing an amendment that was tabled but not selected, Sir Michael, but I should point out that the protocol provides for the constitution's implementation in both accession countries, should it be in place at the time of accession. I do not want to go into detail on this issue, but it is absolutely clear that we ought to be much more certain about the kind of EU that we are considering bringing new member states into.

The accession process continues: today, we are considering Romania and Bulgaria, and accession talks began recently for Croatia and Turkey. The more countries begin the process, the greater the need for real clarity about the nature of the EU.

1 pm

Mr. Cash: Is my hon. Friend aware that on 18 November the German coalition Government—and I believe that Angela Merkel is here today—made a commitment to complete the ratification of the constitutional treaty during the German presidency of the EU in the first half of 2007? I have just been hearing evidence about the charter of fundamental rights, but putting to one side that charter's implementation, there is no doubt that there is an impetus to achieving treaty ratification. Although my hon. Friend is completely right to raise the treaty question, what do we do about it? What sort of Europe do we really want?

Mr. Brady: I hesitate to stray too far from the subject of this debate, but my hon. Friend is right to say that the German coalition has committed itself to driving the constitution forward. Several other member states remain committed to the project, and one of the unfortunate missed opportunities of the British presidency over the past five months is that the Government have failed to put an end to the constitutional treaty process. However, that must happen if we are to accommodate the more diverse and larger EU that is emerging, and make it easier for countries such as Turkey to join. The EU that will thus develop will have the sort of flexibility that will make our relationship with it easier and more comfortable.

The Opposition strongly support the objective of Romanian and Bulgarian accession to the EU, but it is essential to get it right. We support the Bill, but urge the Minister and his colleagues to give the applicant countries the closest possible scrutiny, as well as the support and assistance that they need as the progress towards accession.

Mrs. Ellman: The matters being considered under clause 1 are extremely important. Accession to the EU is of great importance to the applicant countries and to the UK. Applicant countries have to be assessed by the European Commission, as must the compatibility of their domestic legal practices with the European convention on human rights. Only then can ratification take place.

I want to register my grave concern that Bulgaria may not be ready for admission to the EU in January 2007. I ask the Government to withhold support for that country's application.

I submitted a written question to my right hon. Friend the Minister about the European Commission's enhanced monitoring report on the state of Bulgaria. In his answer of 21 November, he said that he accepted the Commission's view that Bulgaria should review its pre-trial phase and improve the accountability of its justice system. I am interested in this matter because of the experience of my constituent Michael Shields.

Michael Shields, now aged 19, is serving 15 years in prison in Bulgaria for the attempted murder of Martin Georgiev near the Big Ben fish and chip bar in Varna at around 5.30 am on 30 May. Another man, Graham Sankey, has confessed to the crime, saying that

> "an innocent man has received blame for what I did,"

but he has not been questioned about that confession. Michael has always protested his innocence. He says that he was asleep at the time and has produced evidence to substantiate the claim.

I held an Adjournment debate on this subject on 17 November, which can be found in the *Official Report* for that date, columns 1211–16. I set out the reasons for my concern in detail then, and I repeat my thanks to ministerial colleagues for their help in this matter. In this debate, however, I want to focus on the judicial aspects of Michael Shields's experience, which are relevant to our consideration of the accession treaty. I shall look at the European Commission's expressed concern, and the compatibility of Bulgaria's practices with the ECHR.

My first point has to do with the status of the prosecution in Bulgaria. The defence in the Michael Shields case has stated that the prosecution is part of the judiciary. If that is true, it raises major questions about the principle of equality of arms—that is, the status of the prosecution in relation to the defence. There is a major question about the quality of justice if the defence is put at a disadvantage in court, in breach of article 6 of the ECHR.

Secondly, I draw the House's attention to the detail of the conduct of the trial, and of the pre-trial phase. Stephen Jacobi, the renowned human rights lawyer and director of Fair Trial Abroad, was the international observer at the trial of Michael Shields in Varna. In a written report, he has stated that the way in which identification was authenticated was "quite appalling".

In addition, there appears to have been no protection of the crime scene and no forensics were undertaken to assist identification of witnesses. In court, witnesses resiled from their police statements that they could not remember the face of the assailant. Dock identification was permitted—a practice that Stephen Jacobi says was outlawed 50 years ago in the UK. The prison governor produced a prejudiced statement in court, but it was not questioned by the defence, and there were major queries concerning the identity parade and pre-trial publicity.

Moreover, witness accounts differed. People in the bar said that they had not seen the whole incident, but all of them claimed that a stone had been clutched to the assailant's chest before being dropped on Martin Georgiev. People outside the bar saw more of the incident, and said that the stone had been brought down from above the assailant's head.

Another problem has to do with the new witness, Mr. A. His eye-witness evidence has been notarised and legalised, and he has stated that he is absolutely certain that the perpetrator was not Michael Shields. When he returned to the scene of the crime the following morning, a witness whom he had seen the night before told him that he and at least another 10 people would testify that the perpetrator was

> "a fat lad with black hair".

Mr. A. therefore felt assured that there were numerous witnesses, and so did not offer evidence himself. However, those same bar witnesses said in court that the fair-haired Michael Shields was the guilty party. Mr. A. has now come forward and given a legalised and notarised statement, and is willing to testify in Bulgaria.

Mr. Steen: It may help the hon. Lady to know that three members of the European Scrutiny Committee are in the Chamber today, and that I am due to visit Bulgaria in about 10 days. If she will furnish me with further information, I should be pleased to take the matter up with the Bulgarian authorities.

Mrs. Ellman: I am grateful to the hon. Gentleman for that intervention and shall certainly take up his very kind offer.

I am concerned that the ECHR could be infringed by the court's bizarre failure to question Graham Sankey following his confession. The court's rejection of that confession, with no questioning of Mr. Sankey, is inexplicable. It is inconsistent with the actions of the Bulgarian authority in attempting to question Graham Sankey before that confession was made.

I am deeply disturbed by the wrong information that has been recorded in the Bulgarian official record of judicial proceedings. The official statement entitled, "Reason for the Judgement" dated 10 November 2005 states that Graham Sankey

> "was not summoned to the court hearing as the English authorities could not find him and serve him with a writ of summons."

The facts are very different. The facts, as authenticated by our Home Office, are that the Bulgarian authorities issued a summons for Graham Sankey incorrectly. The summons arrived at the Home Office on 11 July, giving the United Kingdom central authority nine days rather than the required six weeks to serve it. The UK authority did not attempt to serve the summons, so the Bulgarians tried to speak to Graham Sankey before he made the confession. They handled that wrongly. Their record of what happened is factually incorrect yet, when he made the confession, the Bulgarians did not attempt to question him. As the matter is under Bulgarian jurisdiction, it is entirely a matter for the Bulgarians. They can, of course, ask the United Kingdom police to inquire on their behalf, but they have failed to do so.

I am also extremely concerned to see contradictory information in official reports from Bulgarian judicial authorities in reference to this case. The indictment issued by the Varna prosecutor's office stated:

> "At the time of the offence Shields was not under the influence of any psychoactive substances, alcohol or cannabis."

Yet the official statement entitled, "Reasons for the Judgement Returned" relating to Michael Shields's failed appeal issued on 10 November 2005 said:

> "At the time of the offence the defendant was influenced by alcohol."

Those are two contradictory statements made by official judicial bodies in Bulgaria referring to this case. I find that of added concern.

The details that I have given are examples of a large number of concerns about Michael Shields' situation. I have given them because I believe that they underline the

[Mrs. Ellman]

European Commission's concerns about the readiness or otherwise of the Bulgarians to become members of the EU. I am extremely concerned about my constituent Michael Shields. His family are devastated. They are campaigning strongly for justice and I will continue to stand with them until we receive it.

I have referred to this matter in this Committee because it is relevant to Bulgaria's joining the EU. The EU monitoring has drawn attention to the deficiencies in the Bulgarian judicial system, including accountability, openness and the pre-trial phase. The illustrations from Michael Shields's case demonstrate that principle in a clear way, and I am extremely concerned. I therefore ask my right hon. Friend the Minister to reject Bulgaria's accession pending further investigation of this unacceptable situation and to enable consideration to take place of whether it is indicative of the wider concerns expressed by the Commission on Bulgaria's judicial processes. This is a matter of justice for Michael Shields, but it is also about the suitability and readiness of Bulgaria to become a member of the EU in January 2007.

1.15 pm

Mr. Nick Clegg (Sheffield, Hallam) (LD): As a newcomer to this Committee and a pro-European one at that, I can be lulled into a great sense of comfort that there is such a great deal of cross-party consensus about the Bill and clause 1, notwithstanding the eloquent evidence that we have heard from the hon. Member for Liverpool, Riverside (Mrs. Ellman) about the plight of Michael Shields and the clear failings in the Bulgarian judicial system, and notwithstanding the slightly more—how can I phrase it?—ideological objections to the whole process of the hon. Member for Stone (Mr. Cash).

Mr. Cash: No, practical.

Mr. Clegg: Practical concerns. Therein lies a great and, I fear, adjacent debate that will no doubt arise at another time.

Notwithstanding that cross-party consensus, some tension and legitimate concern arises from clause 1 and the terms on which Bulgaria and Romania are joining the EU. The treaty of accession provides a short-term safeguard clause that could jeopardise the final entry of Romania and Bulgaria into the EU, but only for 12 months. The hon. Member for Thurrock (Andrew Mackinlay) raised that issue on Second Reading. It is a legitimate one, and it has been echoed by the hon. Member for Altrincham and Sale, West (Mr. Brady).

What happens if Romania and Bulgaria are proved to have failed in their final preparations to become members of the EU? I fear that we are caught in a cleft stick. The accession treaty commits us to accepting Romania and Bulgaria into the EU almost come hell or high water. While there is a safeguard clause, it only defers but does not permanently postpone or put off accession. At a political level, once they have joined, the ability of the EU authorities to exercise any leverage over the domestic reform process is significantly weakened.

As I mentioned on Second Reading, the manner in which the final stages of the accession of Romania and Bulgaria are handled would set an important precedent for much more controversial accessions, notably that of Turkey, if the negotiations with Turkey are ever concluded. The EU needs somehow, within fairly narrow parameters, to exercise influence over Romania and Bulgaria in the remaining stages of the accession process in as rigorous a manner as possible.

I draw the attention of the Minister to the annexes, with which he will no doubt be familiar, to the accession treaty, which spell out in considerable detail what Romania and Bulgaria are expected to do to get over the final hurdle of their accession. I cite annexe IX, headed, "Specific commitments undertaken, and requirements accepted, by Romania at the conclusion of the accession negotiations on 14 December 2004". It says that Romania—the same applies to Bulgaria in a separate annexe—undertakes

> "To . . . implement an . . . Action Plan and Strategy for the Reform Of The Judiciary",

to enact anti-corruption legislation, and ensure

> "the effective independence of the National Anti-Corruption Prosecutors' Office . . . To conduct an independent audit of the . . . current National Anti-Corruption Strategy",

to introduce

> "a clear legal framework for . . . co-operation between, gendarmerie and the police"

and so on.

In a separate annexe, there are similarly detailed requirements for Romania to respect the Schengen action plan and ensure a high level of control and surveillance at Romania's external borders, which will of course act as the external borders of the EU. Those are substantive commitments set out in some detail.I have no doubt that the Commission will return to an examination of those commitments when it draws up its own monitoring surveillance report—I forget the formal title—in spring next year.

I am grateful to the Minister for his confirmation that, if the Commission recommends a further 12-month delay because of any failure to implement those annexes, which I think are a legally binding part of the accession treaty alluded to in clause 1, the Government will accept that as necessary. In common with previous speakers in the Committee, I ask what will happen if, after that 12-month period, Bulgaria and Romania have failed to implement the requirements to tackle corruption, ensure a secure external EU border, reform the judiciary and implement the necessary legislation to root out malpractice in the criminal justice system? What could we possibly do? The Minister referred to a period of three years during which the EU would be able to take some exceptional safeguard measures, but I should be grateful for any further detail he can provide about how they would operate during that crucial period, after which, I take it, there would be almost no meaningful leverage over the domestic reform process.

Kelvin Hopkins: My right hon. Friend the Minister for Europe referred to privatisation and his opposite number on the Conservative Front Bench, the hon. Member for Altrincham and Sale, West (Mr. Brady) talked about corruption. I want to bring the two subjects together.

In other accessions to the European Union, we have seen rushed privatisation and a degree of corruption. In Hungary, for example, the leader of the alleged Socialist party made a personal fortune from privatisation. His party is now so keen on privatisation, so right-wing and so free market, it is no longer a socialist party in any sense. Indeed, the *New Statesman* cast a slur on the character of Baroness Thatcher by suggesting that, if she were Hungarian, she would vote for the Socialist party. That is unfair, because it is not at all a nice party. It is significant, however, that the Hungarian opposition party, which is Catholic-based, conservative and anti-communist, resists the privatisation of public services, and has become the party of the left.

The Catholic collectivism that was typical of Christian Democrats in Europe is being broken down by a rush to neo-liberalism and the free market. That is where the real division is occurring, significantly in Germany where Angela Merkel is trying to move away from Catholic collectivism and towards the market. That causes tension in Germany, even in her party.

I look forward to Bulgaria and Romania becoming members of the EU. Neo-liberalism and the free market should not be conditions of their membership. One reason I am so keen on enlargement is that it would inevitably mean a much looser association of member states, where each country could determine its own economic policy according to its democratic choices. That is the Europe I want and I think one or two Opposition Members want that, too. They may choose to take a much more conservative approach to running economies. I might choose a more social democratic or democratic socialist approach, but we would have that democratic choice; it would not be determined by the EU.

Mr. Cash: As the hon. Gentleman knows, I have attempted to put those arguments on a number of occasions. Does he agree that it would be better to try to reform the system before it implodes with possibly extremely dangerous consequences for democracy throughout Europe? We can draw on the example of what happened in France recently, which some of us predicted, as an indication of the creation of a compression chamber that simply does not work.

Kelvin Hopkins: I have some sympathy with what the hon. Gentleman says. In Hungary, the economy is doing well in some senses, but poverty—certainly relative poverty—has increased. It is said that some people were better off under communism. If the market leads to poverty and to a serious division between rich and poor in those countries, people will say such things.

Mr. David: Does my hon. Friend accept that the idea of a market economy is fundamental to the whole concept of the European Union?

Kelvin Hopkins: We have lived in a market economy since the second world war, but the extent of the state's role in the economy and the degree of public or private ownership is for each country to choose. Since the second world war, we have had a mixed economy, which worked extremely well in the first three decades. I advocate that approach to running our economy even now. It certainly worked better than what has happened since. In many areas of Europe, public utilities and services are still run in a traditional, social democratic, post-war way and they work extremely well. I would argue that case for the UK as well as for Europe.

In Russia, after the collapse of communism, there was a rush to privatisation and at the same time the adoption of a hard rouble policy, which caused economic chaos. There was a serious reduction of output and living standards fell. Only when the rouble was floated and the process slowed down did the Russian economy begin to recover.

Each country should be able to choose the exchange rate appropriate to its economic needs. One reason why I support the Chancellor so strongly in keeping us out of the euro is that we can choose the exchange rate suited to our needs. Exchange rates are essential springs and buffers between economies. They are necessary; they can be stable, there can be a pegged system, but they should be changeable. That is how we should operate with the new member states. They should not be encouraged to join the euro. While they are weaker, they should be able to decide what is best for their economies—choosing their own exchange rates, interest rates and fiscal balance between tax and spend.

Bulgaria and Romania should be allowed to decide what is best for their economies and not be told how to run them from outside by the EU. That may lead to problems and voices may call for a return to the old authoritarian system, although that would not be the wish of the democrats in the EU. The EU should not press strongly that those economies operate in a particular way; it should allow them to operate as is best in each case. We should open our markets to some of their goods and allow them to depreciate their currency if that would make them more competitive. We should urge them to adopt proper rules for their workers, such as good trade union standards and employment rights, so that workers have a proper share of the benefits of their developing economies, but we should not insist that they privatise their economies.

Recently, I visited Austria and Hungary with the Rail Freight Group to look at rail freight facilities. In Hungary, we spoke to senior figures in the Government and the railway industry about rail freight. The bulk of the rail freight system is still publicly owned and it is doing well. It makes a profit and provides the Government with funds that help the Hungarian people. There is a small private sector that is losing money but there is still pressure to privatise. If the Hungarian rail freight system was privatised and bought up, perhaps by a Russian oligarch with plenty of spare cash, the profits would not go to the Hungarian people. It could go towards buying expensive football clubs in Britain—who knows? At present, the benefits of that publicly owned freight system go to the Hungarian people. That is what we should allow those countries to do, not force them to privatise.

Mr. Clegg: The hon. Gentleman makes an articulate case for his allegation that the terms of accession impose a neo-liberal economic philosophy on countries that join. He will be aware that, for other critics of the EU, many of whom can be found on the Conservative Benches, there is not enough imposition of neo-liberal economics. For them, the EU is a hotbed of over-regulated, social democratic, wishy-washy economic

[Mr. Clegg]

mismanagement. Does he accept that both allegations cannot be right and that it is conceivable that both are equally wrong?

Kelvin Hopkins: The hon. Gentleman makes an interesting point. There is a serious debate both in the EU as a whole and in its member states. I hope that I am participating in that debate and making a strong point for the social democratic systems that worked so well after the second world war, which are being systematically dismantled. That is a great mistake. Opposition Members may choose a neo-liberal approach. We might choose a social democratic approach, but we should be able to choose democratically in our own countries. We should not be told, or even advised, by the bureaucracy of the EU to operate in a particular way.

I finish by referring to corruption, which seems to be almost endemic in the EU. The European Court of Auditors has failed to approve the EU's accounts for 10 or 11 years running. The European aid system is inefficient and corrupt and the aid does not go to the right places. The Department for International Development does a much better job, and we have made that point many times as well. The EU must look hard to itself if we want to stop corruption developing or even getting worse in countries such as Romania and Bulgaria, which are much weaker.

1.30 pm

It is significant that corruption in the poorer world is almost endemic. It is only when countries become relatively egalitarian and rich that corruption can be addressed seriously. However, we have those things in western European countries, and we still have corruption, so there is a problem. The best way to avoid corruption is when countries have to look after their own economies. If they are spending someone else's money, they will be much more casual about how they spend it and what they do with it.

I urge the House to support the entry of Bulgaria and Romanian into the EU, but we should allow them to develop their economies as they see fit—subject, of course, to proper human rights, as my hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman) said, and employment rights, environmental conditions and all those other things that are beneficial to the whole world. However, we should allow them to run their own economies, not force them into a particular mould.

Mr. Cash: I am very glad to follow the hon. Member for Luton, North (Kelvin Hopkins), partly because we have tracked each other's thoughts on these subjects for the best part of 10 years or so, but also because this is a critical time at which to consider the accession of new countries. I have repeatedly stated that I am in favour of enlargement, but I have asked as a rider to that argument what kind of Europe we want and what kind of Europe we should have. The problem is exacerbated or illustrated by, for example, what has been going on in France and the Netherlands. The rejection of the referendums in those two countries illustrates the political divorce that has emerged between the people and the elites, whether in individual countries or the EU as a whole.

I told my hon. Friend the Member for Altrincham and Sale, West (Mr. Brady) that I thought an element of cloud cuckoo land was apparent. I was referring not specifically to what he was saying, but to the inability of Opposition or Government Front-Benchers to grapple with the vacuum that has emerged between the realities of what is going on in Europe and the aspirations that, for example, are contained in the European constitution. We are still waiting for the Government to announce what they will do having secured the Second Reading of the European Union Bill, which dealt with the constitution. *[Interruption.]* I do not know what the Minister is chuntering about—perhaps he would like to intervene.

Mr. Douglas Alexander: I was just observing to my colleague the Under-Secretary of State for the Home Department, my hon. Friend the Member for Leigh (Andy Burnham), that the words "Bulgaria" and "Romania" had not yet been uttered by the hon. Gentleman and was pointing out the fact that we have debated the Bill on Second Reading, when hon. Members had the opportunity to range widely in their remarks.

Mr. Cash: I regard that as a pretty irrelevant comment. The nature and form of the EU will be affected by these accession arrangements. For example, the Organisation for Economic Co-operation and Development says that the current gross domestic product per capita of the 25 member states is $21,800. That figure happens to be half that of Norway and Switzerland, and it will inevitably decrease when Bulgaria and Romania join. The important point is that we have a regressive, declining EU economy, which will be made worse by bringing in countries that will inevitably drag that figure further down. We could avoid a lot of those difficulties if we were to have a different kind of Europe.

The kind of Europe that I should like would be based on associate status, along the lines of the European Free Trade Association. Some adjustment may be needed, but that is basically the direction in which we should be going. Indeed, a recent ICM poll showed that, when the people of this country were asked what kind of EU they wanted—whether they wanted one as it stands now, or one with associate status along EFTA lines—60 per cent. of all those asked and 68 per cent. of 18 to 24-year-olds said that they wanted the latter. So there is a political problem for the Government.

Mr. Bone: I understand that the Prime Minister stated that enlargement could not take place without a European constitution, so I wonder whether he is beginning to agree with my hon. Friend that we must consider a different form of Europe?

Mr. Cash: Indeed. The Prime Minister's speech to the European Parliament and his and the Chancellor of the Exchequer's speeches on the reform of the EU—all of which will have an impact on Bulgaria and Romania, let alone the other countries in eastern and central Europe and elsewhere—combine to illustrate the fact that, struggling against the elite of Europe, there are apparently glimmerings of Euroscepticism in the future Prime Minister, by which I mean, in immediate terms, the Chancellor of the Exchequer. Everyone knows that that change will happen in the next 18 months, and anyone who has read the books of people such as Robert Peston and others who provide well sourced, intelligent analyses of what is going on know what elements are involved.

I refer, for example, to the Treasury pamphlet that the Chancellor of Exchequer produced the other day in which he clearly repudiated even the social model for Europe. I should be interested to know whether or not the Minister was party to that pamphlet, which amounted to a repudiation of the existing European economic model. The Chancellor called for more global markets and more competitiveness. He illustrated his concern that the Lisbon agenda was not functioning properly.

Mr. Clegg: Is the hon. Gentleman aware that a man whom I doubt is close to his affections—Jacques Delors, the former President of the European Commission—has also stated on record on a number of occasions his own doubts about the pursuit of an over-integrated EU social model in terms with which the hon. Gentleman would agree? Does he not agree that his stereotype of what it is to be sceptical or pro-European is wildly out of date, when fervent pro-Europeans such as Jacques Delors agree with him, at least in part, on something as crucial as social policy?

Mr. Cash: I am extremely glad that that is taking place. It certainly was not when I met Mr. Delors in the 1980s, since when things have changed significantly and, I am glad to say, in the right direction. Indeed, my point about the Chancellor of the Exchequer and the Prime Minister shows that the glimmerings of realism are coming into the picture. The hon. Gentleman may not know that I was brought up in Hallam. I spent my early childhood there. My parents still live there.

Kelvin Hopkins: Do they vote Liberal Democrat?

Mr. Cash: They certainly do not vote Liberal Democrat.

The Prime Minister himself said in February 2000 that Britain could, of course, survive outside the EU and that we could probably access the single market as Norway and Switzerland do, but think of the changes that have taken place since then. I have strongly urged my party to be realistic about getting reforms under way—whether that is while we are in opposition or, hopefully, when we are in government—before the compression chamber that is being created implodes.

The application of the Maastricht surveillance criteria is about as deadly, boring and tedious a subject as one can possibly imagine, but I was glancing at a book in the Library last night about the impact of EUROSTAT case law. I suspect that no one has the faintest idea that such a book is there to be read, even if they had the time or inclination to do so. However, the application has an extremely serious impact on the way in which the criteria for each member states are collated by the European Union through EUROSTAT. That is the basis on which economic forecasting is made and economic criteria are judged for member states, including—under the Bill—accession states such as Bulgaria and Romania.

It might surprise some hon. Members that Hungary, which has been brought into the loop of member states only recently, is being pursued under the terms of the avowedly failed stability and growth pact. I opposed the pact vigorously when my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) was Chancellor of the Exchequer and exchanged strong correspondence with him about it. He wrote to all Members of Parliament to say what a wonderful deal it was, and I wrote to all Conservative Members to tell them not to vote for it because it was going to be a disaster. It was an accident waiting to happen—sure enough, it did.

Due to the failed stability and growth pact, it is suggested that action by Hungary under the excessive deficit procedure is inadequate. The country is being told that it is simply not complying with the rules. The Commission states that in September 2005, the Hungarian authorities submitted a revised excessive deficit procedure notification to announce that it had a 2005 deficit of 6.1 per cent. of GDP instead of the targeted 3.6 per cent.—that is double.

Kelvin Hopkins: I am interested in what the hon. Gentleman is saying. Does he agree that forcing countries with high unemployment to tighten fiscal policy and deflate their economies further is indeed stupid, as Signor Prodi has said?

Mr. Cash: I would go further—I cite the idea that such countries should be fined, although countries that are not members of the eurozone do not suffer a fine. Look at the situation regarding Italy, for example. The stability and growth pact is such an enormous failure because it is simply unrealistic. It does not work, and the remedies that are applied to ensure that there can somehow be compliance with the rules impose further penalties on countries, which makes it even less likely that they can achieve their objectives.

I differ from the view expressed by the hon. Gentleman about the importance of human rights legislation. Just before I came into the Chamber, I was taking evidence from a distinguished European lawyer about the charter of fundamental rights. It might be news to several hon. Members in the Chamber that the charter is alive and kicking. It did not go down with the constitution—I can say that unequivocally. Although it appeared to have done so, it did not in practice. The European Court of Justice itself is applying the criteria of the charter, so that will be of direct relevance to countries such as Bulgaria and Romania, especially given the problems to which the hon. Member for Liverpool, Riverside (Mrs. Ellman) referred in her important remarks. For example, there is the problem of the Roma.

1.45 pm

The promotion of employment law, the right to work and a raft of social measures are part of the charter of fundamental rights. A communication from the European Commission has announced that all legislation initiated by the Commission—in other words all European legislation initiated—must henceforth be compliant with the charter of fundamental rights. As the Commission is able to do that due to its right of initiation under the existing treaties, nothing can stop the charter from being brought in piecemeal through every piece of legislation that is initiated.

[Mr. Cash]

The communication will be debated in a European Standing Committee in January—thanks to myself and one or two other members of the European Scrutiny Committee—and much good may it do us. However, as the Minister knows only too well, there is no mechanism for ensuring that a vote in such Committees is effective against further orders passed by the House.

The economies of Europe are failing within the framework of the European Union because of the mistakes that were made over the Maastricht criteria, the mistakes that were made with the working time directive and the mistakes that were made in a whole raft of social legislation. However, we find that the charter of fundamental rights will itself be brought into our legislation through section 2 of the European Communities Act 1972. It will be enforced by our courts and by the European Court of Justice. The Bulgarians and the Romanians will find that the problems with their economies, which have already been explained by the Minister and my hon. Friend the Member for Altrincham and Sale, West, will be exacerbated because measures such as the charter of fundamental rights will have an adverse impact on the way in which they are run. It is a Catch-22 situation.

The problem is that the economies of Europe, whether that is the economy of Europe as a whole, or the economies of individual member states—and of Bulgaria and Romania in particular—are all in disarray, which is creating low growth and high unemployment. That was the root cause of the reason why the French and the Dutch rejected the constitution. People said, "Oh, that was because the French didn't like Chirac," but they did not like Chirac because the economy was not working, and the economy was not working because of these crazy rules, all of which are based on an ideology that does not work—it does not work for the developing world, either.

Members of the European Scrutiny Committee had the pleasure of meeting a delegation of Members of Parliament from the Czech Republic the other day. By the way, they were not, with one exception, from the right of that country's political spectrum. They were social democrats. I shall not mention their names because that would be unreasonable. They said that they had been enthusiastic about entry to the EU, probably, one must say, because they knew that they would get a lot of money out of it, as well as stability and improved relationships with other countries to address the vacuum in central and eastern Europe on matters of defence and foreign policy. However, they said that their enthusiasm was becoming significantly reduced. What they had anticipated is not what is happening. They criticised the regulation and interference of European legislation and said that before joining the EU, the Czech Republic had been self-sufficient in agricultural products, but owing to European regulations, it is now a net importer. The sugar beet market had been badly hit by the imposition of EU regulations, and unemployment is coming out of that. That is all because of crazy European rules, which are doing devastating damage to countries that have just come into the EU.

Kelvin Hopkins: Does not the hon. Gentleman make the case for each country to determine its own agricultural policy rather than being forced to accept a policy that applies across the EU?

Mr. Cash: Absolutely, and I should not have to stand here making an obvious case. I would love the Minister to explain to us what on earth the Foreign Secretary and, more particularly, the Prime Minister think they are doing by creating all the ingredients for the collapse and implosion of the EU.

The Second Deputy Chairman: Order. That would have to be done within the context of clause 1 stand part, which might be difficult. I think that the hon. Gentleman should confine his remarks to that.

Hon. Members: Hear, hear.

Mr. Cash: I thought that might produce an enthusiastic response from Labour Members.

The reality is that the Czechs are suffering. The same can be said of other member states that are affected by the way in which the EU has been going.

Mr. Bone: Is my hon. Friend aware that in a survey commissioned by the delegation of the European Commission in Romania, 56 per cent. of Romanians believed that accession would bring more drawbacks than advantages in the short term?

Mr. Cash: I am glad that my hon. Friend has done that research. Again, that is the realistic position. The debate is clearly about Bulgaria and Romania in particular, but when talking about the EU, we cannot dissociate the problems of individual member states from the impact it has on the whole. If they have to come in on terms that simply will not work for them, the case for reform is crystal clear. As I said, the Czechs have discovered serious drawbacks to the system. The same goes, therefore, for the prospects of those from Bulgaria and Romania.

We also discussed corruption in the judicial process and so on, and there are serious and critical problems at every point on the compass. In a report in *The Times* today, we even find, from an announcement by the Commission yesterday, which has not yet come before the European Scrutiny Committee, that nine areas of criminal law are to be brought into line to co-ordinate criminal law throughout Europe. Again, that is all part of the accession process. Are accession countries aware of what they are letting themselves in for?

It is not negative and anti-European to be pro-democratic. The problem is that there is a complete and total refusal by the Government, the Minister and the Prime Minister to be realistic about what is going on. The simplest answer would be to have a thorough examination of existing treaties, as conducted by the European reform forum. Today we had evidence from Liberty and Justice. We have heard from Lord David Owen, and Lord Dahrendorf will also give evidence.

The forum is examining existing treaties with a view to highlighting the problems in which Bulgaria and Romania will find themselves. I make no apology for using this opportunity to get across to the House, through *Hansard*, the importance of having effective and serious reform. Otherwise, there will be withdrawal from the EU sooner or later. If we continue to pursue such policies, an implosion is on its way. The Prime Minister knows that because of the failure of the Lisbon agenda, his presidency and the French and Dutch referendums. Those failures are indicative of what is to come, and the warnings have been given. It is up to those in government to listen. If they do not, when Europe dissolves into greater difficulties, and perhaps even chaos, with movements to the far right on the back of instability and racial tension, the responsibility will lie with the Government, their Ministers and the European Union.

Mr. David: This has developed into an interesting and broad debate. I hope that the House will forgive me if I try to bring things back to Bill and the clause in particular. I shall also keep my comments brief.

I have visited Bulgaria regularly for a number of years and have seen at first hand the remarkable progress there. There is genuine political consensus and, I believe, a feeling throughout the country that joining the EU is essentially desirable because it will enhance the economy and reinforce Bulgaria's democratic development.

Successful negotiations have led to the treaty that we are considering. The European Commission has conducted various reports. Recently, however, it concluded that there are serious shortcomings in Bulgaria and that problems need to be addressed rapidly and firmly before it is adjudged ready to join the EU. The comprehensive monitoring report set out clearly and starkly both what progress has been made and what needs to be done. We are waiting for the final recommendation of the European Commission to the Council in April or May next year.

Among the concerns expressed by the European Commission about Bulgaria are the large number of uninsured vehicles, shortcomings in the veterinary sector, and the need to reinforce the administrative structures, in particular with a view to administering European agricultural and structural funds effectively. Concerns have been expressed about the criminal justice system and, as has been mentioned, how the Roma minority are treated.

Some of those issues were discussed yesterday in the European Scrutiny Committee. The Bulgarian ambassador took part in that discussion. He went to great lengths to reassure us that the concerns were being taken seriously and were being addressed effectively. It is worth reinforcing that great strides have been made in Bulgaria. The country is now a true democracy. Democratic reforms are firm and, in my view, irrevocable. Most of the European acquis communautaire has been implemented in Bulgarian law. Economic growth is consistent. In 2004, for example, the rate was 5.6 per cent. It undoubtedly has a functioning market economy, as the European Commission concluded.

In fairness, however, it is true to say that over the past few years there was a decline in the momentum towards reform, but since the election of a new Government in June this year, the reform process has gained momentum. A new penal code has been introduced, and there cannot be any doubt that there is a strong political commitment to ensure that the remaining reforms are implemented effectively and speedily.

2 pm

The European Commission should give an objective analysis of what is happening in Bulgaria. It is important, both for the interests of both Bulgaria and the EU, that the Commission make a firm assessment. However, there is danger of being too insistent that all the i's are dotted and all the t's are crossed so that things are meticulously in place before Bulgaria can join the EU. In the last wave of accession, a number of countries expressed concern about Slovakia's preparedness to join the EU, given that other accession states had made advances. Nevertheless, the benefit of the doubt was given to Slovakia, and since it joined the EU, it has made remarkable progress. Arguably, it has done so quicker than any other country that joined at the time.

We should look fairly and objectively at what is happening in Bulgaria, but we must also look at the way in which things are changing before we determine whether a one-year delay would be detrimental to progress in that country or would enhance it. We should be firm but fair. As well as looking at what is happening in Bulgaria and Romania, we must always keep at the back of our mind the centrality of the process of enlargement to Europe's development. A vision of the EU is developing not as a union of elitist or exclusive nation states but as an expanding union always seeking to embrace more countries. That is a positive process.

Mr. Cash: The hon. Gentleman is right that there is move away from elitism, but does he not accept that the problem will not be resolved without radical reform of the system? However, when reforms are proposed, particularly on the acquis communautaire, nothing happens.

Mr. David: It is important to acknowledge that reforms are under way in the EU. Reforms introduced by the Government both before and during their presidency have struck a chord with many EU states, particularly central European countries that have recently joined. There is an increasing acceptance that what we want is not a highly integrated centralised state but a loose association of sovereign countries that pool their interests from time to time.

Mr. Bone: I am pleased to hear what the hon. Gentleman is saying, but does he not agree that the EU and states party to the North American Free Trade Agreement should join together to create a transatlantic free trade area?

Mr. David: I said at the outset that this is an extremely broad debate, but extending it to north America takes it a little too far, so I shall resist the temptation to comment on the hon. Gentleman's suggestion.

To return to the central point that I was making in response to the hon. Member for Stone (Mr. Cash), it is important that we recognise that enlargement is a positive process that reinforces the well-established trend of the EU continuing to develop as a loose association of sovereign countries that decide to pool their sovereignty from time to time in their mutual interest. That is the best definition that I can give off the top of my head of what the EU is developing into, and I believe that enlargement will reinforce that development.

[Mr. David]

In conclusion, having visited Bulgaria on many occasions over a number of years, it is my impression that most Bulgarian people take that view. They do not want a giant, centralised European Union that will rob them of their national identity, but they do want to be part of a progressive, forward-looking EU that gives them security both politically and in broader defence issues. That is extremely positive, and it is why I trust that in the near future—hopefully, in January 2007—both Romania and Bulgaria will meet the terms of entry and become full members of the European Union.

Mr. Dodds: I, too, intend to be brief. In general, I welcome the enlargement of the European Union, because it will help it to become the loose association to which the hon. Member for Caerphilly (Mr. David) referred, and diminish the centralised, unified approach that has characterised it thus far. The Bill is therefore welcome.

It is important to remember how far countries in the former Soviet sphere of influence have come. Slovakia, the Czech Republic, Poland and parts of the former Soviet Union are now members of the EU, and are party to discussions about the accession of Romania and Bulgaria. That demonstrates how far they have come in recent years, as the Minister said. We welcome that progress, but we accept that there is still much more work to be done in those countries. Leverage can be exerted to reinforce human rights, tackle corruption and improve the judicial process, particularly in Bulgaria and Romania, both in the coming period and for a short time following accession. After that, however, the pressure that can be brought to bear will dissipate rapidly, so a signal should be sent to Romania and Bulgaria that accession is not an automatic process. Genuine progress must be made in a number of areas.

I should like to focus on human rights, the judicial process and the rule of law in Romania. I sympathise greatly with the hon. Member for Liverpool, Riverside (Mrs. Ellman), who spoke forcefully about her constituent's family. I trust that everything will be done to assist her in her efforts to achieve justice. A church in my constituency that helped to run an orphanage in Romania approached me because it was concerned about child trafficking—an issue raised earlier in our short debate—and the way in which the Romanian authorities can interfere arbitrarily in children's welfare. Laws on adoption, for instance, are loosely applied. The church has expressed genuine concern about children's welfare and the attitude of the Romanian state towards the subject. In the coming period when, as I said, leverage can be applied, I urge the Minister and the Government to do everything in their power to ensure that such matters are progressed, particularly in relation to human rights and the rule of law. It should not be a question of turning a blind eye to some of these issues for the greater good. We should make Romania and Bulgaria, particularly the Romanian authorities, live up to their responsibilities as part of a wider Europe.

Mr. Greg Hands (Hammersmith and Fulham) (Con) *rose—*

The Chairman of Ways and Means (Sir Alan Haselhurst): Order. May I say to the hon. Gentleman and any other hon. Members who are unsure that the best way of catching the eye of the Chairman is to rise promptly in one's place?

Mr. Hands: Thank you very much, Mr. Deputy Speaker. I shall be—

The Chairman: Order. I am sorry, but we have to make a second correction at this point. When the House is in Committee, the forms of address are "Mr. Chairman" or "Sir Alan".

Mr. Hands: Thank you, Sir Alan, for correcting me and helping me.

I shall be brief, as I spoke at some length on Second Reading. We should not underestimate the importance of the accession treaty. Although we are dealing with only two countries this year, whereas last year we were dealing with the accession of 10 nations to the EU, there are some important strategic objectives and changes that need to be borne in mind.For the first time, the EU will reach to the Black sea, and Greece will be connected to the rest of the EU. Romania will have the seventh largest population in the EU, after Spain, Poland and the big four. This is a significant enlargement, not just a tidying-up exercise.

I agree with other speakers about the changes that have taken place in Bulgaria and Romania over the past 20 years. I first travelled to those countries in the late 1980s as a student. The changes since then, in the space of one generation, are incredibly dramatic and could serve as a model for many other countries seeking to introduce free market economies, democratic systems and so on. It was the Conservatives under Margaret Thatcher who first outlined in the Chamber the possible accession of these two countries. The first mention of the possibility of Bulgarian and Romanian accession to the European Union came on 31 January 1990 in a speech made by the then hon. Member for Warwickshire, North, now my right hon. Friend the Member for Horsham (Mr. Maude), who said that he was looking forward to seeing various countries join the EU, including Bulgaria and Romania. Accession and enlargement have long been on the Conservative agenda.

I shall outline some of the problems that we need to bear in mind with the accession. Bulgaria and Romania are not necessarily perfect candidates, but I am not sure that three or four years back, Poland and others were perfect candidates. The first problem is corruption, about which other hon. Members have spoken. It is a problem in Bulgaria more than in Romania. The second is organised crime, mafia-style crime problems and assassinations. Only about four weeks ago in Bulgaria, one of the country's most senior bankers was assassinated. Significant improvements still need to be made on environmental matters in towns such as Ruse and in areas of Transylvania.

There are problems in relation to minorities—the Hungarian community and the Vlach community in Romania, and the Turkish community and Roma community in both countries. Finally, drug and people trafficking will probably always be a problem in those countries, partly due to their geography, as they are situated at the entry point to Europe. Practically every new trafficking problem has come through the Bosphorus and up into Europe over the past century.

I broadly welcome the Bill. It is important to view it as significant in its own right, not just as a tidying-up exercise. We should congratulate Romania and Bulgaria on their accession. We need to keep an eye on the problems that I and others identified on Second Reading and in Committee, but we should warmly welcome the Bill nevertheless.

Question put and agreed to.

Clause 1 ordered to stand part of the Bill.

Clause 2

FREEDOM OF MOVEMENT FOR WORKERS

2.15 pm

Mr. Brady: I beg to move amendment No. 9, in page 1, line 16, at end insert—

'(1A) The Secretary of State shall lay before Parliament a report no later than four months before the date of accession on the Government's assessment of the effect the free movement of workers from the acceding States will have.

(1B) The Secretary of State shall lay before Parliament a report every six months on the effect of any regulations made on the free movement of workers under this section until the end of the seven year transitional period.'.

The Chairman: With this it will be convenient to discuss the following: Amendment No. 2, in page 2, line 18, leave out 'or transitional'.

Amendment No. 1, in page 2, line 18, after 'supplementary', insert 'and'.

Clause stand part.

Mr. Brady: As we come to consider the part of the Bill dealing with the free movement of workers, one of the unintended aspects of free movement of workers applies to the Conservative Benches: my hon. Friend the Member for Vale of York (Miss McIntosh), who was to have dealt with the amendment, has to be in another Committee shortly, so I am moving into her shoes—an unwise thought, perhaps.

Clause 2 and the amendment tabled by the Opposition Front-Bench team, No. 9, relate to an important aspect of the Bill and some of the implications of membership. It is particularly important because of the recent history of the accession of new member states to the EU. Clause 2 represents a welcome acceptance by the Government that their projections of the consequences of the free movement of workers from the accession countries last year were wrong by a significant factor. Whereas they suggested that only a few thousand workers would come to the UK following accession, some 277,000 workers have come under the registration scheme. I accept that that process has gone smoothly and there have been no particular difficulties.

It is interesting that the Government none the less saw the importance of putting the measures in place in clause 2. As was alluded to by a number of hon. Members, including the hon. Member for Caerphilly (Mr. David) and Opposition Members, the two accession countries that we are considering today are quite different from many of those that came into the EU last year. The difference in economic strength is much more profound. The provisions that the Government are putting in place and the powers they are seeking to take to control the free movement of workers in that context are wise. It is inevitably possible that, given the marked difference in income between Romania and Bulgaria and the existing member states, especially some of the wealthier member states such as the United Kingdom, there could be significant pressure of migration. It is sensible that the Government should take a precautionary approach regarding the free movement of workers.

That is particularly important in view of the geographical perspective provided by my hon. Friend the Member for Hammersmith and Fulham (Mr. Hands), relating to the routes into Europe that the new accession countries constitute both for people trafficking and for the drugs trade. Bulgaria is known to be a major transit country for illegal drugs, as well as a producer country. It is important and appropriate that the measures should be taken.

The Government have, however, not yet enlightened the Committee about the outcome of their assessment or analysis, whether they anticipate using the powers in clause 2, and whether they envisage instituting any major control for a transitional period, making use of the available derogations to prevent significant unforeseen movement of people into the United Kingdom. That is why my hon. Friends and I have tabled amendment No. 9, which seeks to introduce some transparency to the process. It would require the Government to lay before Parliament no later than four months before the date of accession a report on the Government's assessment of the effect of the free movement of workers from the acceding states, and it would also require subsequent reports on the actual effect of such movements of workers.

As I have said, given the marked difference between the predictions about the previous 10 accession countries and the actual number of migrants who have come to the United Kingdom, it seems important and appropriate that the Government should publish a frank and detailed assessment of what they anticipate will happen and provide this House with regular, detailed updates as the accessions move forwards.

Mr. Doug Henderson (Newcastle upon Tyne, North) (Lab): The hon. Member for Altrincham and Sale, West (Mr. Brady) has rightly described clause 2 as the provision that will regulate the migration of workers from Romania and Bulgaria to the United Kingdom.

Many negative things have been said about migration. One does not need to look very far in the tabloid newspapers to see migrants being made the butt of nationalism, jingoism and, from time to time, racism. That is not peculiar to the United Kingdom, although our tabloids might be a little bit more energetic than others in generating public heat on the issue. From time to time, political parties are tempted to crawl down that path. We saw that at the recent general election, when more than one political party referred to immigration—they probably regret having done so.

When my right hon. Friend the Minister for Europe interprets clause 2, he should consider "provision" in a positive context. The tabloids, to which I have already

[Mr. Doug Henderson]

referred, say that immigration sometimes has to happen and that it is generally negative because we do not want to change our way of life. I do not know what our way of life is in the United Kingdom, and I do not exactly know what our way of life is in Europe. Our way of life is internationalised and we operate in a global world. The movement of people is one of the key features of a global economy and an internationalised society, which is not something new—if one reads biblical history, there were lots of movements of people in the period before Christ. If one considers the history of the United States and Canada in the 19th century in particular, there were massive movements of people. From time to time, people have moved into EU countries. In the 1960s, Turkish immigrants into Germany specifically serviced the up-and-coming light engineering industries. In this country, especially in the 1950s and 1960s, we experienced waves of immigration from the Caribbean and elsewhere, again to meet our particular labour needs.

We live in a different world in which the migration of people is not an exception—it is the norm—and people will continue to move more and more. In this country, highly skilled people who are looking for a better opportunity might go to work elsewhere in the EU or the United States. Why should we be different from people from developing countries or people from countries that used to be part of the Soviet Union and that have acceded or will accede to the EU?

I suspect that we will see ever-increasing migration. It used to be said that the catering industry in London was full of people from all around the world, and particularly from some of the eastern European countries, but that is now true throughout the whole of the United Kingdom. In Scotland and the north-east of England, where I travel fairly regularly, many eastern European people are working in the catering industry.

In what I call the direct works industry—house maintenance and, to some extent, house building—there is an ever-increasing need to use skilled labour from eastern European countries. An arm's length management organisation runs council housing in Newcastle, and a programme has been agreed between the local authority, which sadly we do not control any more, and central Government.

Sir Menzies Campbell: Why is that?

Mr. Henderson: My right hon. and learned Friend and I agree on many things, but not on that.

The ALMO cannot meet the targets laid down by central Government because of a shortage of labour. We still have some unemployment on Tyneside, although it is less than half what it was in 1997, but we do not have an adequate supply of skilled labour or people who are prepared to train to take up those skills. In the case of the ALMO in Newcastle, we need to train local people as best we can, but we should not be embarrassed if we fail to train sufficient numbers and must look elsewhere to find skilled labour. We can all provide examples from our constituencies of that pattern, which arises across Europe. Germany is now a honey pot for immigrants from a much wider area than Turkey, and the Scandinavian countries and Ireland now contain a large proportion of immigrants, who are meeting vital labour shortages.

When I ask the Government to be positive in their interpretation of clause 2, my central point is that migration has changed the nature of our economy in the same way as Mexican migrants have changed the American economy. When I studied economics a very long time ago, we referred to overheating in the south and the lack of heat in the north—the main reason why we had to adopt deflationary policies was that the south overheated when the necessary labour was not available. Labour demand shot up wage rates, which had a detrimental effect on the whole economy.

Migration has enabled a number of countries, including our own, Scandinavian countries and Ireland, to maintain a high level of aggregate demand and to continue to have growth without having wage inflation. Jobs have been filled by people from other parts of Europe, particularly. That is the same pattern throughout the developed world. In that context, migration has been a positive factor in the UK economy. It has not been a negative factor for those who have been left, for instance, in Moldova, Romania or Bulgaria. People working here have been remitting funds to their own countries. That has helped to raise living standards in those countries. Statistics show that more than 40 per cent. of Moldova's GNP is the result of remittances from countries in the EU. That is positive for everyone.

Mr. Bone: The hon. Gentleman advances a good argument. Does he agree that some of the most skilled people who have been leaving Romania and Bulgaria and coming to this country have done so to the detriment of those economies? That slightly concerns me.

2.30 pm

Mr. Henderson: I understand the hon. Gentleman's point. I would not deny that in the short term. However, there is the relationship between Ireland and the United States. It could be said that 15 or 20 years ago the immigration of skilled technicians in the IT industry and in other industries to the United States denuded the Irish economy of key workers. Once those people have enjoyed some life in the United States and perhaps picked up other skills, many of their skills have returned to Ireland. For example, some of my wife's family have returned from making their money, so to speak, in the United States. They have come back to Ireland, where they continue to run businesses and so on. The same has happened to some extent already in Poland. Some people have returned to Poland who perhaps have been within the EU for some while. An optimistic prospect is that the same will happen in Romania and Bulgaria.

I do not want to pretend that it is all easy—all sun and light. It is not. Problems arise from international migration. The main benefit is the countering of wage inflation in the developed world. In our case, we should spend more resources on raising the levels of education of those immigrants who come to our nation. They do not all have the skilled to which I have been referring. Some lack skills, and they need to be skilled by us. They need to learn more about our way of life.

It is impossible ever to prevent people who move from one part of the world to another from staying in close proximity to the people and the culture that they know, and to the friends that they have. People will do that. The Scots, the Geordies and the Irish do that wherever they go in the world, and so will people from Romania, Bulgaria and elsewhere. However, it is vital that they begin to understand the way of life in this country. That is not the way of life that might have been stereotyped in the 1950s. There is a different way of life in Britain in the first decade of the 21st century. People who come to our country have to learn that way of life and help to contribute to change that way of life by the next decade.

I strongly support the Bill. I anticipate that the Government will be able to accommodate the general points made by the hon. Member for Altrincham and Sale, West. We all want to know what is happening and we all need a statistical basis. Please let us interpret clause 2 in a generous and enlightened way. I am sure that my hon. Friend the Minister will tell us that he intends to do so when he replies.

Mr. Bone: I agree with much of what the hon. Gentleman said. I hope that all Members will be concerned about one part of the free movement of labour, and that is the dreadful problem of human trafficking, particularly of young women for the sex trade. I am concerned that there is nothing in the Bill that deals with that issue. I am worried that free movement will make it easier for the degenerates who bring young women into this country for the sex trade.

Nia Griffith (Llanelli) (Lab): The Bill sets out the necessary legislation for the freedom of movement of workers from Romania and Bulgaria. Hand in hand with the Bill, we need to examine carefully what happens when migrant workers come to this country from new EU member states. Many of these workers are enticed here by promises of terms and conditions that sound better in theory than they do in reality. We need particularly to tighten up on the use of zero-hours contracts by agencies, which mean that workers who come here to take up full-time posts can find that sometimes they have so few hours of work in a week that they do not earn enough in that week to pay their rent. We need to improve agency regulation to eliminate sharp practices and ensure a level playing field between agencies that abide by the rules and those who ruthlessly exploit workers. We need to ensure that the increasing use of migrant labour does not undercut our workers and depress wage levels.

We also need a better transfer of information between all EU member states about dangerous offenders to avoid a repeat of a dreadful incident in which a nasty sexual attack was carried out by a man who had come from eastern Europe to work in my locality. Only afterwards did it became clear that he was a known offender with a previous conviction for rape in his own country. I was horrified to discover from the local chief inspector of police that there is no transfer of information about sex offenders from original or from new EU countries. We must develop a proper unified system of notification of such offenders across the whole of the EU to reassure and protect local people.

I welcome these new opportunities for migrant workers from Bulgaria and Romania, but we must ensure that we can be proud, not ashamed, of their working conditions.

Mr. Hands: I want to speak in favour of the amendment.

I am in favour of migration in general. My constituency might have more migrants from the 10 countries that acceded last year than any other. We have a vibrant Polish community and we are home to the excellent Polish cultural centre.

Both parts of the amendment are extremely sensible. The first part would ensure that an assessment takes place no later than four months before the accession. That is not fundamentally different from what happened last year, when the Home Office announced the worker registration scheme on 23 February 2004, in advance of accession. In other words, an assessment was, rightly, made at that time, and the rules were changed slightly. It would be sensible to make an assessment four months in advance to judge what the effects are likely to be based on how the previous accession has gone, and so on.

The second part of the amendment would ensure proper parliamentary scrutiny of the system. That does not mean that we should review the two countries' membership of the European Union but that we should review worker registration from those two countries over a period of seven years. That is an eminently sensible provision. If we are to have the worker registration scheme, it is sensible to use the data that arise from it to see whether it is working properly. Last year, the Under-Secretary of State for the Home Department, the hon. Member for Slough (Fiona Mactaggart), said:

> "The purpose of the scheme is to allow us to track properly our commitment. It will give good information to the authorities and the Home Office about how, in practice, the right to work of people from accession countries is operating."

She went on:

> "We have a good pattern of what is happening, and if, against all expectations, there were adverse impacts on our labour markets—let me reiterate that we do not expect that—we could act immediately to re-impose restrictions.—[*Official Report*, 2 March 2004; Vol. 418, c. 876.]

The basis of the worker registration scheme was sensible, and we should use the data from it to monitor whether it is working in practice.

I do not say that because I believe that a flood of people will come in from Bulgaria and Romania. I think that a healthy number of people will come to this country bringing very useful skills. However, it would set a good precedent to do this now for the purposes of future EU accession. If, say, Turkey or Russia become EU accession countries, there may be genuine concerns about a very large number of people coming into this country and distorting our labour market. It would be useful to have a precedent in place to ensure that Parliament assesses the likely impact of the accession four months beforehand and then monitors the actual impact every six months for seven years. It is better to set that in stone in 2005 rather than some point in the future when large countries may join the EU.

The amendment is sensible and I hope that the Government will support it. It ensures extra parliamentary scrutiny, which is always a good thing.

The Parliamentary Under-Secretary of State for the Home Department (Andy Burnham): I thank colleagues from all parties who have made helpful and welcome comments about clause 2. It is encouraging that there is

[Andy Burnham]

such broadly-based support for the measures that we want to introduce. I shall deal with the detail of the amendment and make some general points about the clause.

Let me briefly comment on the contribution of my hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman) on clause 1. She made a powerful speech, the force of which will carry further than the House and especially to anyone who is watching our proceedings. As a dedicated Everton supporter, I emphasise that rivalries are put aside in such cases. She knows that the solidarity between football supporters in our city runs deep and our thoughts are with her. She will have the solidarity of football supporters everywhere and I wish her well in her campaign. My right hon. Friend the Home Secretary leads on such matters. Through me, he would like to reiterate the offer of a further meeting with her and the family to ascertain whether we can make some progress.

Clause 2 is consistent with the Government's managed migration agenda, which makes decisions on the UK's labour market dependent on the number and type of gaps that exist. The clause provides enabling powers, which will allow the Government to set the terms on which any access will be granted to Bulgarian and Romanian workers after accession during a transition period. That can range from maintaining a form of the current work permit arrangements to full, free access to the market, including a version of the worker registration scheme that is in place for nationals of the eight accession countries. A decision will be made closer to the accession date. I listened to the remarks of the hon. Member for Hammersmith and Fulham (Mr. Hands) but I hope that he understands that it is right to make the decision when we know more about the date of accession for the two countries.

We would also like to take other considerations into account, such as the state of the domestic labour market and other member states' decisions about access to their labour markets. Of course, all member states have to go through the same process as us. We will also take account of further analysis of our experience with the first round of accessions.

Mr. Bone: Why do we have to wait to find out what our European Union partners do before we make our decision?

Andy Burnham: We do not. The decision is in our hands, but it is sensible to ascertain what other countries are planning to do before taking a unilateral decision. However, the hon. Gentleman knows that, with Sweden and the Republic of Ireland, we made a different decision from that of our partners about the eight accession countries. Nevertheless, the views of our partners have a bearing on the overall decision and they are a factor that we need to take into account.

The strength of the clause, which the hon. Member for Altrincham and Sale, West (Mr. Brady) acknowledged—I thank him for that—is that it enables us to keep our options open and make a decision that balances all the factors that I outlined. We believe that that is the right response, because it affords the Government the flexibility that we need with the approval of Parliament.

Mr. Dodds: Will the Under-Secretary help us about numbers? What is the estimated number of workers from Bulgaria and Romania who are likely to want to come to the United Kingdom to work?

Andy Burnham: That is precisely one of the factors that we would seek to ascertain in the run-up to accession, which is why it is premature to make any firm commitments about the situation. When we know that there is a firm date of accession, we must take a view, considering the effect on the UK labour market in particular. Obviously, that is a predominant concern in making any decision. I will deal with this in more detail when I speak about the amendment, but I assure the hon. Gentleman that we will seek to back up any decision with strong research on precisely that question.

2.45 pm

Reference has been made to previous underestimates. I should say that the figures before the previous accession related to people seeking permanent settlement, and not necessarily to people who had joined the worker registration scheme. The comparison might not therefore be completely accurate. Nevertheless, 293,000 people have come in to date. We believe that that has only added to the UK labour market.

Mr. Brady: It is my understanding that the existing worker registration scheme does not include the self-employed. Would he consider introducing such a provision, either for existing new member states or the two new accession countries? Do the Government have any estimate of how many self-employed workers there are in addition to the 293,000 who have registered to date?

Andy Burnham: There are such figures. I do not have them immediately to hand, but I can certainly make them available to the hon. Gentleman. Nationals of Romania and Bulgaria are, of course, also registered to work here legally as self-employed persons running their own businesses.

We believe that it is the right approach, with the approval of Parliament, to judge the decision in response to circumstances at the time of accession, whether that be 1 January 2007 or 2008. Furthermore, we believe that a decision now on what level of access to grant Bulgarian and Romanian workers on accession would clearly be premature and not take into account the relevant factors that I mentioned.

My hon. Friend the Member for Newcastle upon Tyne, North (Mr. Henderson) made a helpful contribution, in which he urged me and other Home Office Ministers to consider the positive side of migration, and to take a positive view of the measures before the House. He is right to put it in that way, as we should conduct this debate positively. If some of the newspaper headlines at the time were to be believed, the world was going to end the day after the last round of enlargement. Of course, that did not happen. As he rightly pointed out, a story is run in parts of the media that migration is wholly bad, or is to be tolerated at the edges for bringing a marginal benefit. He is right to take those arguments head-on, and the Government should do so. As he said, the experience of opening our labour markets and allowing greater access than do some other European countries has been good for the UK economy, and for the regional economies of this country.

I would wager a lot of money that those 293,000 people have put far more into this country than they have taken out. As the figures show, there has been very little recourse to in-work benefits and other social security support. Their contribution is therefore huge. They are filling gaps in our labour market and performing a vital role. I accept my hon. Friend's basic point that our precise decision must be guided at the time by relevant factors such as those that I have laid out. I agree, however, that our earlier decision has been good for business and the regional economies of this country, and for our standing in the European Union, particularly among the 10 member states that we are talking about today.

I want to run through some of the structure of the clause before turning to the amendment tabled by the hon. Member for Altrincham and Sale, West. Subsections (1) and (2) allow regulations to be made that will grant Bulgarian and Romanian workers the rights of European economic area nationals to enter and work in the UK. Subsections (3) and (4) provide for the implementation of a possible compulsory registration scheme. Subsection (5) provides for supplementary or transitional measures which may be required, for example, to move Bulgarian and Romanian nationals currently in the UK under a work permit scheme to a future registration scheme. It also allows for the regulations to make different provision for different cases. They could, for instance, distinguish between Bulgarian and Romanian workers, or indeed between plumbers and doctors. That relates to some of the information sought by the hon. Member for Altrincham and Sale, West a moment ago, which I shall try to provide for him.

Subsection (5) relates to an amendment tabled by the hon. Member for Totnes (Mr. Steen). I am relieved that he is not here to speak to it, as it was entirely pointless, and the Committee will not now be delayed by unnecessary debate on it.

Let me correct a popular misconception about the free movement of persons within the EU. That right exists outside clause 2, and it is important for that to be made clear. Free movement is a fundamental principle of the European Union. Under the accession treaty, nationals of Bulgaria and Romania will have the right to enter and reside in all the existing member states for a wide variety of purposes, including holidays, study, retirement and indeed business activity. That was agreed unanimously by the 25 current member states.

The transitional measures allowed by the treaty relate solely to the free movement of workers. Nationals of Bulgaria and Romania affected by the measures will not automatically be allowed to enter and reside in the 25 EU member countries for the purpose of employment, but they will be able to do so for the other purposes to which I referred.

For those reasons, the transitional periods are limited in scope. They are also limited in time. All the measures for which clause 2 provides will be relevant for a maximum of seven years after accession. Free movement for workers across the Union remains the medium-term objective, and it is essential for the efficient functioning of the single market. My right hon. Friend the Minister for Europe made that point.

That is why the accession treaty requires the Council to conduct a review of restrictions on access to workers about two years after accession. Indeed, we are close to the date for the review of restrictions imposed on new member states in May 2004. The Government will communicate their decision on any further arrangements in spring next year. It is likely that, following the review, several more of the 15 EU member states will join the UK, Sweden and Ireland in allowing full access to their labour markets. That will be a positive development for them.

As I have said, our experience of enlargement has been extremely positive. Most of the workers who have travelled to the UK since May 2004 are young and have taken jobs throughout the country that have been left vacant. They have been employed in a broad range of industries, from health care to business administration to farming—industries in which there are serious gaps. They are contributing to our economic growth and to our tax revenues. It seems that many young people are coming for short periods to find out what living in this country is like, and then going back. That can only be a positive development, and I believe that it will benefit both countries in the long term.

Mr. Brady: Does the Minister share the view expressed—I think—by the hon. Member for Llanelli (Nia Griffith) that one effect of the arrival of a large number of young migrant workers has been the depression of UK wage rates?

Andy Burnham: All those working under the worker registration scheme have full employment protection and full access to the national minimum wage. There is no difference between a British worker and another EU national in that respect. As these workers are filling gaps in the labour market, I am not sure that I agree with the hon. Gentleman's analysis. He probably speaks to the CBI often, and I expect he is aware that it strongly supports these measures. I suspect that it will continue to do so.

I believe that amendment No. 9 is premature. It asks us to include a requirement for a report on the effect of the free movement of workers from the acceding states. Actually, it assumes that we have taken the decision to allow that. However, as I have explained, that decision has not yet been taken, so building such a commitment into the Bill is premature.

I hope to offer the hon. Gentleman some assurances that we can meet the effect of the amendment, so that it will not be necessary for him to press it. For example, as I have already mentioned, we undertake to carry out research into the potential effects of opening access to the UK labour market before a decision is taken to do so, and we would of course share that information with the House. We will continue to monitor the position and, should the decision be taken to open access to our labour markets, he will know that regulations would create the basis for any transitional arrangements. He will also know that those regulations would be subject to

[Andy Burnham]

the affirmative procedure, so there would be an opportunity to give them full parliamentary scrutiny. That also meets the point raised by the hon. Member for Hammersmith and Fulham: parliamentary scrutiny is guaranteed under clause 2. I can also give a commitment to laying as much research as possible before the House in order to have a fully informed debate on the effect of the regulations. The amendment, which would place a rigid requirement directly in the Bill, is therefore unnecessary.

Mr. Brady: The Minister is being very helpful and I am grateful. Can he be just a little more helpful by undertaking to publish regular analyses to update the position following accession?

Andy Burnham: I certainly will. The hon. Gentleman will know that, since we set up the worker registration scheme, the Home Office, together with the Department for Work and Pensions and other Departments, is monitoring the effect on the labour market by analysing the figures relating to that scheme. In respect of A8 nationals, the statistics are published on a quarterly basis via the accession monitoring report and the latest figures were issued this week. I hope that I have persuaded him that his amendment is unnecessary as we fully intend to continue the arrangements whereby regular quarterly reports are made available. The whole point of the scheme is to enable us to track and monitor the effect on the labour market and on the take-up of social security benefits. As I say, we will want to share such information with the House as much as possible.

I hope that I have dealt with all the points raised in the debate. The hon. Member for Wellingborough (Mr. Bone) made an important point about human trafficking. The Home Office wholly concurs in emphasising the importance of making progress in that respect. As part of our presidency of the EU, we have given considerable priority to that matter and we have sought to make concrete progress in that regard. Work is being carried out by Europol and others, particularly with respect to Romania. We most certainly are focused on dealing with that matter, though the Bill does not include direct provisions relating to it.

My hon. Friend the Member for Llanelli (Nia Griffith) raised an important point about the potentially criminal behaviour of people in the worker registration scheme. She mentioned a case from her constituency and I assure her that such people, if they were imprudent enough to commit offences during their stay here, would be subject to the full force of the UK criminal justice system. Powers remain at the disposal of the Home Office to deal with European nationals in respect of removal where criminal behaviour is involved. The main point is that the full force of British law will apply. I hope that that reassures my hon. Friend.

We have had a good and encouraging debate. It is pleasing to see the Conservative party coming round to acknowledging the benefits of managed and legal migration to this country. I hope that that will continue to be the position held by Conservative Members in the months ahead. I urge the House to reject amendment No. 9 and to approve clause 2.

Mr. Brady: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 2 ordered to stand part of the Bill.

Clause 3 ordered to stand part of the Bill.

Bill reported, without amendment.

Order for Third Reading read.

3 pm

Mr. Douglas Alexander: I beg to move, That the Bill be now read the Third time.

We have had a good afternoon's debate, with stimulating and thoughtful contributions from all parts of the House. Let me begin, as I did on Second Reading, by paying heartfelt and genuine tribute to the all-party nature of the consensus in this debate at every stage of the Bill's passage. I welcome the strong and powerful arguments that we have heard in support of enlargement, and in particular of Romania's and Bulgaria's accession. It is clear that all Members recognise the important role that enlargement has already played in developing the prosperous and stable Europe in which we live today. Romania's and Bulgaria's accession will further contribute to political stability and security in our neighbourhood, and create new economic opportunities for British citizens and companies.

As we have discussed, it is clear that there are a number of areas in which more work is needed if Romania and Bulgaria are to be ready for European Union membership in 2007. The Commission's comprehensive monitoring report, which was published in October—it has been the subject of debate already this afternoon—set out a range of issues in the fields of justice and home affairs, agriculture, environment and administrative capacity that require urgent attention. I know that this was a matter of concern to the hon. Member for Belfast, North (Mr. Dodds), and I can assure him and the House that we are working closely with both Governments to help them to implement these outstanding commitments. In recent meetings with both countries' Europe Ministers, I underlined the importance of tackling the remaining problems. I am pleased to say that both expressed a real commitment to implementing the necessary reforms, and they set out a number of areas where progress is already being made.

This Third Reading is an important and historic moment. The Bill may be small, but its impact will be substantial. For 30 million people, European Union accession represents a new dawn and the final step in a difficult journey from dictatorship to democracy. The impact of accession will not, of course, be limited to Romania and Bulgaria; their accession will bring benefits to all of Europe. I know that I speak on behalf of the whole House when I say that the United Kingdom looks forward to welcoming Romania and Bulgaria to the European Union. I commend the Bill to the House.

3.3 pm

Mr. Brady: I am pleased to follow the Minister in what has been, as he said, a helpful and constructive series of debates on the Bill. There is broad cross-party agreement on the objective of bringing Bulgaria and Romania into the European Union, without for a moment belittling the great difficulties that remain and that need to be overcome. The Minister acknowledges that there is a serious programme of work to be undertaken in the coming months to get those countries to the point where they may be ready for accession.

We have had some very useful contributions to this debate, including a helpful one from the Under-Secretary of State for the Home Department, the hon. Member for Leigh (Andy Burnham). He gave us some assistance, thereby enabling us to withdraw our amendment on the free movement of workers. My hon. Friends the Members for Totnes (Mr. Steen) and for Wellingborough (Mr. Bone) rightly raised some very important points about people trafficking and the scandal of such abuse.

I see that my hon. Friend the Member for Stone (Mr. Cash) has returned to his place. He was quite right to raise some of the more profound issues to do with the future shape and direction of the EU as a whole and the type of EU that Romania and Bulgaria might join. In not too many years' time, other countries such as Turkey and Croatia will become members, and even Russia may do so one day, although that may take a little longer.

The Opposition are pleased to welcome the progress being made on enlargement, both with this Bill and with the beginning of the accession talks for Turkey and Croatia. Our proceedings have been very consensual so far, so I cannot resist saying that it looks increasingly as though the steps to enlargement may be the only achievements of the UK's EU presidency. This week, Foreign Ministers from various member states have commented on the discussions about the future EU budget. For example, the Finnish Foreign Minister said:

> "As there is nothing new to discuss, I have got nothing new to say",

while the Belgian Foreign Minister said:

> "We are sitting here wasting our time",

and the Portuguese Foreign Minister said:

> "They have done nothing about the financial prospects . . . We are not going to get any numbers today, just words."

I am pleased to restore a little contention and rancour to our debate, as we do not like to have too much uninterrupted consensus in our proceedings. However, it is fortunate that we have something to show for the UK presidency, especially in respect of the more difficult talks about Turkey, and I have given the Minister and his colleagues credit for that before. The accession of Bulgaria and Romania should bring both countries great benefits, as it will ultimately to all member states.

Enlargement is hugely important, both for the progress that it brings in the candidate countries and for what it does to aid the development of a more diverse and flexible EU. Recent discussions about the future EU budget have sometimes given the unfortunate impression that the whole point of membership for some of the newer members and applicant countries is to obtain grants and cash transfers from the EU or the wealthier members. That is entirely wrong, as it leads to the absurd proposition that has been raised this week—that the new members are paying for the UK rebate. Given that the UK is a major net contributor to the UK, that is clearly nonsense.

Yet we must stress that the real value of EU membership for Bulgaria, Romania and the others that have joined recently is that it will reinforce their freedom, democracy, security and rule of law. It will also ensure their access to a single market, and we hope that that can be achieved in a way that is not overly bureaucratic or regulated.

The Conservative party has always been an enthusiastic supporter of enlargement, whether that has involved the 10 states that joined last year, or Bulgaria and Romania, or Turkey and Croatia. We very much support the proposed accession that we have debated this afternoon, but the Minister knows well that the path to membership for Romania and Bulgaria will not be easy. The enthusiasm for the objective behind the Bill is shared by all parties, but that should not lead the Government or the EU to proceed uncritically in their assessments of the readiness of the two applicant countries for entry in 2007 or 2008.

I believe that the Minister accepts the importance of bringing Romania and Bulgaria into the EU, but I hope that he is also aware that it is vital that we get it right.

3.9 pm

Mr. Clegg: I should also like to join in this festival of cross-party consensus, which I trust will be a rare, if valuable occasion. It underlines the importance of this positive step not only for Romania and Bulgaria but for the European Union as a whole. I join others in reminding the House that the vision of an ever-wider and more diverse EU has for a long time been a particularly British vision of the European Union and before it the European Community, which has united political opinion across parties for a long time. It is good to see that that fundamental view has held true here today. It is not a view that is shared in other parts of the EU. I doubt that in Paris one would find quite the same amount of cross-party consensus on this latest step in the journey of EU enlargement. It remains an expression of great strategic vision on the part of Britain as a whole that we have prosecuted this process as successfully as we have.

Some important points have been made during the consideration of the Bill about the final steps of the accession of Romania and Bulgaria into the EU and the absolute need for real rigour in ensuring that the outstanding measures that need to be taken in those two countries are taken and that the safeguard measures are used in all seriousness and not merely as a fig leaf for enlargement and accession at all costs. That concern about the final stages of accession should not be viewed as some last-minute series of obstacles to their rightful claim to join the EU. It is born of a serious belief that if further enlargements are to occur in a politically, economically and socially sustainable way in the decades ahead, we must set the right precedent today.

3.11 pm

Mr. Bone: I was disappointed that the Bill was not amended in Committee, but I was grateful for the comments made by both Ministers. I broadly welcome the Bill. Enlargement of the European Union is good for everyone. The larger the single market, the more prosperous its peoples become. Clearly, the addition of 30 million consumers from Bulgaria and Romania is to be welcomed. It is an added bonus that we are bringing in people who have been freed from the tyranny of communism. I would go on to argue for the enlargement

[Mr. Bone]

of the EU to such an extent that it joins with the North American Free Trade Agreement to create a transatlantic free trade area, which would create a huge market and be of enormous benefit to its peoples. In this regard, we should welcome and encourage Romania and Bulgaria into the EU.

I have concerns on two fronts. One is the process of Bulgaria and Romania's accession. The other is the effects on the UK of these countries joining the European Union. Bulgaria and Romania are two countries that are only now emerging from the throes of Soviet domination. The defeat of communism in those countries and the creation of freedom and democracy were of course championed by Baroness Thatcher and her Conservative Governments. The two countries are now entering into the most fundamental change since the fall of communism. However, one of the great freedoms that the people of Bulgaria and Romania have gained from the fall of communism is the right to determine their own affairs and to vote on issues that affect their lives. Yet the Bulgarian and Romanian people have not been given the chance to vote on this fundamental change. That shows the ultimate failing of the system and highlights how undemocratic the process of EU accession is.

The EU can demand all sorts of regulations and laws and practices, but the one thing that it does not demand is that the people of the countries acceding to it have a choice in whether they want to be part of the EU. Is that because the EU fears the verdict of the people? Has it not learned from the fiasco of the European constitution? Should it not be a condition that every country that wants to join the EU should hold a referendum?

As the citizens of those two countries have not been given the chance to vote on whether they want to be part of the EU we have only the views expressed in opinion polls to show the strength of opposition to accession. Every second person surveyed in Bulgaria was concerned that their country would have to contribute more than it would receive from the EU budget. More than half of those surveyed in Bulgaria feared that accession would create difficulties for the country's farmers. In a survey commissioned by the delegation of the European Commission in Romania, 56 per cent. of Romanians believed that accession would bring more drawbacks than advantages in the short term.

The Minister may rightly point out that no such referendum was held in the United Kingdom. One sunny morning, I woke up and the people of the United Kingdom found that they were no longer in the European Community but in the European Union. The people of Britain were never given the chance to say whether they wanted to be in the EU. They were never asked whether they wanted to be in a European superstate, with its own Parliament, its own President, its own flag and its own Court, all of which is costing billions of pounds a year and represents a significant loss of British sovereignty. However, that strengthens the argument that Bulgarians and Romanians should have the right to a referendum. The citizens of those accession countries are denied a fundamental democratic choice.

My second concern is that the Government have not made clear what restrictions, if any, will be imposed on the accession countries with regard to free movement to the UK, notwithstanding the Minister's earlier comments. The Government's prediction of immigration from the 10 accession countries fell severely short of the actual figure. Surely, they need to outline the restrictions they will impose on the two accession countries before it is too late, because it could be little more than a year before Romania and Bulgaria are admitted to the EU and I do not see why we should have to wait to hear what our partners say about the issue before we make our decision.

It is not unreasonable to ask for details about the restrictions that will be imposed on the free movement of workers from Bulgaria and Romania. There are no details in the Bill about whether people coming to the UK from Bulgaria and Romania will automatically be entitled to benefit. Will they be entitled to housing benefit, jobseeker's allowance or incapacity benefit and if so, when? The Bill does not answer those questions.

Many of my constituents are concerned that migrants from eastern Europe are automatically entitled to benefits. I am not making that point to produce headlines; in fact, it is the reverse. It can be argued that migration has not significantly increased the number of people on benefit, but because it is not clear in the Bill what the restrictions might be, we may attract headlines when Bulgaria and Romania accede.

My greatest concern about free movement, which is shared by all Members, is that human trafficking will be made easier under the Bill. I am particularly concerned about the hideous trafficking of young women in the sex trade. Young women from eastern Europe are promised a new life with legitimate employment and opportunities in the UK, but they finish up as sex slaves sold from one degenerate to another. They are subject to the most appalling violence and intimidation, which goes as far as telling them that back home, perhaps in Bulgaria or Romania, their child will be killed if they do not continue to serve as sex slaves. That is worse than the intimidation and violence suffered by slaves in the 19th century. Will the Government bear that outrageous and disgraceful trafficking in mind when drawing up regulations for work permits?

Before Romania and Bulgaria become part of the EU, they should toughen up regimes in their countries to stop human trafficking. That should be a crucial condition of their accession.

I hope that the Government will take those points on board, and that my speech has been constructive and not party political.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

RIGHTS OF SAVERS BILL *[MONEY]*

Queen's recommendation having been signified—

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with bills).

That, for the purposes of any Act resulting from the Rights of Savers Bill, it is expedient to authorise the payment out of money provided by Parliament of—

(1) any expenditure incurred by a Minister of the Crown or government department under the Act; and

(2) any increase attributable to the Act in the sums which under any other Act are payable out of money so provided.—*[Mr. Timms.]*

Question agreed to.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

INVESTIGATORY POWERS

That the draft Retention of Communications Data (Further Extension of Initial Period) Order 2005, which was laid before this House on 3rd November, be approved.—*[Kevin Brennan.]*

Question agreed to.

Essential Drugs (Northern Ireland)

Motion made, and Question proposed, That this House do now adjourn.—*[Kevin Brennan.]*

3.20 pm

Mrs. Iris Robinson (Strangford) (DUP): I want to take this opportunity to highlight the importance of the availability of life-altering and, sometimes, life-saving drugs and to reiterate the fact that the Government must take the lead on the issue and not simply offload responsibility for it on to health boards in Northern Ireland.

The mailbag to my constituency office is dominated by health queries, and one of the most common problems is access to essential medications. I acknowledge the extra funding that the Minister has announced recently for high-cost medications, but I want to know how much of that is genuinely new money. Perhaps the Minister can detail that during his remarks.

Guidance from the National Institute for Health and Clinical Excellence does not extend to Northern Ireland. However, I understand that the Minister has given consideration to the matter, and perhaps he will take this opportunity to detail the latest position. In Northern Ireland, patients do not have the luxury of NICE guidelines to ensure that they receive critical treatments. The health boards can allocate their budgets as they please and can choose not to spend money on any of those essential drugs if they so desire. The Minister must give clear direction on access to those drugs.

Herceptin has gained significant press coverage in the Province during the past few weeks, particularly in relation to whether it can be used in the treatment of early breast cancer. An aggressive media campaign has been waged and concerned patients have threatened legal action. Those waiting for other drugs now fear that they may suffer as Herceptin is now provided to those who need it. Can the Minister guarantee that those with other cancer conditions will not suffer as a result of the funding for Herceptin?

In relation to multiple sclerosis, for example, a young woman who works in the health service has written to me. She has suffered pain and loss of feeling in her limbs and developed visual anomalies. She will not be able to obtain an MRI scan to confirm her diagnosis until the middle of next year. Only after that scan can her neurologist add her to the waiting list for beta interferon, and another long wait will commence.

That young woman is currently off work. She wants to work and realises that, if she remains off work and requires state benefits, her condition will end up costing society a great deal more than early treatment would have done. She feels that the provision that she is receiving is simply not good enough. Like many others who are in a similar position, she wonders what the point is of paying taxes and contributing for years to the public purse.

Unfortunately, the funding for MS drugs, such as beta interferon and glatiramer, have not improved and the waiting lists are increasing, both in terms of the number of people on the lists and the time that they are forced to wait. At the end of October 2005, 156 people

[Mrs. Iris Robinson]

were on the waiting list for disease-modifying therapies. The imbalance in numbers on the waiting lists from board to board raises fears of another postcode lottery for treatment if funds become available.

Mr. Peter Bone (Wellingborough) (Con): I am grateful to the hon. Lady for securing the debate. Is she aware that people face the same problems in not only Northern Ireland, but places such as Wellingborough?

Mrs. Robinson: I have absolutely no doubt about that. However, investigations by outsiders have indicated that we in Northern Ireland get 20 per cent. less for health care per head of population by comparison with the rest of the United Kingdom. The hon. Gentleman should also bear it in mind that some conditions are caused by stress and mental illness due to 35 years of ongoing terrorism. I hope that he can put the matter in perspective and appreciate that we have a greater need because of all the terrorist activity that we have come through.

Mr. Jeffrey M. Donaldson (Lagan Valley) (DUP): I commend my hon. Friend on securing the debate. Democratic Unionist Members admire her work to highlight in the local media the problem in Northern Ireland. Does she agree that many illnesses that require specialist treatment are stress-related? There is evidence to link the higher incidence of stress-related illnesses in Northern Ireland to the troubles, so we must think about the necessary funding to help people there, who are coming out of a traumatic situation. The Government must think about the problem in that context, rather than considering simply funding under the traditional methods used in the national health service.

Mrs. Robinson: I thank my hon. Friend for raising the matter. Having spoken to several psychiatrists in Northern Ireland, I totally concur with his views. One of the Cinderella-type structures in Northern Ireland is the mental health service. I intend to raise the question of mental health services and what is available in a future debate, because the situation is intolerable and unacceptable. Children have to go into adult units, although that is detrimental to them and certainly does not enable them to move on and progress as we would like them to.

Let me go back to what I was saying before I took interventions so that I can make my point. The imbalance in the number of people on waiting lists from board to board raises fears that there will be another postcode lottery for treatment if funds become available. That is because in 2004–05, one person in each board each month was given treatment. Surely that is a ludicrous means of distributing life-altering therapies in this day and age.

Even if NICE guidelines are eventually adopted in the Province, those whose treatment is currently being delayed might not fit the guidelines when funding becomes available due to the inevitable progression of their conditions. The psychological effect of being told that a treatment will help one's quality of life, but then learning that it is not available for funding reasons, is totally immeasurable in human terms. An increasing number of people are being recommended for treatment by their neurologist, but are informed in the next breath that it might be two years before they can commence treatment because there is no money to fund it.

To highlight the impact on individuals involved, I want to read from a letter that arrived in my office earlier this week. It was written by a lady from Killinchy, which is in my Strangford constituency. I will quote the letter in full, so please ignore all the nice things that she says and do not think that I am being conceited.

The letter says:

> "I am writing to you to plead with you to please put forward a very strong case for the desperate need for Betaferon for MS patients in Northern Ireland. We desperately need more funding for Betaferon as it is the only specific drug available for patients suffering from this dreadful debilitating disease, in that it will help to slow down the progression of their symptoms. I was told yesterday, by Dr. Hawkins when I saw him for my appointment at the City Hospital, that I no longer have remitting relapsing MS, but have now got secondary progressive MS. Even though I have been suspecting this for quite a while myself, it still came as an awful shock when it was actually confirmed. Of course it causes all kinds of emotions to run through your mind. I was very tearful when first told—it was almost like being told your original diagnosis all over again. I was suddenly very frightened all over again, having got used to learning to live with it and learning to cope with the fact that everything is just starting to slow down—now having to fear that I am definitely just going to get progressively worse. I was a nurse, and so this probably sounds very naïve, but it's incredible how much your mind can block out when you're in self-denial. When I was told that I met the criteria for Betaferon, it at least seemed like a light at the end of the tunnel—until—I was told that there was a long waiting list, and it would be quite some time before I would be able to get the drug that I so desperately needed now. The MS nurse that I saw was loathe to put a time scale on it".

Unless by some chance extra funding was released specifically for beta interferon, that would be the case and she might pass the date when the drug could help her.

The letter continued:

> "Please, please, please could you make an appeal to the government on behalf of all the people, whose lives would be made that bit more tolerable, if they could just be given the drugs that would ease their suffering and make their disease a bit more bearable and a bit more under control.
>
> I know that you do a lot of work for the MS Society and I thank you for that, but I am still begging you to do that little bit more by putting forward our case to the Government."

How does the Minister respond to such a cry for help? That letter shows the strength of feeling and emotions experienced by patients awaiting disease modifying therapies.

Also within the past few days, another lady from Belfast wrote to me saying:

> "I am 49 years of age, married with one daughter. I am writing to you as I have been informed by numerous people of the excellent work you have done in fighting on the side of multiple sclerosis sufferers. In April this year I was diagnosed with MS, which devastated both myself and my family, but I am determined to fight the disease in every way that I can. As I'm sure you know, the most effective treatment for MS is Interferon, which was prescribed by Dr Watt, the consultant neurologist in the Royal Victoria Hospital, but I was told that I would be placed on a waiting list as the Eastern Health Board had no funds to meet the cost of this treatment for approximately two years. I now purchase this drug privately, at a cost of £687.85 every four weeks, which is financially devastating to my family and I don't know how long I am going to be able to keep on funding this medication, which I have to tell you that I do feel the benefit of.

> I have read with great interest the statement made by the Minister of Health ... regarding the £14 million being made available for the purchase of drugs over the next two years. I feel that the case of Interferon for MS sufferers should be impressed on the"

Minister and the Eastern health and social services board, under whose jurisdiction this lady falls.

The letter continues:

> "Interferon is the treatment to give hope of quality of life to fellow MS sufferers like myself. I can't believe that I have been put through all this just so the health authority can balance the books. Human life cannot and should not be measured in pounds. Like many other sufferers I'm scared of what the future may hold."

Those are very moving and challenging remarks, as I am sure we would all agree.

Mr. Nigel Dodds (Belfast, North) (DUP): I join my hon. Friend the Member for Lagan Valley (Mr. Donaldson) in paying tribute to my hon. Friend the Member for Strangford (Mrs. Robinson) not only for securing the debate and raising this important subject, but for her work on health matters in Northern Ireland, which is widely respected and admired.

Many hon. Members could also refer to letters that they have received that tell a terrible tale of emotional stress and anxiety caused by denying people the treatment to which they are entitled. That also imposes guilt on family members who cannot contribute to the private purchase of those medicines, as they may feel that they are letting their loved ones down. My hon. Friend is right to highlight that important factor.

Mrs. Robinson: I concur with my colleague. If the lady whose case I raised does not receive the appropriate drugs she may face the inevitability of selling her home and going into public sector accommodation. In this day and age, it is an utter disgrace that families should be put under such strain to obtain appropriate care for their loved ones.

The situation for rheumatoid arthritis sufferers is no better than it is for people with multiple sclerosis. Waiting times in Northern Ireland for anti-TNF medications such as Enbrel and Remicade are four times longer than they are in England, and are much worse than they are in the rest of the United Kingdom or Europe. Rheumatology provision in the Province is much worse than in Great Britain. The recent strategic review of rheumatology services in Northern Ireland called for root and branch modernisation. We have the lowest number of rheumatologists per head of population in Europe, and we need more consultant rheumatologists, specialist nurses and allied health professionals. We also need a properly resourced paediatric rheumatology service, because young people with juvenile arthritis currently have to wait four months for a first appointment. We need an appropriate paediatric rheumatology service with a lead consultant and a paediatric rheumatology nurse specialist.

We deserve parity with other UK regions in the provision of anti-TNF therapies. More than 440 people in Northern Ireland will have to wait more than two years for Enbrel or Remicade, while their condition worsens all the time. More than two thirds of consultant rheumatologists in England and Wales are satisfied that they can prescribe those drugs when necessary, yet on 31 October, at Musgrave Park hospital in Belfast alone, there were 365 people on the waiting list for anti-TNF drugs, 62 of whom have been waiting more than two years. Money that hospitals were led to believe would be made available this financial year has not materialised. The message from the Department is that there will be a generous allocation in the next financial year, but those hospitals were given to believe that that would be the case this year. Arthritis sufferers fear that the publicity over the breast cancer drug Herceptin will result in treatments such as anti-TNF medications losing out. As I said earlier, I would be grateful if the Minister confirmed that the £14 million of additional money that was provided in the recent announcement will aid the availability of those drugs.

A rheumatologist recently commented:

> "I'm afraid we are getting pretty despondent again about this. The Boards were due to receive the Department's response to their Health and Wellbeing Improvement Plans about a month ago (which included additional allocations for high-cost drugs) but we haven't heard anything from them, and there are rumours that we may not get any additional anti-TNF funding this year. This is despite the fact that our anti-TNF waiting list now stands at well over 2 years. Indeed, we were led to believe that we would be getting additional funds in the current financial year to treat well over 50 new patients in Musgrave Park Hospital alone."

Velcade is another drug for which there is great demand across the Province. It is the only new licensed treatment for multiple myeloma in the past 10 years, but patients in Northern Ireland cannot gain access to it, even though patients in Scotland, Wales and England can. Velcade offers both increased life expectancy and improved quality of life for patients with myeloma, who would otherwise face a terminal decline in their condition. Myeloma receives much less attention than other more notable cancers, but is a far bigger killer than both testicular and cervical cancer. Survival rates for myeloma patients have not improved in the past 10 years, with only 23 per cent. of patients living for more than five years.

In Northern Ireland a very small number of patients would be suitable for Velcade. The cost would not be great, but the difference that it could make to the patient's quality of life and life expectancy would be immense. Velcade is a licensed drug. The decision to prescribe in Northern Ireland is not dependent on any assessment authority. Denying myeloma patients the treatment is a purely financial decision. Every year in Northern Ireland between 85 and 120 people are newly diagnosed with the disease. In 2003, 63 people died of it, including one young person in their 30s.

Velcade is prescribed for patients who have received at least two prior treatments and whose condition is worsening. It is undergoing trials as a second-line treatment, owing to the success seen in its current use. It has been appraised by the Scottish Medicines Consortium and the All Wales Medicine Strategy Group. It is funded and available on the national health service in Scotland and in Wales. Although universal access to Velcade is not expected in England until NICE produces guidelines, a number of trusts already prescribe the drug. Clinicians are free to make a clinical judgment to prescribe unappraised drugs such as Velcade. Indeed, Department of Health circular 99/176 makes that clear to all primary care trusts.

In Northern Ireland, funds for Velcade have not been made available because of the withdrawal of contingency funds to health boards, despite the fact that Belfast City

[Mrs. Robinson]

hospital is the location for clinical trials for the treatment. Clinical trials for Velcade carried out in Northern Ireland were so promising that one trial was halted early to ensure that as many people as possible received the treatment. It is extraordinary, therefore, that the place where so much effort was put into testing the drug is the one UK region where it is not available. Many patients are left to wonder what the point is in conducting all that multimillion pound research, only to find that afterwards there is no money to fund the treatment.

Another drug on which I have been lobbied is Teriparitide for the treatment of established osteoporosis in post-menopausal women. I understand that boards have not identified funding for it in the current financial year. Is this another drug that the Minister had in mind when he announced extra funding for drugs in Northern Ireland?

Are the boards free to allocate the recent extra funding for drugs as they wish, or are there restrictions on which medications can be included? Can the Minister assure us that he will make the availability of essential drugs a priority in the Province, and that the Department will take responsibility for ensuring that there is adequate provision across Northern Ireland?

3.43 pm

The Parliamentary Under-Secretary of State for Northern Ireland (Mr. Shaun Woodward): I congratulate the hon. Member for Strangford (Mrs. Robinson) on securing the debate on access to essential drugs in Northern Ireland. She is indeed a doughty champion, as I know from my own postbag. She passes on the letters of every constituent who writes to her and raises many of these matters in written questions. I am well aware that few MPs could claim to have such a proud record as she has in taking up the health needs of her constituents.

The hon. Lady asked me to make a number of guarantees, and she will understand that I may resist making them as guarantees. However, one of the questions that she posed was from a constituent, who asked, "What is the point of paying all my taxes?" Well, the fact of the matter is that health spending in the current year in Northern Ireland will exceed £3.5 billion. For the next two years, I have secured an additional £450 million for the health service, which is £50 million more than the previous budget. I recognise that even that sum of money, which matches the best figures in England, is not enough in Northern Ireland. In that context, I announced major reforms to the health service this week in order to find more efficiencies and put that money into front-line services.

Of the £3.5 billion that we will spend this year in Northern Ireland, some £400 million will be spent on prescribed medicines. The majority, £340 million, will relate to GP prescriptions, while the balance, some £60 million, will be spent in the hospital sector. Those costs represent only a proportion of the total cost of treating a patient with a particular drug. For specialist drugs, many of which the hon. Lady has mentioned this afternoon, there are also additional costs associated with the infrastructure required for the administration of the drugs.

Today, people are living longer. With our ageing population, we should expect more age-related chronic diseases and higher levels of drug prescription. At the same time, patient expectations are increasing, and rightly so. Patients and their families are rightly much more aware of the treatments available and—again, quite rightly—they expect to receive the latest and best drug treatments for their particular condition.

Hon. Members will be aware of the recent report by Professor Appleby. One of the issues that it considers is the potential for greater use of generic medicines in Northern Ireland. He estimates that there would be savings of some £55 million a year, if Northern Ireland's use of generic medicines were as good as the practice in England. That £55 million is effectively being wasted in Northern Ireland because of prescribing habits, which must change. I am determined that my Department will pursue these changes in order to put that money into front-line health services.

New and revolutionary specialist drug treatments are emerging all the time. In some cases, new drug products have been developed; in others, new ways have been found to use existing drugs more effectively and for new conditions. All that is good news for patients, since better treatments are now available to cure or control the symptoms of a range of severe conditions. Improvements in drug treatments may also reduce the number of hospital admissions that patients require.

It is essential when new drugs are introduced that we continue to monitor all the available evidence in relation to their safety and effectiveness. Sometimes that will account for why we delay the introduction of some drugs. Although most drugs will prove to be effective, some medicines, despite their initial promise, may be shown to be not so effective or, indeed, they may subsequently be found to be unsafe. In those circumstances, difficult decisions will need to be taken, and the drugs may need to be withdrawn.

One very recent example of a drug with huge potential is, as the hon. Lady has mentioned, Herceptin, which has been licensed and is available to patients in Northern Ireland for use in advanced breast cancer. Early results from clinical trials indicated potential benefits for suitable patients with early-stage breast cancer, which understandably led to calls from patients and their elected representatives, including the hon. Lady, for Herceptin to be made more widely available for this new indication.

I took the view then—I still hold it now—that the decision to use Herceptin or any other drug in a new way should always be a clinical decision and that it should not be driven by political campaigns or the media, although I recognise the role that the media may play in drawing further attention to the positive effects of certain drugs. In that specific context and in what must be regarded as exceptional circumstances, I announced on 11 November that doctors should be free to make clinical decisions about the prescription of Herceptin for patients in the earlier stages of breast cancer. It was also important, as I made clear on 11 November, that despite what was undoubtedly an excellent campaign in the media, and an excellent campaign fought by a number of politicians for the prescription of Herceptin for early-stage breast cancer, few people in that campaign discussed the negative effects of Herceptin, and the extremely serious side effects reported in *The Lancet*, which may occur in some patients and which may include heart failure.

Mrs. Robinson: Would the Minister accept that if someone is diagnosed with a life-threatening illness, and despite, possibly, the downside of using a drug, if that drug gives people hope they will ask to be the guinea pigs, as might be said; and that we cannot fault people for wanting something that possibly offers a higher percentage positive outcome than a negative one?

Mr. Woodward: Of course we could not fault anybody who is facing a life-threatening illness for asking for a new treatment. It follows also that we have a responsibility to ensure that because a patient asks for something, they are prescribed something that will make them better. Further, it follows that if we are aware of serious side effects that may occur, we have a responsibility to make them aware of serious side effects.

It is worth remembering that in Northern Ireland we have a very good record of dealing with breast cancer. Obviously, no doctor would want to prescribe a drug for a patient that may lead that patient to an even worse condition as a result of the application of that drug. I am reminding the hon. Lady that when we have campaigns for the prescription of drugs, often the downside of prescribing the drugs is forgotten. There is a responsibility in media campaigns and in political campaigns, when we are trying to get the application of certain drugs, to be responsible in telling patients, "Yes, let us all hope that this is a wonder drug." I think that every Member of this place would want to recognise that if Herceptin holds out that hope for women in the early stages of breast cancer, it would indeed be a wonder drug if it turned out to be everything that everyone hopes of it. However, we are not yet sure of that. It is extremely important, particularly important for very vulnerable people who are facing life-threatening illnesses, that expectations are not raised to a point that we cannot at this stage fulfil.

I am committed to improving access to specialist medicines that offer the potential for significant improvement in patient care. In recent years we have made some progress, although we still have further to go.

For example, the number of people receiving anti-TNF treatment for severe inflammatory arthritis has doubled between April 2004 and April 2005. In April, 178 people were on these drugs. There are now 361 on them. This represents an additional investment in this one area alone of about £2 million.

There has also been a significant increase in the number of people with multiple sclerosis receiving disease-modifying therapies such as beta interferon. The number of people receiving these drugs has increased from 442 in April 2003 to 577 at present. This represents about 17 per cent. of people with MS in Northern Ireland, and compares favourably with other areas of the UK. New drugs have also been made available to combat hepatitis C, HIV, inherited genetic disorders and cancer.

Not for one moment should I or anybody in my Department be complacent. Despite the increased number of patients receiving specialist medicines, the hon. Lady rightly draws our interest to the numbers of people waiting for these drugs. I share with her the concern for the number of patients with severe inflammatory arthritis waiting for anti-TNF treatment, and the numbers waiting for treatment for MS. As the hon. Lady said, 146 patients are currently waiting to begin disease-modifying treatment for MS. Some of these patients have been waiting for more than 12 months.

Mr. Bone: Last week, the Secretary of State for Health led us to believe that nobody in the UK had to wait more than six months for treatment. That needs to be corrected because, to me, that is fundamentally untrue.

Mr. Woodward: Unfortunately, I cannot answer for my right hon. Friend. I am the Minister with responsibility for health in Northern Ireland. Undoubtedly we will draw the hon. Gentleman's remarks to the attention of my right hon. Friend the Secretary of State for Health.

Four hundred and fifty-six patients are currently waiting to begin anti-TNF treatment for severe inflammatory arthritis. Some have been waiting for more than two years, in pain and frustrated that they cannot access the treatment they need. I agree with all hon. Members that that is intolerable. Behind every waiting list there are desperate personal stories of patients experiencing great difficulty because of their condition.

We intend to improve access to these drugs, which undoubtedly have the potential to transform patients' lives. We will not be able to turn the current position around overnight. I have, however, taken initial steps to bring about real improvements. First, an additional £5 million has already been invested to improve access to specialist medicines in Northern Ireland in the current year.

Secondly, I expect to be able to invest a further £9 million in 2006–07. That money will be invested to fund new drug treatments and the infrastructure required to administer them. Next year, there will be significant additional investment in anti-TNF drugs, beta interferon for MS, and existing and new specialist medicines for cancer treatment. The additional investment of £9 million will help to reduce waiting lists for specialist treatments and to ensure that patients in Northern Ireland have access to the very latest specialist drugs. But even those investments will not be enough to meet the growing demand for new and existing drugs. Resources and funding will always be an issue. If we want these drugs, the Government have a responsibility to work out how we are going to pay for them.

The hon. Lady is aware that next week I will bring forward my proposals for water charges in Northern Ireland. Although I know that she and her hon. Friends bitterly resist those proposals, it is worth putting it on the record that the money that will come from water charges in Northern Ireland will bring an additional £300 million into the Exchequer over the next three years. We can put that money into essential services in Northern Ireland. I understand that until now the hon. Lady and her hon. Friends have resisted the introduction of water charges. However, it is important that she face up to the fact that when she asks for more money for drugs—I absolutely understand that we have a responsibility to find the money for those drugs and to deal with the waiting lists—we in Northern Ireland have a responsibility, where we can, to find that money from our own resources. That is appropriate if we are to create parity with the rest of England, Wales and Scotland.

Mr. Donaldson: What assessment has the Minister made of the savings that will accrue from the changes in the governance of health in Northern Ireland outlined in the proposals published this week under the review of public administration? Will he give a commitment that savings that accrue from the structural changes in the health service will be channelled towards extra funding for specialist treatments?

Mr. Woodward: I am grateful to the hon. Gentleman for raising that issue. As I said this week in my statement on reform of the health service in Northern Ireland, the cost of administering the health service and social services in Northern Ireland is some £155 million. We have a population of just over 1.7 million people. That is about the same as Kent, yet Kent has fewer than 10 trusts and we have 19. We have four boards that in effect work as strategic health authorities. I propose to turn the 19 trusts into five plus an ambulance service trust and to get rid of the four boards, which employ 600 people, and replace them with one strategic health authority. Also, four patient councils will be replaced by one patient council.

I hope that at least £15 million—perhaps £30 million—can be found out of the current cost of running health and social services. I have already undertaken that all the money from the savings that are achieved by reforming the health service infrastructure should go into front-line patient services and into doing something about the application of new drugs and the misery that people suffer while waiting for them.

Mrs. Robinson: Although my point is not about drug availability, have the Government made an assessment of the savings that will accrue through our introduction of the no-smoking ban in public places in Northern Ireland? That will have a major effect on all sorts of illnesses that derive from smoking.

Mr. Woodward: We did that when we made the impact assessment. In the long-term, the proposals will save a huge amount of money. Three thousand people a year die from a preventable illness caused by or related to smoking and passive smoking. However, in the short-term, we are unlikely to experience any savings because, regrettably, much of the damage will have already been done to people and the health service should look after them, regardless of whether they should have smoked.

I intend to put money into health promotion campaigns to encourage people to stop smoking and into cessation services to enable people to stop smoking. In the short term, I expect to spend more money on encouraging people to stop smoking than will accrue in savings.

Infrastructure savings can undoubtedly be made given the inefficiency and the waste of the bureaucracy of the current health and social services system. As I said earlier this week, that is not a reflection on the staff—the doctors, nurses, consultants or many people who form part of the secretariat. We have managed to create a highly inefficient system in Northern Ireland that is too bureaucratic. We can slim it down and put the £30 million into drugs and patient services.

Mr. Dodds: I am interested in the amount of money that the Under-Secretary is talking about saving and putting into front-line services. We are all in favour of that. When is that money likely to find its way to front-line services?

Mr. Woodward: As the hon. Gentleman knows, the proposals that my right hon. Friend the Secretary of State set out in the review of public administration could take three to four years to be implemented. Although the proposals that I announced this week are related to the RPA, they are not dependent on it. I intend to change the number of trusts from 19 to five plus one and to start work on it in January 2006, with a view to the five new trusts being up and running for April 2007. There will be redundancy costs and I anticipate that the substantial savings will probably not start for the best part of 18 to 24 months. However, I am ensuring that, for the long-term future of people in Northern Ireland, we make the decisions now and tackle the issues. That means that we can deal with the outrageous, intolerable and almost immoral waiting lists for the drugs that we are considering.

We will therefore be relentless in driving through the reforms to pay for the drugs. Again, I wish to add a cautionary note. Despite additional investment in the next two years, the changes that I am making in the efficiency structures of the health service of Northern Ireland, the Appleby report and the savings that will derive from the RPA, demand will continue to grow.

Matching resources to that demand will always involve making difficult choices and selecting priorities. The emergence of new specialist medicines has provided an opportunity to treat diseases that were considered untreatable until recently. Patients have the right to expect to be able to access those medicines when they need them.

The hon. Lady mentioned the National Institute ~~for~~ Health and Clinical Excellence. Its guidelines currently have no formal status in Northern Ireland. The Department is finalising links with NICE which will give its guidance formal status in Northern Ireland. I expect the new arrangements with NICE will be in place by spring 2006.

I would prefer to deal with the hon. Lady's specific points in writing. They are very specific and they should be given the proper consideration that they deserve. The current waiting lists for some specialist medicines are a serious priority for the health service in Northern Ireland. We will make improvements as quickly as we possibly can. The hon. Lady made her case strongly this afternoon and I shall do everything I can to improve access to the drugs that she mentioned and ensure that the new treatments and new drugs that people want in Northern Ireland are made available as quickly and as effectively and—critically—as safely as possible.

Question put and agreed to.

Adjourned accordingly at four minutes past Four o'clock.

Westminster Hall

Tuesday 8 November 2005

[DAVID TAYLOR *in the Chair*]

Political Parties (Funding)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Cawsey.]*

9.30 am

Sir George Young (North-West Hampshire) (Con): I welcome the opportunity to debate the Electoral Commission's report, "The Funding of Political Parties", which was published last December. I commend the authors for a thorough and well researched report, which they submitted along with their recommendations to the Department for Constitutional Affairs. Nearly a year has passed without it being debated in the House and without any response from the Government. I therefore welcome the opportunity to take the matter forward.

I am glad to see my hon. Friend the Member for Chichester (Mr. Tyrie) in the Chamber. He has written extensively and with insight on the subject. I am pleased that my hon. Friend the Member for Wealden (Charles Hendry) is here and I welcome the Minister. She has her plate full, with the Electoral Administration Bill being discussed in the House later today. I am also pleased to see the spokesman for the Liberal Democrat party here.

At business questions on 16 December shortly after the report was published, I asked for a debate on the report. In response, the then Leader of the House said:

> "I am very sympathetic to the idea of a debate on that".

He also showed a bit of ankle by saying,

> "It might be possible, on an all-party basis, to move towards extending—not introducing for the first time, but extending—public funding for parties in designated areas",

and said specifically:

> "In that respect, it is interesting that the Electoral Commission has recommended tax relief on donations of up to £200. We can consider the proposals in due course".

Due course, by any reasonable interpretation has come and gone, but there has been no consideration.

During the exchange, another hon. Member referred to "maverick millionaires", and said that such matters were

> "not doing any good to the battered reputation of Parliament".

The person who said that was the then Liberal Democrat spokesman, now Lord Tyler, speaking before Mr. Michael Brown—a maverick, if ever there were one—appeared on the scene with his cheque book. In response to Paul Tyler, the Leader of the House said:

> "We can move forward on a consensual basis on this and the Electoral Commission provides an interesting way of doing so.—[*Official Report*, 16 December 2004; Vol. 428, c. 1822–25.]

I followed up such matters on 14 July by asking the current Leader of the House for a debate. He played a straight bat and said:

> "These matters are important and the House should discuss them."—[*Official Report*, 14 July 2005; Vol. 436, c. 968.]

He was supporting the end, but not providing the means.

Hon. Members may wish to focus on many recommendations in the report, such as spending limits—national and local—political donations, policy development grants and the extension of freepost to local elections. I shall focus on the recommendations that would improve the viability of our political parties and put matters into context. It is common ground that all is not well with our parliamentary democracy. Turnout has fallen in general elections—an important barometer of political engagement. If turnout continues to decline, it could undermine the legitimacy of our Parliament. Our main parties have declining membership. The Labour party is down from more than 400,000 in 1997 to about half that number now. In 1977, we had a membership of about 400,000 and it is now down to about 300,000, most of whom are opening their envelopes as I speak.

Collectively, politicians are held in low esteem, somewhere near that of journalists and estate agents, although I note that local Members of Parliament, as individuals, are more highly regarded. There is widespread cynicism and apathy about the political process with young people, in particular, disengaging. Abstention from elections is something that they boast about rather than apologise for, and there are signs that their disengagement is becoming permanent as they grow older.

There is no off-the-shelf remedy that will restore the health of our political system. We need a variety of solutions. The Puttnam report, commissioned by the Hansard Society, has some radical proposals for improving the interface between the House of Commons and the world outside. We need to continue examining how we conduct our business within the House. We must make it more relevant and accessible to those whom we represent. We need to reform Prime Minister's questions. Parliament needs to be more representative of society as a whole. We need to do more of the work that my hon. Friend the Member for Wealden has been doing at universities and with young people. Ministerial conduct needs to be beyond reproach. We must make intelligent use of technology to interact better with our electorate.

However, part of the solution is healthier, more broadly based, more representative and more active political parties. Political parties are much maligned, but they are essential to the democratic health of the country. They recruit, motivate and train the people who stand for public office; none of us would be in Westminster Hall this morning were it not for our parties. Parties provide policy platforms that give voters a choice of administration at every level, and then seek to deliver that programme in office. They provide a legitimate means of expression for the political, economic and social interests in our society. They are the channels for political and intellectual discourse and debate and for refining new ideas into practical policies. They promote interest and turnout in elections and engage with the electorate both locally and nationally.

Our main parties have long histories and proud achievements. They have nurtured the great leaders of our country—one of whom needed succour from two parties—and then given them a platform from which to conduct the affairs of state. However, parties need

[Sir George Young]

infrastructure to ensure that they can discharge the demands of the political system. Our parties are hollowing out and dying on their feet. They are heavily in debt. Paragraph 3.34 of the Electoral Commission report says:

> "it is clear that most parties are having difficulties raising sufficient funds to meet their day-to-day costs let alone the burden of funding major election campaigns. Borrowing appears to be used to meet the shortfalls."

The report goes on to say that

> "It is . . . no exaggeration to say that if political parties were businesses some could be regarded as trading while insolvent."

Parties have never been less popular. Fewer people identify with them, vote for them or join them. There are many reasons for that, but the way in which they are funded is partly responsible for that disengagement and disenchantment. All parties have been hit by bad coverage deriving from the current regime, which obliges parties to seek large donations from individuals and their companies. Enron, Mittal, PowderJect and Ecclestone have hit this Government; ours was hit by Asil Nadir and others. The Liberal Democrats were hit by Michael Brown. The consequent adverse publicity surrounding funding leads to a vicious spiral; there is then less incentive to join and support the parties that have become so tainted, and that leads in turn to more dependence on large donations. Some 58 per cent. of the donation income received by parties between 2001 and 2003 was obtained from donations in excess of £100,000. Such rows hit not just the party concerned, but the political process. Because of the transparency of the donations on the one hand, and the complexity of the decision-making process and political networks on the other, it is difficult to allay accusations that no one gives that sort of money for nothing.

Page 15 of the Electoral Commission report includes the proposition that

> "Funding parties by voluntary donations is unfair because there is a risk that wealthy individuals, businesses and trade unions can buy"

votes. That proposition was supported by 70 per cent. of those surveyed. More recently, trade unions have been asking what they get for their money. If a new super-union emerges it, together with Unison, would account for almost half the Labour party's income; that is an almost unprecedented concentration of power.

Paragraph 1.6 of the Electoral Commission report summed up the problem as follows:

> "Despite enhanced levels of public scrutiny of party finances since the introduction of PPERA, there is continuing public unease about the possible influence of large donations on the political process."

I believe that we need to encourage broad-based political parties with a wide membership if we are to reduce dependence on those donations. The measure that I support is not a pretext to put up one's feet; on the contrary, it is an incentive to get out there and recruit more members.

There is a way forward; it was outlined by the Neill committee in 1998 and repeated in a modified form by the Electoral Commission in 2004. The Neill committee recommended tax relief, limited to the basic rate, on donations of up to £500 to eligible registered political parties. The committee noted that in several countries, including the United States, Canada and Italy, personal donations to political parties qualified for income tax relief, and it suggested that a similar tax relief should be introduced in the UK to encourage an activity that the committee regarded as both

> "meritorious and . . . a contribution to the democratic process."

In the committee's view, the principal advantage to such a scheme was that it would encourage a different pattern of political donations, so that parties would not rely for their funding needs on a relatively small number of donors, each making large donations. The committee said:

> "We have found very widespread support for the view that it is more democratic, and therefore in the public interest, that political parties should be funded by a large number of small donations rather than by a small number of large donations."

Mr. Andrew Tyrie (Chichester) (Con): In that case, does my right hon. Friend favour a ban on large donations?

Sir George Young: I shall come to whether the introduction of tax relief should be accompanied by a cap on large donations. I think that there has to be a trade-off, and I shall touch on that in a moment.

The quotation concludes:

> "A system of tax relief which increases the value to political parties of smaller donations is likely to encourage the parties to make greater efforts to obtain them".

In addition, the committee noted that one further advantage to this method of party funding over the direct payment of state funds was that

> "the allocation of the relief is in the hands of individual taxpayers and requires a contribution from them."

I believe that tax relief would give the right signal that engagement with a political party is a civic activity to be encouraged. A citizen should be proud to be a paid-up member of a political party, not regarded as someone from a Bateman cartoon.

I remember the married couple's allowance, and I do not think that anyone got married to claim that allowance. However, the existence of the allowance was a statement by Parliament that the institution of marriage deserved support and gave stability to society. Likewise, I believe that tax relief would have a symbolic importance; it would be a statement that joining a political party was a worthwhile civic activity. Such a regime, as I have said, would be taxpayer-led, not Government-led. It would encourage a democratic response and begin to redress the danger of large institutions or individuals gaining disproportionate influence.

The Government voted this recommendation down when we debated Neill. Indeed, I think that it was the only Neill recommendation that they did not implement. These were their reasons:

> "the Committee proposed that donations to political parties, below a certain level, should be eligible for income tax relief at the basic rate. The Government is not persuaded by this recommendation. Tax relief would amount to general state aid by another route. A tax-relief scheme would be expensive for the Inland Revenue and political parties to administer relative to the

> likely level of take-up. Furthermore, the Government has to balance the loss of revenue (likely to be upwards of £4 or £5 million a year) against other spending priorities."

Of course we have to keep an eye on public expenditure, but any hon. Member worth his salt could find £5 million out of the Government's budget in half a day. The Neill committee rightly rejected the Government's arguments. It said:

> "We are disappointed that you have decided against our proposals in relation to a tax relief system on the ground, amongst others, that it 'would be expensive for the Inland Revenue and political parties to administer relative to the likely level of take-up' . . . Bearing in mind that tax relief is given to thousands of charities, we thought it unlikely that the administrative costs would be prohibitive. In a recent Written Answer . . . Lord Bassam of Brighton . . . has stated that the administrative costs of a tax relief scheme have not been estimated. We invite you to make such an estimate, and we strongly urge you to reconsider our proposals on tax relief on political donations in the light of your conclusions as to the administrative cost of their implementation."

To date, it appears that the Government have not responded to that request.

I understand the Conservative party's aversion to increases in public expenditure and I would not force any party to accept the money if its scruples prevented it from so doing. However, I remind my hon. Friend the Member for Wealden, who may be clutching a hostile brief, that we all voted for the Neill recommendations at the time.

However, I accept a related argument that, if we want more public support, we must put our house in order. There is excessive expenditure at election time—what economists call "conspicuous consumption"—and I have no objection to the national cap on expenditure coming down, not that we see much of that in my constituency of North-West Hampshire. There are campaigning styles that irritate and switch off the voter, and I would like to see a less media-intensive campaign that cost a lot and more locally based campaigns using volunteers.

Since Neill reported, the position has got worse. We had the slump in turnout in 2001. Indeed, the Neill Committee recognised that

> "it was likely that some of our recommendations would inhibit the parties' ability to raise funds and result in additional pressures on the finances of political parties which were already under strain."

The committee was right to be so worried.

The Electoral Commission took over the baton from the Neill committee and made a similar recommendation in the report that is the subject of this morning's debate. Its scheme is built on the gift aid scheme, under which, again, individual donors, not the Government, decide. The purpose is to reduce the dependency on large donations and to broaden the membership base. After reviewing how such schemes and match-funding schemes had operated in other spheres, the commission recommended:

> "A system of income tax relief on small donations to political parties should be introduced. The scheme should be limited to relatively small donations, up to a value of £200 (or the first £200 of larger donations) in any tax year, the value being up-rated in line with inflation. We recommend that tax relief should be given on membership subscriptions and cash donations, but not on benefits-in-kind or on payments which involve a potential benefit to the donor.
>
> The system should be open only to those registered parties that can demonstrate representation or a significant level of electoral activity at the Westminster, European, devolved or local level."

The commission further recommended that donations from non-taxpayers should attract an additional sum to the party, equivalent to the level of tax relief.

That concept of support for political parties is not new; we have policy development grants, Short money—Margaret Thatcher was the first Prime Minister to be elected using state funding—party political broadcasts, freepost and the free hire of public buildings. The Electoral Commission is advocating a logical and necessary extension of a system that is already in existence.

On the intervention by my hon. Friend the Member for Chichester, I also favour a cap on donations, so that the public can see that money cannot buy influence or leave politicians beholden to funders. I recognise that the Electoral Commission is not pressing for that at the moment, and my hon. Friend might develop his point if he catches your eye, Mr. Taylor.

The public seem to want an end to large donations, with all the problems that they involve. However, people need educating about the fact that, if that source of income is cut off, and parties are to continue doing what is expected of them, the shortfall will somehow have to be made good. The proposals that I advocate will not replace such donations, and that is perhaps one reason why we should not ban them at once. If we want to phase them out, however, we need to begin to phase the alternative regime in.

I understand that a Government who are perhaps not popular might not want to risk further unpopularity by going down that route. A survey commissioned by the Electoral Commission showed initial hostility to the proposition of taxpayer subsidy. However 70 per cent. also said that funding parties by means of voluntary donations is unfair, because there is a risk that wealthy individuals, businesses and trade unions could buy influence over parties. Cragg Ross Dawson, which conducted research for the commission, found that the public, after deliberation, were broadly in favour of increased, or total, public funding of political parties, even if it would necessarily be funded through the tax system. The reasons given included less sleaze, the low cost to taxpayers and a fairer system.

The Labour party was the only party to comment on party funding in its manifesto for the general election. It said:

> "Having been the first government to take action to clean up the funding of political parties, we will continue to work with the independent Electoral Commission to explore how best to support the vital democratic role of political parties while recognizing that campaigning activity must always be funded by parties from their own resources."

Just two months ago, in September, Lord Levy—his appetite for raising funds apparently beginning to be exhausted—announced that he would retire from his position as a Labour party fundraiser when the Prime Minister retired. He said:

> "I think it is important that an overall review takes place on the issue of party funding. In that framework the issue of state funding should be explored."

He prompted a brief exchange of letters in *The Times* and received support from Vernon Bogdanor, a constitutional expert, who supported limits to individual donations and match funding. I believe that that would be the right move and I am sure that the Prime Minister

[Sir George Young]

would welcome it, as indeed would the Minister, if it meant more evenings at home, instead of sitting in a ball gown in Grosvenor house next to some boring but rich potential donor discussing the taxation of offshore oil exploration. The beginning of a new Parliament is the right time to make such a move.

I rest my case. Two independent bodies have given their verdict, one at the specific request of this Government. The other was a new body that was set up by them and is charged with examining our electoral system. The Government have so far rejected the common recommendation and they have made the problem worse by some of the other actions that they have taken. The right time to take the matter forward is at the beginning of a Parliament, with some political cover from some members of the Opposition. I look forward to a positive and encouraging reply from the Minister.

9.50 am

Mr. Andrew Tyrie (Chichester) (Con): I have spoken and written about this subject quite a bit, but I will not rehearse what I said, standing where I am now, when I succeeded in securing a debate on this issue three years ago.

I want to pick up on a number of points. My right hon. Friend the Member for North-West Hampshire (Sir George Young) has done a superb job in setting out the field. I agree with almost everything that he said and I hope that the Labour Government are listening carefully.

There is a huge gap between the public image of us and the reality. The reality is that the vast majority of MPs are uncorrupt and the vast majority of British politics is conducted in an uncorrupt fashion. It is probably more uncorrupt than any other major democracy. We have a huge number of people dedicated to public service in this institution. The tragedy is that this is completely swamped and swept aside by the image created as a consequence of a relatively small number of problems which derive from the way in which we run our constitutional and parliamentary affairs. One of them is donations to political parties, which is why we need to address it.

In that regard, there is a stench of political corruption in the nostrils of the electorate. Frankly, it is not all a stench of their imagining: there has been the Ecclestone £1 million; the PowderJect donation; Mr. Mittal's donation in exchange, it appears, for the letter that went to the Prime Minister of Romania about its steel industry; the Hinduja £1 million donation to the dome, which was alleged to be in exchange for a passport application; and the blind trust, which we still have. How blind can a blind trust be when the key person running it is the doorkeeper to the Prime Minister and his key assistant for the first half of Labour's term was the hon. Member for Coventry, North-West (Mr. Robinson)? That does not build and sustain the electorate's confidence in party donations.

There have also been honours sales on a massive scale: Messrs Bragg, Gavron, Haskins and Sainsbury. The front page of *The Times* today leads on the story, lest the public are beginning to think that the stench in the nostrils is diminishing. The headline states: "Sleaze row as election donors get peerages". So, there have been some more honours sales. Of course, both sides are involved.

The unions have been at this for many years. They have demanded changes in employment policy. For example, the National Union of Rail, Maritime and Transport Workers demanded such changes and said that if it did not get them, it would withdraw constituency support from a number of Labour MPs. The Liberals have had a scandal of their own.

At this point, a number of hon. Members must feel that I have decided to ignore my party. I am completely devoid of an answer to the good piece of research by the Institute for Public Policy Research into the allocation of peerages prior to the 1997 election, which showed that 50 per cent. of knighthoods and peerages went to companies that made donations to the Conservative party, whereas only 6 per cent. of them went to other companies. I have not been able to think how that extraordinary imbalance could have come about other than its perhaps involving just a whiff of the stench of political corruption in our own nostrils as well.

The truth is that there is a conspiracy of near silence—a shuffling of the feet on the part of all parties, including the Liberal party and, in particular, the major parties. We need to bring it to an end, and the only way to do that is to ban large donations. It is such donations, whether from unions, rich individuals or companies, that create a bad impression. I would favour setting a cap as low as £1,000, but I have been persuaded that it should perhaps be £5,000.

If we were to introduce such a low cap, parties would be short of cash—but how short? One of the illusions that we have allowed to develop in the minds of the electorate is that parties are somehow self-funding and that state funding scarcely exists. My right hon. Friend mentioned some of the state funding that exists. If he had turned that into numbers, he would have found that there is a reasonable case for saying—an orthodox view—that, taking into account total state funding in cash or kind, including free access to television and radio for party political broadcasting, and other forms of support such as the free drop during general elections, roughly half of all party political activity in Britain is funded by the state in one way or another. Therefore, we are talking about the other half.

How much of the other half consists of large donations? It is probably 50 or 60 per cent.—between a quarter and a third of the total cost of party politics. Either we will have to plug that gap or parties will have to operate on rather less cash. British democracy would not collapse if parties had less funding with which to fight elections. Indeed, another of the Electoral Commission's proposals to which my right hon. Friend alluded was the possibility of reducing the limits on party funding during elections.

My right hon. Friend has supported strongly the proposal that there should be tax relief on political donations. I am sympathetic to that view, but I do not think that it is the best way forward. However, I would not allow the best to be the enemy of the good. A matching funding scheme is the most sensible way forward, for several reasons. One is that it is easy to adjust the amount that ends up in the hands of parties because it does not have to be a 50 per cent. match; it could be a 60:40 or 30:70 match, which would ensure some continuity of funding to political parties. It is also very direct. I could turn up in my constituency and say, "If each of you will raise x, I can get y back." That is clearer and more direct than saying that people should fill in a form to enable them to get tax relief, so that is the scheme that I favour.

The Government's arguments against those proposals scarcely stand up. They say that it is state funding by another route, but we already have huge state funding in cash and in kind. They also claim that it would be too expensive, and my right hon. Friend correctly swept that argument aside with a wave of the hand, saying that they could find a few million very quickly. It is also worth bearing in mind that we already spend a huge amount—far more than the £5 million or £8 million that might be required—trying to bolster the public's confidence in the electoral system in other ways. For example, increased funding has gone to the Electoral Commission, which probably costs three times as much to run as it cost to administer the task in the Home Office, which ran the system prior to the creation of the Electoral Commission.

The seismic change has to be the complete banning of large donations. If we do that, we have a good chance of restoring some of the electorate's faith in political parties and we will certainly make it much more difficult for people to claim—I am afraid with some justification—that honours can buy power and influence and have been bought by party donations. Such party donations are listed on the front page of *The Times* today.

I have raised the matter on numerous occasions, and I get the standard replies from the Government that have obviously been prepared carefully in the Department. I have also raised it with Sam Younger. I thought that he produced an excellent report, but unfortunately it funked this key issue. Only last week, in the Constitutional Affairs Committee, I said to him that

> "you shied away from the key recommendation which might have addressed it, did you not?"

He replied:

> "Yes . . . it is fair to say that we did".

He then explained why, and I think that this is quite interesting. He said that the trouble is that on the one hand, the electorate said:

> "We do not like the idea of big money being able, as we see it, potentially to buy influence",

and that, on the other hand, people said,

> "'Is it right that public money should go to political parties', the answer is 'no'."

Of course, that is a problem for us. It is a problem for Sam Younger. But is that not what we politicians should be about: convincing the electorate that they already put money into political parties, that it is right that they should and that a modest increase—which is all we are talking about—in return for getting rid of large donations must be a sensible way forward. Is it not important that the Electoral Commission, rather than engaging in "followship", should try a bit of leadership? Is it not the job of Sam Younger and the Electoral Commission to take a view? Would it not be helpful if, as a result of this debate, the Electoral Commission had a clear sense that it needs to come back to the issue and give us a stronger steer on that key recommendation?

I rest my case. If we succeed in getting a ban on large donations, I am confident that we can restore a good deal of the trust in political parties that the electorate appears to have shed. If we do not, articles such as that on the front page of *The Times* will continue, as will the haemorrhaging of public confidence in party activity.

10.2 am

Mr. David Heath (Somerton and Frome) (LD): First, I congratulate the right hon. Member for North-West Hampshire (Sir George Young) on initiating a particularly timely, as it turns out from today's headlines, debate on an important subject. I also congratulate him on the content of his speech and the way in which he set out the issue. He was ably followed by the hon. Member for Chichester (Mr. Tyrie), who added value to the debate and made it plain that the issue should be addressed. I am a little surprised that all parties are not represented in the Chamber this morning, because the matter quintessentially affects us all and we ought to hear a range of opinions on it.

I agree entirely with the right hon. Member for North-West Hampshire. There is no excuse for the delay in responding to the Electoral Commission's proposals. It is an extraordinary lacuna in the Government's response, particularly in the context of the Bill we will be dealing with this afternoon, which, it might be thought, could have been an appropriate vehicle for some of the necessary reforms.

I also agree that it would be wonderful if we could reach consensus. It would make all our lives, including those of Ministers, easier if we had a common view. I fear that that may be a counsel of perfection. It may be that self-interest will get in the way of the interests of the country in providing a proper and effective system that inspires the confidence of the electorate and, at the same time, ensures a vibrant democratic system. There is inevitably a bias in favour of maintaining the huge disparities in funding. If we went before the Competition Commission, the clear view would be that some parties hold monopolistic positions in this country. They do so because they can attract funding, and good luck to them, but that reduces genuine democratic competition in this country significantly.

Both hon. Members who spoke made significant points about large donations. I shall address those points, because the effects or potential effects of extremely large donations to any of the parties colours the public's perception. I say "potential effects" because there is no difference between real and perceived influence in that they both reduce the confidence of the electorate in political parties and the political system.

What are the potential effects of large donations to political parties? There is a perception that they might affect the personnel of parties—people who might be elected in particular constituencies—or, indeed, the party leadership. We need only look at the election of the Conservative party leader—not this one, but the previous one—in which people who donated large amounts made no bones about the fact that they would stop their donations unless the leader of the Conservative party was removed and a new person put in his place. When the new person was put in place—who was equally ineffective in some ways—the large donations resumed. That was a direct influence on the way in which a political party proceeded.

[Mr. David Heath]

Another effect of such donations is one that borders on corrupt practice. It is the perception that if someone gives a large donation to a Government party, or a party that aspires to Government, their business will profit because they will have direct access to contracts or a more benevolent business environment in which to work. The concern was expressed in both the Mittal and Bernie Ecclestone cases that donations were somehow having an effect on Government policy. Whether that is true or not is almost immaterial to my argument.

There is a fear that large donations can affect party policies disproportionately in relation to the mood within the party or the views of ordinary party members. If someone has a strong view on a particular policy area and is prepared to back it up with an awful lot of money, that view may prevail.

There can also be a direct influence on the conduct of elections. We know that a limited number of seats are likely to change hands in an election under our system, so a wholly disproportionate effect can be gained by the application of significant amounts of funding in marginal seats. The right hon. Member for North-West Hampshire said that he saw little evidence of that in his constituency. Well, I am not surprised, but I saw considerable evidence of it in my constituency because it is a perennial marginal seat. It might be described as a safe marginal seat, as I always extend my majority, but by nothing so vulgar as to put it into four figures. There is undoubtedly directed funding. I do not say that political parties should not target seats; we all do that, but—we shall explore this when we consider the Electoral Administration Bill—there is a limit to what national parties should be able to put into local campaigns.

Donors can also have an influence by putting money directly into marginal seats to sustain a candidacy during a Parliament, or through third-party advertising or involvement. We saw that with the short-lived Referendum party, which tried to have a direct effect on a number of marginal seats represented not only by Members from my party but by Conservative Members. Those who did not pass the test—those who did not have a true Europhobic attitude—had material distributed in their constituencies, irrespective of whether that party—the word should be in inverted commas—had candidates standing in those constituencies. That, too, had a direct effect on the conduct of elections.

Another matter touches on the activities of the Referendum party, but it is of far greater concern in connection with the more extreme parties. That is the effect that a large donation could have on a fringe party. A millionaire or multimillionaire could buy a small fringe party lock, stock and barrel, funding it out of all proportion to its membership or following for the direct electoral effect that it could have. Essentially, it would be a party of one—one very rich man who could put forward an extreme position in constituencies throughout the country. We should be worried about that.

Last is the link—it is more than perception—between patronage and the expectation of honours. One must assume that *The Times* has the correct information, but as the hon. Member for Chichester pointed out, today's edition tell us of the new working peers who are to be created. We read that Sir David Garrard and Sir Gulam Noon each made donations of more than £200,000 to the Labour party. Sir David obviously spreads his bets a little; he once donated £70,000 to the Conservative party. He clearly needed to support political parties of one sort of another—no doubt with no expectation of preferment. The new Conservative peer, Mr. Robert Edmiston, gave the party £250,000 last year and happens to find himself on this year's honours list. I note that Mr. Jonathan Marland, whom I defeated in the 2001 election, is to be ennobled; he was generous with his donations in my constituency when he was a candidate, and he has no doubt made significant contributions to the country's good since leaving Somerton and Frome and finding new roles elsewhere.

I do not single out individuals because, as the hon. Member for Chichester said, a series of honours lists have been filled with people who happen to have been generous benefactors to the various political parties. As has been pointed out, we are going back to the days of Lloyd George. Although Lloyd George did many good things, the way in which he dealt with the peerage lists was not one of the most salubrious aspects of his political career. It was wrong.

I am almost tempted to say that I would rather have a peer who was preferred by patronage in the 18th century than one who was preferred last week, because the former would be in a more disinterested position. I do not take that view, however, because I want to see an elected upper House. Indeed, I look forward to the day when we have an elected House, as we will not have any of this patronage nonsense. Some people in high positions want to see the whole of the second Chamber put in place by a rotten system in which one pays a lot of money to a political party and ends up making the law, but that is not defensible in any circumstances.

What is the answer? I agree with those who say that there should be a cap on large donations. That is appropriate, and I make no bones about it. However, doing so could cause a funding gap that prevented the political parties from doing their work effectively. I speak for a party that has never been able to raise large donations in any number, despite recent headlines to the contrary. We have always relied on small donations from our members and from fundraising activities. All the political parties could live on less if they tried. We do not do too badly, despite the fact that we have a disproportionately smaller amount to spend.

There is a very good argument, which we have already heard, for the state to recognise the role of the political parties in the political system. As has already been said, the principle of public funding is not new; it emerged years ago. We have Short money, policy development money, freepost, party political broadcasts and public buildings, so it is nonsense for Conservative Front Benchers to continue to believe firmly—I hope that I shall be proved wrong—that public funding is somehow anathema. They benefit from it enormously. The Conservative Front Bench is paid for out of public funds. I do not argue that it should not be, because the Opposition are part of making our political system work, but it is utter humbug to say that public funding cannot be extended to ensure that the greater political will is done.

I do not believe that large donations from public funds is the answer, either. That would be the wrong way to do it. The public would be rightly suspicious if someone simply put their hand in the Treasury, pulled out a large sum of money and said, "Here you are. Here's some money to spend on your political campaigning." I do believe, however, that linking funding to money raised from members of local parties or through local fundraising is very appropriate, because it directly links the amount that is being dispensed with the activity levels of the local parties. It has been suggested that there are two ways of doing that, one of which is tax relief. I do not buy for a moment the Treasury line that that is too difficult; as the right hon. Gentleman says, how many charities do we have in this country, and how many political parties? It is nonsense to suggest that that cannot be managed.

I believe that match funding is a better way of raising funds, simply because it is simpler, more transparent and more obvious. We have made the modest suggestion that one way of providing the funding for that, without huge damage to the programme of the Government or future Governments, might be a 10 per cent. cut in the Government's £200 million advertising budget. That would pay for match funding; that would deal with it. Problem solved. Would the public recoil at the prospect of 10 per cent. less Government advertising? I suspect that they would not. Would they benefit from the political parties being free of the confines of large donors and perceptions of sleaze? Yes, they would. I believe that that is a sensible way forward, and I hope that the hon. Member for Wealden (Charles Hendry) can match the eloquence of his colleagues and their desire to make a real difference. I hope that the Minister will respond positively, or at least respond, to what the Electoral Commission has said.

10.18 am

Charles Hendry (Wealden) (Con): I, too, congratulate my right hon. Friend the Member for North-West Hampshire (Sir George Young) on securing this debate on a subject that is long overdue for discussion. It is, in some ways, sad that it is being held in this Chamber rather than in the main Chamber of the House of Commons, but at least we have the chance to discuss the matter today. I am also grateful to the hon. Member for Somerton and Frome (Mr. Heath) for his challenge. I would be hard put to match the eloquence of my right hon. Friend, but I shall try to deal with some of the issues that he mentioned.

My starting point is that I do not believe there to be a public appetite for a massive extension of the state funding of political parties. People would be extremely angry if we told them we know that they could face tax rises or cuts in public expenditure because of the state of the economy, and that it will be a difficult year for the health service and an extremely difficult year for our local authorities, particularly in the south-east, but that, by the way, we plan to change the rules so that we in the political parties have to do less work and will be funded by the taxpayer.

An important distinction should be drawn between supporting parliamentary work and duties, such as that which Short money enables, and a broader support for parties' political campaigning. The electorate would have greater difficulty accepting that, especially when they dislike much of the modern style of political campaigning.

I take on board what my right hon. Friend said about the disengagement of the electorate, but part of that is down to the style of campaigning, which leaves them cold. We need to inspire them, and to appeal to their hopes and aspirations rather than frighten them. There is an advertising belief that elections are won by being negative. I believe that we win elections by showing that we have policies to which people can relate and which they feel represent a better way of doing things. If that advertising theory came through in campaigning, people would feel that they were paying more money in taxes to subsidise such activity.

In this country, voting is voluntary, whereas in some other countries it is compulsory, but we have chosen not to adopt that approach. Why should every taxpayer, including those who have chosen not to vote, be obliged to contribute towards the campaigning activities of political parties.

My right hon. Friend spoke about the decline in election turnouts. Only 13 years ago there was an historically high turnout, so there has not been an inexorable decline over decades: it comes and goes. A decline in turnout is more likely when people ask themselves whether the election really matters and whether their vote will make a difference. It depends on whether they care or whether they have contempt for the entire political system. They feel disillusioned for many reasons, but no one has ever said to me that they feel disillusioned because of how political parties are funded. As my hon. Friend the Member for Chichester (Mr. Tyrie) said, it is part of a wider element, but not one of the key issues that affect voting. The problem will certainly not be resolved if we say to people who are already disillusioned that they will have to pay a little more in tax to fund a system that they dislike.

In 1992, when we had that historically high turnout, we had the same funding system as we have now. There was a little difference in the amount of Short money available, but the parties were funded through voluntary principles. Some of the extremely rich made significant contributions. That did not prevent people from voting in the election.

Sir George Young: Has not there been a significant change since then with the introduction of the Political Parties, Elections and Referendums Act 2000, which has made it much more difficult for all political parties to raise money from companies?

Charles Hendry: Yes, that has made a difference. It is part of the answer to the question to which my hon. Friend the Member for Chichester could not find an answer. Pre-1997, many public companies gave money to the Conservative party, because there were not the same rules on declarations and openness, and they were profoundly concerned about the implications of the election of a Labour Government. It was not surprising that many of those business leaders ended up in the House of Lords, because in those days more companies provided support to the Conservative party. My right hon. Friend is undoubtedly right that there has been a significant change because of that. However, the biggest change has been the perception that donors now get much more in return for a small amount of money.

[Charles Hendry]

My right hon. Friend also spoke about the declining membership of parties. A significant element of that has nothing to do with the funding of parties, but with the move towards computerisation in our associations. In my association, membership is highest in branches that have a determined troop of people who go round knocking on doors every year. When someone new moves into the area, the first person who turns up is the chairman of the local Conservative branch, who finds out what they are interested in and whether they want to join the party. We have the most vibrant branches in those areas. Computerisation has significantly contributed to that. There is also a general lack of willingness of younger people to join organisations, be they political parties or charities.

If we go down the route of state funding, we will end up with people paying taxes to support the views of parties that they dislike or even abhor. It is difficult to draw a distinction to prevent the British National party from receiving some state funding. We cannot have a system that makes available state funding but only to those parties whose views we happen to like and believe are acceptable. Under the proposed system, if people wanted to vote for it the BNP it would have to be eligible for funding and it is reprehensible and unacceptable that taxes would be used to fund such racist activity.

State funding would undermine rather than underpin our representative democracy. It is unhealthy for parties to be dependent on the state as it limits their freedom for manoeuvre and their ability to talk about what they really think. To consider it from a different dimension, there is a suggestion that there should be funding from the European Commission to parties that are genuinely pan-European. What is worrying is the expectation that it would also require parties eligible for funding to have commitments to various European ideals: essentially, parties can have access to state funding only if they fit into the pot of what we think a political party should be doing. That fundamentally undermines the principles of representative democracy.

Sir George Young: What has happened to the party to which my hon. Friend and I belong since 1999, when we all voted for a slightly more generous scheme in the House of Commons than that proposed by the Electoral Commission? We knew all the arguments but none the less the Conservative party voted for amendments that would have implemented the scheme that my hon. Friend is now speaking against.

Charles Hendry: As I said earlier, there is a distinction to be drawn between voting for support for parliamentary duties to ensure that those in this building can operate effectively and properly and support for campaigning; there are other aspects of the matter that I shall mention in a moment. There is a fundamental difference.

Dr. Alan Whitehead (Southampton, Test) (Lab): Does the hon. Gentleman accept that there are methods of securing the assent of individual electors to a proportion of what would otherwise go in their taxes to support for political parties which would gainsay the idea that one puts money in to support parties that one does not necessarily agree with? Those methods might therefore be the answer to the question that the hon. Gentleman poses.

Charles Hendry: We must either have a system of state funding for all political parties or a system that limits state funding. That route leads down the slippery slope; we cannot pick and choose between parties simply because we do not like them. There must be some consistency, which is lacking.

The voluntary principle is fundamental to how our political parties work and we should encourage it; state funding would undermine it. A typical situation is that each party would receive £2 million in state funding—about 10 per cent. of their election spending. That would undermine their ability to say what they truly believed because to some extent they would be dependent on the state and therefore could not speak as freely as they might wish to.

Mr. Heath: I should be interested to know whether the hon. Gentleman and his Front-Bench colleagues in the Conservative party are constrained in what they are entitled to say or believe by the application of state funding for duties in this House.

Charles Hendry: It comes again to the distinction between support for parliamentary duties to ensure that we can hold the Government to account and operate our organisations within Parliament, and support for campaigning. The public would draw a distinction between them. They want the Government held to account and they want this place to operate efficiently, but there is not a great demand out there for paying extra money in taxes so that we can campaign against each other in elections. Once we started down that slippery slope we would move into a vicious circle whereby people in our constituencies would do a little bit less because more came from the taxpayer. Then they would say, "Come on, give us just a little bit more, because that will enable us to do what we need to do," which would undermine the principle of voluntary activity in the party.

The present system under which the parties have to raise their own funds makes them think very carefully how they spend it. They know that if they have only a limited income and they choose to spend it on advertising on billboards rather than on direct mail, there is less money to spend on other things. It means, therefore, that they must be careful in their choices about how to spend it.

The point made by the hon. Member for Somerton and Frome about the targeting of marginal seats is, to some extent, a red herring in this debate. Clearly, parties target their efforts on marginal seats and will continue to do so whether there is state funding or voluntary funding. That is where the election is won. I share the hon. Gentleman's aversion to four-figure majorities and believe that a five-figure majority is much more encouraging. However, as to the way in which election campaigns will always be run, we must recognise that more effort will go into more marginal constituencies.

As my right hon. Friend said, there is already considerable subsidy for political activity, including, for example, free election postage and the use of air time on television. We must be extremely careful before we extend that too broadly into a more general approach to political campaigning subsidies. I have great sympathy for the idea of tax relief on political donations. There are grounds for consistency. If people who give money to a charity can be given tax relief on that, I do not see why a distinction should be drawn so that, uniquely among voluntary organisations, political parties are excluded. I should be grateful for the Minister's response about tax relief, which should be part of the way forward.

My right hon. Friend touched briefly in his opening remarks on policy development grants. The manner in which that funding is allocated is flawed. It is not right that the money should be given equally to the parties. For example, the Government have tremendous additional resources for policy development. A key part of the Government machine is organised towards policy development. To give them the same contribution through the policy development grant is wrong. The allocation should also relate to the level of support for the parties.

There has been some discussion already about whether a cap should be imposed on donations. In a free society people should be able to spend their money as they wish, especially with clear rules on declarations. The argument is a sideshow in the debate.

Mr. Tyrie *rose*—

Charles Hendry: I shall give way in a moment, but I want to deal first with a point that my hon. Friend made. What is most important is to get rid of the blurred lines from the trails of paperwork, so that the connections between giving funding and receiving Government contracts can be seen, and to deal with issues such as the increasing politicisation of the civil service. Along with that must go a fundamental reform of the House of Lords. As the hon. Member for Somerton and Frome said, until there is a majority elected House of Lords, we will not get the transparency that we need.

My hon. Friend the Member for Chichester raised the suggestion that anything over £1,000 should be capped. Even if we were to take the capping route, that would be ludicrously low. In a typical non-election year the major parties will raise £10 million each, and £1,000 is one ten-thousandth of their spending; it is what they spend in less than an hour each day. During the debate the main parties have spent more than £1,000 on general running costs, never mind what they spend on their campaigning in an election. A cap at such a level suggests that someone would gain favours for contributing a small amount that would pay for a political party's running costs for an hour. That is ludicrous.

Mr. Tyrie: Perhaps we could take a look at a £5,000 cap, if my hon. Friend does not like £1,000.

I just wanted to clarify one point. I heard virtually non-stop argument against all forms of extension of state funding. Indeed, so strongly held were the views expressed that sometimes I thought that my party's Front Bench would voluntarily hand back Short money and the policy funding. Then, a moment later, I heard what I thought was support for the proposal to extend state funding sharply, by offering tax relief to individuals who donate to political parties. Is that my party's policy?

Charles Hendry: It is indeed. It was the policy that my right hon. Friend the Member for Maidenhead (Mrs. May) advocated when she was party chairman and involved with the Electoral Commission. It was said that we should aim at having tax relief up to a donation limit of about £500.

The difference is that a blanket subsidy does not go to a particular political party. That is wrong. It follows the principle that if, people contribute towards a charity they are entitled to tax relief, so why should a political party as a voluntary organisation uniquely be excluded from that process?

Dr. Whitehead: Is not a short step towards the process of ticking off a small level of support for a political party the use of a tax return? If a person is not well off enough to make a large donation to a party, a small sum, which is under the control of the person making the tax return, can go to the political party of his or her choice. Is that principle in any way different from what the hon. Gentleman suggested when he referred to tax relief in respect of perhaps different donations?

Charles Hendry: Tax relief is a more consistent approach because it is available to anyone when giving money to charity. The organisation can claim tax back on the contribution. That is the most consistent way forward. It ties in directly with the contribution of the individual rather than supporting a blanket contribution from the Exchequer to the individual actions of political parties, which would cause a more fundamental problem for the reasons that I have outlined.

The hon. Member for Somerton and Frome spoke about problems in respect of caps on contributions when one person funds a political party. We must be careful about such matters. He may have had in mind James Goldsmith and the funding of the Referendum party, which was very much a one-man party. My worry about such an approach is that the party ended up getting well over 1 million votes. It was clearly in touch with what people felt, and which they did not consider was represented by other parties. I absolutely oppose what he stood for, but to say that an individual who passionately believes in something should not be allowed to support or set up a political party to carry forward views that were not advocated by the mainstream parties is a fundamental denial of people's democratic rights.

Even if we disagreed with what James Goldsmith stood for, the fact that more than 1 million people voted for him showed that he was touching an important vein of opinion in society. However, had his party been reliant on state funding or had there been caps on donations, that could not have happened. Such matters represent important issues in our democracy.

All of us in our constituency lives come across a range of voluntary organisations that are struggling for funding. They have to find new projects because they cannot receive funding for older projects. After three years, funding dries up and they become fed up with the

[Charles Hendry]

form filling. People who work in the voluntary organisations will say, "Will you explain why you consider that it is more important to support political funding through a block grant than it is to support us in our work for the homeless and the elderly in other sections of society?" There will be tremendous anger over block grants. Tax relief is a different approach. It recognises the contributions that people have made and it is tied in to individual decisions rather than block grants.

We are all keen to know what the Minister has to say, because we have waited a long time for a response to the report. I am sorry to have detained hon. Members for an extra few minutes, while other parties will be spending an extra £1,000 to hear what the Minister has to say in her overdue response.

10.39 am

The Minister of State, Department for Constitutional Affairs (Ms Harriet Harman): I join other hon. Members in congratulating the right hon. Member for North-West Hampshire (Sir George Young) on instituting the debate and on the amount of work that he has done on the issue. He has put in a great deal of thought and approached the matter with consistent principles, which he has brought to the debate. Nearly all of what he said is self-evidently true.

I also congratulate the hon. Member for Chichester (Mr. Tyrie) on his speech. He, too, has a long track record of speaking on the issue, and almost all he said was self-evidently true. Just as the right hon. Gentleman wrote the foreword to Matt Cain's important report for the Institute for Public Policy Research report—I pay tribute to. Matt and IPPR for their work on that report—so the hon. Member for Chichester contributed "Our politics is healthy. Our party finances stink" to a New Politics Network discussion paper. The analysis from the hon. Member for Somerton and Frome (Mr. Heath) echoed and endorsed their comments.

I am glad that the Government have yet to produce our response to the Electoral Commission's report, because we now have the opportunity early in a new government term to look at the issue afresh. As a new Minister in the Department for Constitutional Affairs, I can get involved in this important debate.I cannot provide a detailed policy response this morning; indeed, I cannot make any new announcements at all. I hope, however, to respond to some of the principles that hon. Members have raised.

The right hon. Member for North-West Hampshire is absolutely right to place the debate in a discussion about democracy. It is a problem if people feel cynical about democracy, and it is a problem if people do not vote. The hon. Member for Wealden (Charles Hendry) said that many things contribute to that happening. He is right but we must look at all the problems and act on those on which we can.

The hon. Gentleman also said that voting is voluntary and, as such, plays against the idea of tax-funded contributions to party activity. Although it is true that voting is voluntary, democracy is not—it is our one and only system. Just as it is right for people, even if they do not go to hospital, to pay for the NHS, because to do so is in the interests of the country, it is helpful to look at what is the best system of governance for the country. How can we sustain confidence in the democratic system? If people do not have confidence in democracy, it does not work.

The right hon. Member for North-West Hampshire talked about the importance of political parties. Once again, I strongly agree. Political parties provide policy platforms and choice. They are the means to deliver those choices and are channels for political discourse. I regret that one can often cross out the words "political party" in newspaper articles or speeches from non-politicians and insert "criminal activity", only for the sentence to flow as easily.

We must re-argue the case for political activity and political parties. We politicians must restrain ourselves from saying, in order to curry favour with a certain audience, "This is not a political point but," as if we will spring free from politics. We all have a responsibility to make the case for politics and political parties. However, the right hon. Gentleman rightly said that parties need infrastructure. There we make the choice. Those who believe in democracy believe in political parties as an essential part of that democracy. Political parties need an infrastructure. Do we let political parties wither away or do we let them increasingly depend on donations from big companies and rich men? Or do we do something more? That is the choice we face.

The hon. Member for Wealden said that he did not see much public appetite for giving taxpayers' money to political parties. It is true that people do not rush up to us in the street to argue for tax funding for political parties. However, we do see public aversion to the idea that the principle of democracy, which is fundamentally about equality—that each individual has the same say and the same right—should be interfered with by rich individuals or rich companies buying into the process.

Perhaps I should declare an interest. I represent a constituency that includes Peckham. We do not have any millionaires in Peckham, and we probably do not have any people who would donate £5,000. The hon. Member for Wealden said that he thought £1,000—even £5,000—was a ludicrously small amount. At one level, I understand what he says. However, one should look at the matter from the point of view of my individual constituents and their estimation of what impact and influence they have on the constituency. I have sat round in Labour party meetings as my hon. Friend the Member for Battersea (Martin Linton) will have done in his neighbouring constituency in south London—incidentally, I pay tribute to the huge amount of work that he has done over many years on this subject. During those meetings, there may be a raffle of a few tins of food for the party, and people give very small sums of money. That is what it used to be like 20 years ago when I was first elected as a Member of Parliament. Local party members will be deterred from making such contributions and will not feel that they have a role in contributing to the party if they are completely "overfaced". If they think that donations are entirely the remit of millionaires, they will feel that they themselves do not matter. We should step back and think about those matters and their possible effects.

Charles Hendry: That section of the debate focused on whether there should be a cap on donations. The right hon. and learned Lady criticised the £1,000 and £5,000 level for rich people or businesses. She did not mention donations from trades unions, which would also be pretty significant. Is the right hon. and learned Lady for or against a cap?

Ms Harman: As I said when I began, I am generally discoursing on the issues; I am not pronouncing on policy, other than on what we have already said in our manifesto, which the hon. Gentleman kindly read out. I am just agreeing with some of the problems that have been raised. I cannot step forward, snap my fingers and say what I think the answer should be. I am really just empathising and recognising the truth of the problems that have been set out by some hon. Members in the debate.

Sir George Young: I am grateful to the right hon. and learned Lady for giving way; we are enjoying the discourse. Do the Government intend to respond formally to the Electoral Commission's report and, if so, by what date?

Ms Harman: We will formally respond when we have had a full debate on the matter, to which this debate has contributed. We will respond in due course, but I cannot give the hon. Gentleman a specific time.

The hon. Member for Somerton and Frome made an important point about the difference between real and perceived influence and the difficulty of distinguishing between the two. There is also the difficulty of proving a negative. If people give money, the general assumption is that there is no such thing as a free lunch, and it is difficult to prove that there has not been undue influence.

Before the hon. Member for Wealden intervened, I declared an interest as the Member of Parliament for Camberwell and Peckham—an area not populated by millionaires. I intended to declare a further interest, in that I am married to the treasurer of the Labour party, who is also a trade union deputy general secretary. At the Labour party conference earlier this year, the treasurer moved the motion that the cost of individual membership of the Labour party should be increased from £18 to £36 because, unless the members pay up, the party will inevitably become reliant on rich men.

The question whether we have a system that has a large number of small donations or a small number of big donations is important. It is true that big donations raise concerns about legitimacy, and those concerns are felt much more by poor people than by rich people. Our concern in this Government is to protect democracy: that is the responsibility of the Department of Constitutional Affairs, although we go about it in a non-party political way. We are concerned, as a Labour Government, about issues of inequality. The question of people's sense of their equal participation in democracy is very important.

Some work to be published later this year by the IPPR shows that democracy used to be the one thing that cut across the class divide. We all know about the class and socioeconomic divide in health and educational outcomes, but the one thing that was equal across all classes was democracy and participation in voting. The last three elections have seen a change in that: it is no longer the case that people's propensity to turn out is irrespective of their social class. There is a growing gap between the registration and turnout of better-off people in society and those of poorer people. We have an inequality problem in our democracy, and we must consider how political activity is funded, what people in the country make of how parties go about their business and how they are funded. We must look at it in the context not only of the debate about democracy, depending as it does on political parties, but the debate about inequality.

I add my congratulations to Lord Puttnam and his colleagues on the Puttnam report. How we go about our business in the House, making Parliament much more representative, is something that we ought to consider in order to contribute towards public confidence. It is also important that people from individual political parties do not have to rely just on the media. If we cannot afford to communicate directly with our constituents, we must rely on the media. The question is: is there a worse alternative to the current situation? It is important for parties to have sufficient funds to be able to communicate directly with the electorate from which they are seeking votes, instead of having to go through the media. It is also true that turnout is dependent on contact. Apparently the clear evidence is that the more people are contacted individually by parties in a constituency—this is surprising and counter-intuitive, as one would think that people would want to reward us for staying away from their doors—the more likely they are to turn out. I can see the hon. Member for Chichester shaking his head about that.

However, contact costs money. I agree with research done some years ago by my hon. Friend the Member for Battersea which showed that there are some things about party politics that people do not like the idea of paying for and other things that they do not mind so much. We can all agree that people would not like money that they pay in taxes going on negative campaign billboards. Evidence drawn up by my hon. Friend shows that people do not mind supporting research, policy making, and youth activities, and hon. Members have drawn attention to the big problem of non-participation of young people in our democracy. Legitimacy walks away from democracy if people walk away from it. People support youth activities, quite rightly, and councillor training, equipment for offices, and the work of parties in Parliament, including Short money. There is possibly less of a difference between the hon. Member for Wealden and his colleagues than might have first appeared during his comments. The Electoral Commission is doing further work on the matter. We should all agree that there is a problem. In the past, the matter has been placed in the "too difficult" box. It is not an easy matter to resolve, but there has been a broad measure of agreement during the debate. We can work together, drawing on the work of the Neill committee, the Electoral Commission, and the work in which hon. Members have already engaged.

Sir George Young: I sense a peroration coming. Before the right hon. and learned Lady concludes, will she agree to look at the matter with an open mind and

[Sir George Young]

accept that what the Government have said about the Neill recommendation is not their last word on the subject?

Ms Harman: The Government's most recent words on the matter are in our manifesto, which states that

> "we will continue to work with the independent Electoral Commission to explore how best to support the vital democratic role of political parties".

That demonstrates that we have work to do. Campaigning activities, of course, such as the printing of posters, must always be funded by parties from their own resources. However, parties do a great deal of other work that we must examine to see how contributions could be made.

Mr. Tyrie: I follow the question from the my right hon. Friend the Member for North-West Hampshire. Will the Government examine the merits of, and set out the arguments for and against, a cap on large donations from individuals, companies and trade unions?

Ms Harman: If we are concerned about the confidence that people have in the health of our democracy and about ensuring that there is no inequality, we must examine that. Some hon. Members mentioned that, despite increasing transparency, there has been growing cynicism. Of course, if one tells people about what is happening and they do not like it, they become more cynical. I understand that that is the experience of other countries; the more transparency and the more people know about what is happening, the more they think, "Well, we might not like that." If that is the case, it is right to tell people what is happening. If we get those signals, we must not bury our heads in the sand; we must approach the issue intelligently.

We shall draw on all the points expressed so intelligently and forcefully in the debate, and by examining research such as that mentioned by my hon. Friend the Member for Battersea. When we respond to the Electoral Commission's report, we shall see whether we can make progress. I apologise to hon. Members for not being able to give the date of our response and for not being able to give specific commitments, but I thank the right hon. Member for North-West Hampshire for securing the debate.

10.58 am

Sitting suspended.

Cyprus

11 am

Mr. Andrew Dismore (Hendon) (Lab): May I first declare an interest as the Labour vice-chairman of the Friends of Cyprus group? I visited Cyprus from 5 to 9 October. My accommodation and driver for official meetings were provided by the House of Representatives and by the municipality of Morphou. The Conservative vice-chairman of the Friends of Cyprus, the hon. Member for North Thanet (Mr. Gale), would like to be here, but he is attending the memorial service for Sir Edward Heath. I have been asked to convey his apologies to you, Mr. Taylor.

The visit was an opportunity to meet political leaders, business people, academics, and people from civil society from both sides of the green line. There has always been a tendency in Cyprus to look back. I do not want to dwell on the failures of the Annan plan today; we debated those on 6 July last year—the last time that we had a full debate on Cyprus. I would rather focus on where we are now, the way forward and what we and the European Union can perhaps do to help.

We have to start by considering the atmosphere. I felt that there was an air of depression and fatalism about the lack of prospects on the island. There is a lack of trust between the communities, and it is worse than I have experienced for many years. The Turkish Cypriots feel rejected and abandoned by the Greek Cypriots in the aftermath of the no vote. The Greek Cypriots think that the Turkish Cypriots are trying to get the best of both worlds—the benefits of European Union membership and services in the Republic—without making progress towards a settlement, and that they are perhaps looking towards separation.

There is a real feeling of despair among pro-settlement people on the island. People still cross the green line and maintain contact, but young people do so rather less frequently than before, and fewer people are visiting their homes in the north from the south. There is a degree of clutching at straws; some lawyers on both sides are now talking about making the cost of non-settlement prohibitive; to illustrate that point, I have heard talk of a thousand Loizidou cases. We hear people such as Mustafa Akinci of the BDH party in the north talking about reasserting the Turkish Cypriot rights of the 1960 constitution, because they see no other way forward. Turkish Cypriots are moving to the south to work and, increasingly, to live. Shener Levent, editor of *Afrika* newspaper, is even talking about standing for the 2006 elections in the Republic.

I have to say that there is some hostility towards the United Kingdom; we are roundly blamed for the failures of the Annan plan. Whenever the issue of the sovereign base areas comes up, it is a sign of rising discontent with the United Kingdom. We are not seen as even-handed; we are seen as very pro-Turkish, and as not having accepted the outcome of the democratic referendum of the Greek Cypriots. That can be compared with the situation as regards the United

Nations. Sir Kieran Prendergast recently visited Cyprus, and in his report to the Security Council, he made it clear that

> "the highest priority concerns which led Greek Cypriots to vote the way they did would most certainly have to be addressed in any future process based on the UN plan—and the Greek Cypriot electorate must have confidence that this would be borne in mind in a renewed process."

The recent visit of my right hon. Friend the Deputy Prime Minister, and the signing of the memorandum of understanding, which asks for a structured dialogue, is an important development. We must build on that and recognise the importance of our joint history of many years. We need to look forward to possibilities for the future outside the diplomatic dance, which is continuing and which has identified a substantial gap between the two communities. As the UN says, we cannot afford another failure after the Annan plan.

The outside international community can help, but in the end a settlement has to come from within the island, with the consent of both communities. The consequences of the lack of progress are pretty clear. I mention just one—the problem of crime across the green line. There are growing problems of smuggling, people-trafficking, drugs and illegal migration. Perhaps the best example of those problems was the murder in January this year, in the south, of a Turkish Cypriot, Mr. Elmas Guzelyurtlu, and his daughter and wife. The suspects fled north. The Greek Cypriot police have the evidence, but are not prepared to hand it over to the Turkish Cypriot authorities because they are not recognised. That sort of problem has to be addressed, otherwise the murderers run free.

Of course, there are some positive signs. I particularly welcome the start of Turkey's accession negotiations. We should very much support the process in which Turkey is involved, although it will be a very long one. I was pleased that both Greece and Cyprus supported the start of the process. However, that brings obligations for Turkey. Although we have a possibility of a fresh start after 3 October, it is important that momentum is maintained, and that Turkey is kept engaged. That was not helped by some of the statements about Cyprus that emanated from Turkey at the time of the decision to commence negotiations.

The EU will evaluate progress at the end of 2006. Without progress on Cyprus, there is the risk of an annual crisis if Turkey does not make progress towards a settlement, as there is the possibility of a veto at the opening and closing of every chapter. If Cyprus is not to be a running obstacle, progress must be made; otherwise that veto will be exercised sooner or later by one country or another.

Mr. David Burrowes (Enfield, Southgate) (Con): Is there concern about the lack of progress in relation to the pre-negotiations to accession? Now that we have moved on to the accession negotiations stage, the matter could just go into the long grass for many years, and may not reach a speedy conclusion. We all want a sustainable settlement for the benefit of the Cypriot people.

Mr. Dismore: I have my own theory about that, which I shall come to in my crescendo at the end. The hon. Gentleman raises a valid point. There are two schools of thought. One is that the EU, Cyprus and the UK presidency should have driven a harder bargain with Turkey. The other is that it is important to get Turkey to sign on the dotted line to maintain the pressure. I, as well as the republic's Government, subscribe to the latter view; ultimately, that is the best way for Turkey to proceed.

May I also say something rather more positive? We now see more crossing points—for example at the Astromeritis-Morphou road—and it was interesting to attend the Morphou rally, where a symbolic barrier had to be put across the road for us to protest at, as the road is now open. A further crossing point is now to open in Nicosia, which will be of great advantage to both communities.

There is a lot of positive movement on the issue of missing persons, with signs of real co-operation between the two communities. I was pleased that Mr. Talat told me that the difficulties that remain would not be politicised or publicised so far as he was concerned. I am also pleased that a UK organisation based in Bournemouth, the Inforce foundation, is doing a lot of good work in that respect. There is a risk, which was highlighted by Emine Erk, a lawyer from the Turkish Cypriot human rights foundation, that there will be a determination to punish the perpetrators. A time may come for that, and there may be a time for peace and reconciliation. However, the risk of that sort of talk in relation to, for example, the Tochni murders is that information will dry up. That is not helpful. Money is needed—two million Cyprus pounds—to complete the work, and I hope that we can help with that.

There are also positive signs from the UN's recognition of the Greek Cypriot concerns to which I referred. The republic is facilitating the position of Turkish Cypriots in relation to the European Union, with 40,000 Turkish Cypriots now holding Republic passports, 60,000 holding identity cards and 100,000 having their birth certificates. All Interior Ministry papers are now translated into Turkish to facilitate that process, and Turkish Cypriots have access to the range of services provided by the republic. The health service, in particular, is of great importance.

On the positive side for Turkish Cypriots, there is quiet acknowledgment that recognition of the so-called Turkish Republic of Northern Cyprus is off the agenda. There is now talk of an end to isolation, but I would question whether Turkish Cypriots are ready for the globalisation that would follow from that—there is a degree of naivety there. There is acknowledgement in the north that direct trade is not going to make a difference; it is not going anywhere, as it would probably be worth only about €10 million to the economy. I was pleased to hear that there are plans for a census in the north next year. The economy in the north grew by 12 per cent. last year, and Turkish Cypriot incomes have doubled over two years. The United Kingdom is supporting public sector infrastructure reform and America is supporting financial infrastructure reform in the Turkish Cypriot community.

We should recognise that Mr. Talat, who is now President of the so-called TRNC, is not Denktash the second. He does support a settlement, but is clearly going to drive a hard bargain. However, his language is not well chosen. His threat of civil war if Turkish accession were blocked by the republic was certainly not

[Mr. Dismore]

helpful, and nor were his insults of a personal nature. On 12 October, he said that the Greek Cypriots were "racist, chauvinistic and ultra-nationalistic." That is not the way towards a settlement. Another part of the problem arises from the fact that his party, CTP, is in power. That has relieved the pressure on Turkey in the north, where opposition was organised by CTP and its associates. That pressure has now been diverted towards the Greek Cypriots, and the European Union has become the bogeyman. Clearly, they are not going to organise demonstrations against themselves. I am concerned that the pro-solution parties in the north are divided and not able, as they were before, to unite around a single message. The strains between the CTP and AKEL, the south's largest party, are not constructive.

Mrs. Theresa Villiers (Chipping Barnet) (Con): Does the hon. Gentleman agree that a very serious problem in northern Cyprus at the moment is the boom in building, much of which must be on land from which Greek Cypriot owners were driven in 1974? That building will make finding a solution much harder.

Mr. Dismore: The hon. Lady presages my next remarks. That is an appalling downside of the Annan failure, which has fuelled the building boom on Greek Cypriot land and is the basis of the growth in the Turkish Cypriot economy. Turkish Cypriots recognise that if there is a settlement as far as property is concerned, it will probably be along the lines of the Annan plan. They have therefore worked out that if they build on the land, they will get to keep it, even though they may have to pay compensation to the Greek Cypriot owners. Had the land not been developed, it would have had to have been restored to the Greek Cypriot owners. That will make it harder to reach a settlement. Property rights will become a much bigger issue in any future negotiations unless a firm stand is taken on the building boom on Greek Cypriot land.

One can draw a comparison with the middle east. Building on the west bank has created facts on the ground that have made it harder to reach a settlement there. Although the international community has gone out of its way to condemn Israel, there has been a blinding absence of any condemnation of that very similar building boom in northern Cyprus, which is, in fact, even worse. At least in the middle east, the homes are for Israeli people to live in. In northern Cyprus, the homes are for holiday makers—generally overseas people, mainly from the UK.

I should like to report what Mr. Anastasiades, the leader of one of the Greek Cypriot parties, DISY, told me. The night before I met him, he had visited Kyrenia for dinner with Mr. Talat. He was virtually in tears as he described the building boom that he had seen and said that in five years' time there would be no land left.

We also need to recognise the continuing role of the Turkish army and the assertion of the rejectionists. There have been dangerous incursions in—

David Lepper (Brighton, Pavilion) (Lab/Co-op): I, too, have to declare an interest. I visited Cyprus in early October as a guest of the municipality of Morphou. That is on the register.

My hon. Friend has mentioned the building boom. Does he have a view about the purchase by UK citizens of properties in the north of Cyprus? In particular, what is his view of the advice given by the Foreign and Commonwealth Office website to those contemplating such purchases?

Mr. Dismore: My hon. Friend makes an important point. There is the Orams case, which is a serious issue; I met the lawyer involved in that. One of my concerns is that people may well be risking their properties in the UK if they buy property in northern Cyprus that, frankly, does not belong to the person selling it. I am pleased that the Foreign Office has significantly improved the advice on its website, but there is always room for stronger warnings about the risks.

I was talking about the role of the Turkish army. There have been dangerous incursions, most recently in Lourougina, where the UNFICYP commander was threatened at gunpoint as the Turkish army tried to build a new checkpoint. That led to reciprocal protests by Greek Cypriot nationalists, particularly DIKO MEP Mr. Matsakis, who went to protest and tried to pull down the flag, inevitably heightening tension.

There has been an increase in troop numbers; there are now in the order of 50,000 troops and the Turkish air force continued its incursions on 13 and 14 October. Immediately after the accession process, there were overflights, which put civilian aircraft in danger and potentially jeopardised the safety of a Royal Air Force exercise in the south.

Greek Cypriot enclaves are being oppressed. Most recently, teachers at the Rizokarpasso school have not been approved, Turkish Cypriots are taking the land, and Greek Cypriots have even been forbidden to use cars unless they are TRNC-registered, although Maronites, who are also in the north, are not forbidden from using them.

Of greatest concern in the north are the recent developments in the Turkish Cypriot chamber of commerce, where elements of the CDP, UBP and DP organised a coup against its highly respected president, Ali Arel, after an attack by Mr. Soyer, the so-called prime minister of the TRNC, on television. One needs to ask why. Mr. Arel was very pro-solution in the north, and he was seen to be rocking the boat. He has argued, as I started to do more than a year ago, that free trade is the best way to proceed. He wants the European Union customs union to be implemented and the green line regulations to be applied properly and made to work. The final straw was probably his refusal, which came to light, to sign dodgy certificates to certify Turkish tomatoes as Turkish Cypriot for the purpose of smuggling. He very much agrees with the need to decouple trade and aid.

The fact that Mr. Talat recently accused the EU of being biased against Turkish Cypriots is another example of the rejectionist tendency. There has been a power struggle in the CDP between rejectionist elements trying to assert themselves and Sener Levent, the editor of *Afrika*, whom I mentioned earlier, who has a court hearing on 28 December in which he faces some 100 charges about things that he has written in his newspaper. Moreover, the property rights lawyer, Mr. Candounas, who is acting in the case to which I referred in my response to the intervention of my hon. Friend the Member for Brighton, Pavilion (David Lepper), has been harassed, and I am concerned about whether the rule of law is operating effectively in the north.

Trade is key, and is another issue that we must address. The trade from south to north is now worth some 97 million Cyprus pounds, which is 15 to 20 per cent. of the Turkish Cypriot economy, but it is mainly because of people, not goods. Some 5,000 Turkish Cypriot workers work in the south every day and take their wages back to the north. Between 7 and 12 per cent. of tourists from the south go north, and a quarter of them stay overnight. Greek Cypriots spend up to €135 each time they visit the north, apparently in large part on pirated designer clothing.

Turkish Cypriots buy goods in Greek Cypriot supermarkets because of their variety and quality. Electrical goods, for example, are much cheaper. Green line trade remains neglible; I shall discuss the reasons why shortly.

North-south trade is neglible. It is worth only about 1 million Cyprus pounds. Business in the north is not competitive. Clothing manufacture in the north has been heavily hit by the Chinese and Indian clothing trade, as it has elsewhere. Turkish Cypriot business people lack knowledge of the business practices of the south. Turkish Cypriot banks will not lend to Turkish Cypriot businesses because they receive a safer and better return on Turkish Government bonds on the mainland.

The market is very competitive in the south, and is likely to become even tougher when a French supermarket chain enters it. There is also some market resistance among Greek Cypriots to buying their own oranges grown on their own land. Some of that is real, but some of it is perceived and is, in fact, risk aversion on the part of the supermarkets already in the south.

The EU VAT rules are, however, a real problem. The Greek Cypriots are blamed for this, but it is not their fault that the EU rules on VAT are enforced. The subsidies make some of the products in the north uncompetitive, and it is not the fault of Greek Cypriots that the hygiene rules prevent the importation of anything that contains animal products. That is why the direct trade argument is a dead end, because the same EU rules would apply whether or not the imports crossed the green line or entered other EU countries. The same problems of competitiveness would arise, so that is not the way forward.

Progress can be made in trade by making the Turkish Cypriot economy more competitive. We should consider not direct trade but free trade in the eastern Mediterranean generally. We should get the economists to co-operate, with a view to creating a single economy in which trade leads to partnership, to interdependence, to economic integration and ultimately to political integration along the lines of the bi-communal, bi-zonal federation, which has been the elusive goal for many years. That view has been expressed on both sides—by Ali Arel on the one hand and by economists whom I have met in the south on the other. It was floated by the Turkish Cypriot chamber of commerce, and I understand that the Republic is also considering it.

The Turkish Cypriot economy should be developing itself to shadow the acquis communautaire and to move towards complying with it. Given the answers given by my hon. Friend the Minister before the election, I believe that the Government also believe that.

Mr. Paul Keetch (Hereford) (LD): Does the hon. Gentleman support the call by some Members of the European Parliament for Turkish Cypriot representation in Brussels to be increased to give a stronger voice to their concerns? They are concerned that the very effective lobbying of the Cypriot Government is not being properly heard in Brussels and they want a greater say for Turkish Cypriots. Would the hon. Gentleman support that?

Mr. Dismore: That has to come as part of an overall political settlement. In theory, there was no reason why Turkish Cypriots should not have stood in the European Parliament elections in the south, although they chose not to do so; indeed, the TRNC authorities put barriers in place to prevent them from doing so. There was talk of people standing for election and, as I said earlier, Shener Levent may stand for the House of Representatives elections in the south next year. However, the way forward must come through the existing channels; there is no way, and no reason, to make new arrangements.

I was talking about the Turkish Cypriot economy shadowing the acquis on issues such as equality and subsidies. It should be making preparations for the implementation of the customs union. If that was done effectively, it would reduce the cost of reunification, which was one of the main problems arising from the Annan plan. The first step in the process was suggested to me by Ali Arel and is very important: the European Union should do research and produce a technical study on liberalising trade on the island, with the goals that I have mentioned in mind.

The key to trade must be the proper implementation by Turkey of the customs union protocol. Turkish ships already call at ports in Cyprus. In the first six months of this year, trade from Turkey to Cyprus was worth 3.1 million Cyprus pounds. Although that is not a lot, trade has been growing rapidly.

The Turkish ban on shipping with Greek Cypriot connections cannot be allowed to continue. It is much broader than most people realise and interferes with EU trade generally. Let me give an example. The tanker, Hans Scholl, was Liberian flagged and had a German beneficial owner. It was managed by a subsidiary of the German company based in Limassol, chartered by a Danish company and sub-chartered to British Petroleum. It was carrying a cargo of petroleum from France to Turkey without going anywhere near Cyprus. On 6 August, however, it was banned by Turkey from entering a Turkish port, so 27,000 tonnes of gasoline had to be trans-shipped in the open sea off Malta. That cannot be right and cannot be allowed to continue; Turkey must be required to meet its obligations.

Although I would, of course, very much prefer Turkey to recognise the Republic, it does not necessarily have to do so. At the very least, however, the protocol must be implemented wholeheartedly. That is a European Union requirement, and the issue has an

[Mr. Dismore]

impact on European Union trade way beyond Cyprus. With the opening of the new pipeline, there will be £4 billion of goods to be shipped. It is difficult to imagine how that can be achieved without Cyprus shipping, bearing in mind that a large part of the world's shipping fleet is Cyprus-flagged.

The obligation on Turkey is not only a legal issue: it is the key to unlocking the Cyprus problem. If implemented effectively and wholeheartedly, the customs union could remove the Greek Cypriot arguments that have put up some of the barriers. It could also lead to the opening of the Famagusta port, probably under European Union management; indeed, the Turkish Cypriots are prepared to negotiate on that. It could then lead to the return of Varosha, and wider progress would become possible.

A free trade zone started by Turkey wholeheartedly implementing the customs union is one of the keys to making progress. Again, one could call it "sequential unilateralism"—those, I think, are the new buzzwords in foreign policy. That could well be the way to make some real progress.

We have to be careful, however, in view of the electoral cycle. Elections to the House of Representatives are due in the Republic next May and Turkish parliamentary elections are due in October 2007. There are various municipal elections and by-elections in the TRNC next year and the Republic presidential elections are in February 2008.

However, the Republic is working hard towards meeting a target date of 1 January 2008 for joining the euro, and President Papadopoulos has made great progress in the economy in the south. When people focus on this issue, they fail to recognise the progress that has been made on domestic policy. The Republic economy is being geared towards that target date, and it will be useful to work towards it to see whether a unified Cyprus could join the euro.

What is to be done immediately? Some things are relatively easy. Earlier, I mentioned the need to find finance to deal with the issue of missing persons. Two million Cyprus pounds is not too much for the UK to find, either on its own or with its partners. The census that the Turkish Cypriots have announced is important. They are open to outside monitoring, but no one has asked them so far. We should put it to them that it is important to ensure that the census is credible—that the right questions are asked, and that it is set up properly and monitored. We must ensure that there is international involvement, sooner rather than later, from either the European Union or the Council of Europe. This is also an opportunity to begin talking to the south about whether it is time for a census there too, because there are a lot of foreign residents in the south.

It is important that European Union documentation is translated into Turkish. The EU must find the funds for that. We should also put pressure on Turkey and the Turkish Cypriots to stop the building boom in the north and to ease the pressure on the enclaved in Rizokarpasso.

We must recognise the realities and accept that the trade and aid package has to be decoupled. The Turkish Cypriots accept that; indeed, we may be the only ones who are opposed to it. The aid package of €279 million should be rolled over to next year. We must try to persuade the EU to undergo the study on the liberalisation of trade to which I referred and to consider implementing the green-line rules in that context. We should also talk to Turkish Cypriots about the way in which their checkpoints are used to prevent diplomatic visits by the Greek Cypriot European Union Commissioner and the European Commission delegate to the Republic; because they are both Greek Cypriots, they cannot cross unless they comply with Turkish Cypriot requirements, which they regard as being incompatible with their diplomatic status.

What is needed—this is the hardest issue because it involves Turkey—is action from Turkey. It should reduce troop levels. If that is too far a step to take, we could consider supervising Turkish troops through greater European involvement in security maintenance, for example. That could be done through NATO or Europe. Turkey has to implement the customs protocol, and we should look to the 2007 date for the republic's accession to Europe as a target for a comprehensive settlement, because time is short.

Mr. Andrew Love (Edmonton) (Lab/Co-op): I am listening carefully to my hon. Friend's argument. There have been several indications in the press that the United Nations is considering an initiative in Cyprus. What does my hon. Friend think the UN should do to smooth the path to negotiations?

Mr. Dismore: The UN should do pretty much what it is doing. It would be premature to launch a major initiative at this stage because we cannot afford the failure of another initiative. It is important that the UN should continue to engage with both communities, try to identify the gaps between them and start to bridge those gaps. At the moment, the differences are quite wide, and progress has to made in bridging them. It is incumbent on the republic to be a little more specific about its reservations, and incumbent on the Turkish Cypriots to be more flexible in their approach to negotiations. It is important that negotiations are conducted in the correct framework, as no progress will be made if they are open-ended. The UN is taking the right steps, but there is still a lot more ground to prepare if we are to progress.

Mr. Love: Many of us are concerned that we seem to be hung up on whether the Annan plan will be central to the process. What does my hon. Friend think?

Mr. Dismore: We debated the Annan plan at length in July 2004, when I was last able to secure an Adjournment debate on this issue, so I do not want to go over old ground and reopen old wounds. We should look forward. Any future framework for a settlement will have to be based on the Annan plan, as there is no point in throwing away work that has been done, but any future settlement must recognise the shortcomings of the Annan plan for both communities, particularly the Greek Cypriot community—the no voters.

Any adjustment must be by consent, and any future plan must be endorsed by the leaders of both communities. We cannot go forward with a referendum on a plan that is condemned by one side or the other. Unless both sets of community leaders can agree, the settlement will not succeed. The international community can help to create the climate and bring the parties together and bridge the gap, but in the end the settlement must come from the people in the island.

Time is short. Despite all that I have said, recent opinion polling and detailed research by Alexandros Lordos and Muharrem Faiz shows that Cypriot public opinion on both sides is relatively close on the terms of settlement, but will start to move apart if the negotiation process does not begin soon. An example of that was the point raised by the hon. Member for Chipping Barnet (Mrs. Villiers), which I developed, on the question of property rights. That problem will grow harder as time goes by, as the building boom continues. Property rights were not, as I understand it, a deal breaker in the Annan plan as it was, but they may become one if progress is not made and the problem gets worse. There is a risk that parties' positions will become more entrenched and that rejectionists will come more to the fore, as we saw from the treatment of Mr. Arel. I think, therefore, that although time is short we must recognise the problems.

Perhaps I may conclude with a statistic. A quarter of the Greek Cypriots who were alive in 1974 are now no longer alive and 42 per cent. of the Greek Cypriots who are alive today were not born in 1974. In less than 10 years half the population of Greek Cypriots will have no organic link with the north. I should like to give figures for the Turkish Cypriots but I cannot, because there has been no census. However, the longer things continue the harder they get, as the ground changes.

I come back to my crescendo to make a perhaps rather cheeky point, which is that Turkey has an awful lot to do to join the European Union. It must sort out its economy and its political institutions and carry out a huge programme of internal reform. On the face of it, Cyprus may seem a difficult nut to crack, but of all the things that Turkey must do to join the European Union, dealing with Cyprus is one of the easiest, if the political will is there. Turkey should recognise that.

Turkey must decide whether it really wants to be a member of the European Union—or perhaps it is better to say that the Turkish army must decide whether it wants to be part of a modern, democratic state, and withdraw from politics, allowing the will of the Turkish people, as expressed in the previous general election and their continuing support for the Erdogan Government, to prevail, so that Turkey may look to the west and modernise—as the founder of the modern Turkish state, Kemal Atatürk, with his westernising, modernising approach, would very much have liked. Turkish politics has been ossified for too long. Turkey must look to the west. It is its future. It is the future of Europe to include Turkey in the European Union, but it must solve the Cyprus issue first, and sooner rather than later.

11.32 am

Bob Spink (Castle Point) (Con): I congratulate the hon. Member for Hendon (Mr. Dismore) on securing this important and timely debate. Like many hon. Members in the Chamber, he has great knowledge of and cares deeply about the Cyprus problem. I pay tribute to President Tassos Papadopoulos for his steadfast and consistent stand, on behalf of the Cypriot people, for a just settlement. He must continue to resist any possibility of a separate legal entity for the illegal regime of occupation in the north of Cyprus.

There have, of course, been diplomatic tensions between the UK and Cypriot Governments since the referendum in April 2004, but, as the hon. Gentleman said, the Annan plan was democratically rejected by an overwhelming majority, and that was right and fair, because it was seriously flawed. Let us clearly understand that every person who believes in democracy must respect the decision of people in referendums, including the decision that the Cypriot people took in April 2004.

Mr. Burrowes: I very much endorse my hon. Friend's comments about the Annan plan and respect for the democratic will of the people of Cyprus. Is not it also important that the US State Department also recognises that? It is perhaps almost isolated now following its recent reiteration that any settlement should be based on that plan, and it needs to realise that it too should respect the will of the people of Cyprus.

Bob Spink: I am grateful for that intervention, which covers a point I was going to make.

Mike Gapes (Ilford, South) (Lab/Co-op): I accept that the plan was rejected by people on one side of the island, but it was accepted by those on the other side. The situation is a little more complicated than the hon. Gentleman portrays it, as my hon. Friend the Member for Hendon (Mr. Dismore) explained.

Bob Spink: The hon. Gentleman shows great wisdom. The key problem was that Annan did not provide for the reunification of the island. The division was perpetuated. Tassos Papadopoulos stated that as recently as last week. The hon. Gentleman is right that the Cypriot problem is complicated. There are two sides to it, and each side must recognise the other with dignity, tolerance and forgiveness. That is the only way to move forward, which is what the Cypriot people want.

I hope that Europe will continue to give Turkey all the help and encouragement possible in the accession process. That would be good for Cyprus, for the Kurds, for human rights and for the whole region. Anything less would betray the Turkish and Greek Cypriots and would show that some countries in Europe have not yet grown up enough to put progress, peace, human rights and stability before pernicious self-interest.

Cypriot public opinion is moving positively towards the terms of a just settlement. The international community, including America, must act quickly to grasp that nettle and to ensure that it takes advantage of that time. As the hon. Member for Hendon said, the Alexandros Lordos and Muharrem Faiz opinion polls showed that movement. That could be used as the basis of an NGO-type constitutional convention, with discussions ahead of or to accompany United Nations talks between the leaders of the two communities.

The Turkish accession process must be supported by Cyprus and Greece. They must not threaten to use or actually use their vetoes. In return, Turkey must try to make faster progress and show more good will towards a just settlement of the Cyprus problem. It is very much in Turkey's interests to agree to a just settlement, because if it does it will have two new and strong allies, Greece and Cyprus, in its EU accession process.

[Bob Spink]

There is a need to move quickly, balanced with a need to get the timing right. The UN must begin the settlement process as soon as possible to avoid further entrenchment of both communities. The hon. Members for Hendon and for Edmonton (Mr. Love) implied that timing is everything in politics. Elections to the House of Representatives in Cyprus will be in May next year, and the Turkish elections will be in November. If Erdogan stands and is elected president of Turkey in April 2007, there could be a window of opportunity for Turkey following that presidential election.

Tassos Papadopoulos's first term runs out in February 2008, which is about the time when election fever will be hotting up in this House. If there is to be a UN big push, it will need to be in May next year and should run up to the end of 2007.

A much tougher message needs to come from London on the thorny issue of delivering back property to each community's rightful, individual, legal owners. The rule of law must prevail, including rights of ownership. Anything less—any other precedent—would be a disaster, not just for the Cypriot people, but for the law-abiding world. It would send out the wrong message to rogue states that possession, not law and human rights, will prevail. That would be detrimental to world stability and peace in the longer run. The UK Government must make stronger statements about the improper sale and development of Greek Cypriot land in occupied areas. A shop opened in my constituency advertising land for sale in the north of Cyprus, and I hit the newspapers big time telling my constituents what I thought about that, and quite right too!

We must make sure that everyone—especially British citizens who are still buying the stolen property—understands that those who bought what amounts to stolen property must take the full loss when the matter is eventually resolved, as it must be. At best, those who buy it are cynical opportunists and at worst they are no better than looters, preying on others' misfortunes. The UK Government have at last woken up to the abuse but are still doing too little, too late. It was wrong to stand by and allow the sale of stolen Cyprus property to be promoted and enacted in the UK. That would not have happened if mere artefacts were involved; the Government prevent that as it is against the law, so why should they allow people's homes to be sold?

Mr. Wayne David (Caerphilly) (Lab): This is obviously a very sensitive issue. Does the hon. Gentleman think that the use of intemperate language helps the situation?

Bob Spink: The hon. Gentleman makes a fair point. There is a balance to be struck, and I took the decision to make it absolutely plain to everyone in this country that what is happening is simply wrong. It is unacceptable to go out and purchase property in the north of the island that belongs to individuals in the south of the island—property that was their family home. That must not and cannot be tolerated, and I hope that the hon. Gentleman is not excusing that irresponsible and unacceptable action. There are times when intemperate language is fair and right.

Mr. David: Will the hon. Gentleman give way?

Bob Spink: No, I will not give way to the hon. Gentleman again.

I want to move on to other issues, including the planned census of people and property in the north of Cyprus, which needs international credibility through the involvement of the Council of Europe or a similar body. Free rather than direct trade is needed, as the hon. Member for Hendon said. The port of Famagusta needs to be opened with international involvement and the customs union between Cyprus and Turkey should be implemented.

On humanitarian matters my language may again be slightly intemperate, and I make no apology for that, because it is necessary. We must respect and understand the missing person issue and fund the committee that the hon. Gentleman mentioned so that it can build on recent developments and employ Inforce to do the necessary work. How could Turkey think that it is ready to be considered to take part in Europe or to be respected by the international community if it cannot allow the relatives of the missing persons to have closure? It is an affront to humanity, and it could so easily be resolved. That would be a measure of Turkey's willingness to change and to do what is right. At last, there are some positive moves in that respect, which I welcome.

David Lepper: Will the hon. Gentleman give way?

Bob Spink: No, the hon. Gentleman has intervened before.

I pay tribute to the Greek Cypriot community for the care it is rightly showing to the Turkish Cypriots who are going south looking for jobs and to those who need medical treatment in the south. That is absolutely right and laudable. Each community must show compassion to the other and that is happening; it must happen more.

In addition, the Turkish Cypriots must prepare for the European Union by complying with the acquis and shadowing its requirements, which will help them to plan for settlement and reunification. Another key development is to improve the crossing points, which will help both communities. Cypriots from both sides responded to the opening of the green line in April 2003. There have been huge numbers of contacts and crossings as people literally vote with their feet and there have been hundreds of thousands of peaceful, constructive exchanges in both directions. Although that has slowed somewhat, more crossing points are needed, particularly in the shopping area of Ledra street, hopefully linking to a similar development north of the green line.

In conclusion, the Foreign Office and Government got it wrong after the referendum. They showed disrespect for democracy and sought to deny the self-determination of the people of Cyprus. Their attitude was unsustainable. They did a great disservice to the people of both the Turkish and Greek Cypriot communities, but it is now time to put that behind us and to set out on a positive road to a just settlement that will stand up to international standards and laws, and respect rather than deny the original UN resolutions. Only a just settlement will work and deliver the better life that both communities deserve.

11.45 am

Mrs. Theresa Villiers (Chipping Barnet) (Con): I am grateful to the hon. Member for Hendon (Mr. Dismore) for tabling this debate on a crucial issue for many of his constituents as well as mine.

We are gathered to reflect on a grave injustice that was done back in 1974. In my view, 31 years is far too long to wait for a solution to reunify Cyprus. I take this opportunity to urge the Minister and the international community as a whole to redouble their efforts to help Cypriots find the elusive solution that will reunify their island, and to find a just, balanced and lasting settlement. I emphasise, as others have already, that no settlement will work unless it has the whole-hearted consent and support of both communities. No settlement will stick and last without that.

We should seek a solution that balances the interests of the two communities within a federal structure in a single state, so that we can bring the island back together as it was before the disruption of 1974. Like others, I believe that the Annan plan 5 is well and truly dead. There is no point in trying to revive it. As parliamentarians, we need to urge the international community to start fresh negotiations between the two communities to work for a new plan that will address the serious reservations of many Cypriots about Annan 5.

There is no justification for criticism of the result of a democratic referendum. We have to address why so many Cypriots voted no to Annan 5. A particular concern was expressed about security, but there were also serious concerns about long-term restrictions on free movement. The Cypriots would have been deprived of the fundamental rights that one would normally expect to enjoy as a citizen of a European Union member state.

In particular, property will be an issue that it is vital to get right. It is not simply a financial matter; it is a human tragedy that saw thousands of people driven from the homes in which they had grown up, with, in many cases, nothing more than the clothes on their back. I have heard countless poignant and desperately sad stories about Cypriots going back across the line to see their old homes, and perhaps finding some of their furniture or their wedding photographs carefully stored by those who have occupied the premises. It is vital that we recognise the value of returning people to the homes that they lost in 1974, which they still remember.

It is vital that we take action as soon as possible. As we have heard, Annan 5 has encouraged a building boom in the northern part of Cyprus that is steadily making it more difficult to reach a solution and deal with the property issues. More and more land owned by Greek Cypriots, from which they were driven in 1974, is being built on. That must increase the urgency with which we address the issue.

I intend to keep my speech as short as possible, because I know that many others would like to contribute. The Foreign Office must strengthen its warnings to British citizens who consider buying property in northern Cyprus. It is highly irresponsible for anyone to encourage the purchase of property that might have been stolen from its original Greek Cypriot owners. I echo the comments of a number of hon. Members on the matter.

It is vital in the EU negotiation process that Turkey is encouraged to co-operate and make progress on the issue of Cyprus. It should clearly recognise the Government of Cyprus. I cannot see how it can negotiate for EU membership with a range of Governments, including the Cypriot Government, if it does not recognise every one of the Governments with which it is negotiating. The authorities in north Cyprus should stop the discrimination that we have seen against enclaved Greek Cypriots, particularly in Rizakarpasso, with the continuing problems that they have had in accessing education at the high school. We should take a fundamentally optimistic view of the future in Cyprus.

Mr. Andrew Love (Edmonton) (Lab/Co-op): There is some concern that the gap between two communities is too wide to start negotiations at this stage. That is primarily because, on one side, there is rejection of the Annan plan and, on the other, Mr. Erdogan and Mr. Talat have made it clear that the basis of a solution has to be the Annan plan. How do we bring those two sides closer together to start that process of negotiation?

Mrs. Villiers: I was going to explain why I am fundamentally optimistic. My view is based on looking back at the past, where it was clear that Greek and Turkish Cypriots could live happily side by side. I also view it from the perspective of the present, where I can see the huge cultural overlap between the outlook of Greek and Turkish Cypriots, both in the UK and in Cyprus itself. One of the tasks that we face as British parliamentarians is to rebuild that trust. If the communities are allowed to live together, there is no question of violence erupting. They have a huge amount in common, and I believe that they can live and work together harmoniously.

David Lepper: The hon. Lady mentioned the role of the UK Government in relation to rebuilding that trust. Does she agree that there is a twofold responsibility on the part of the UK Government? First, Cyprus is a member of the EU already, and Turkey is not. That gives the UK a particular role. Secondly, Cyprus is a member of the Commonwealth, which gives an additional responsibility to our Government in relation to the legitimacy of the republic of Cyprus.

Mrs. Villiers: I completely agree. The British Government have always had a pivotal role in Cyprus and should use their influence in the United Nations, in the European Union during their presidency and in the Commonwealth to drive forward the search for a just and peaceful solution of the Cyprus question.

In concluding, I should declare an interest on Cyprus—perhaps I should have done so at the start of my speech. I had the pleasure of visiting Morphou for a rally recently hosted by the municipality of Morphou. I also received support from the Cypriot community in my election campaign.

I urge the Minister to take on board what so many speakers have said today about the urgent need for the British Government to take action. I urge the Minister

[Mrs. Villiers]

to visit Cyprus at the earliest opportunity to talk to Cypriots, to learn about the past and to drive forward a solution towards a just and unified Cyprus. As it holds the presidency of the European Union, the UK has a unique opportunity at a vital time. I urge the Minister to make the most of that opportunity so that we can see Cyprus united once more.

11.55 am

Mike Gapes (Ilford, South) (Lab/Co-op): I speak as Chairman of the Select Committee on Foreign Affairs, but I shall refer to a report published by that Committee during the previous Parliament, when I was not a member. I thank my hon. Friend the Member for Hendon (Mr. Dismore) for providing the opportunity for this debate. Almost exactly a year ago, the Foreign Affairs Committee visited Cyprus following the rejection of the Annan plan in a referendum. The Committee produced a report that was published in February, to which the Foreign and Commonwealth Office responded in April. The House has not had an opportunity to debate that report, and I speak today to give hon. Members at least a flavour of it.

Many key points have already been covered, and I am conscious of time so I shall be as brief as possible. The Foreign Affairs Committee has received a written response from the Government to many of our recommendations, and I have written to the Foreign Secretary to further pursue developments under the UK presidency of the European Union. When the Select Committee published its report, Luxembourg held the EU presidency. The six-month period of the UK presidency is significant for the reasons mentioned by my hon. Friend the Member for Brighton, Pavilion (David Lepper), but also because the UK is a guarantor power. Turkey and the UK are both members of NATO and therefore have a considerable interest in the complications caused in a number of international organisations by the continuing failure to resolve the situation in Cyprus.

At its last sitting, the Foreign Affairs Committee was critical in some respects of the attitude of the Government of the Republic of Cyprus to the process of negotiations. The Committee was also critical of aspects of the policies of Turkey and the Turkish Cypriot entity. The Committee took a view, however—contrary to what has been said by some earlier contributors—that a modified version of the Annan plan represented the best way forward and that the plan was not dead. It is important to recognise that there may be a need to make changes to that plan.

The Foreign Affairs Committee was disappointed that the Annan plan was rejected, but stated:

> "In the absence of an early overall settlement, we recommend that the Government"—

that is, Her Majesty's Government—

> "support practical measures that will enable Turkish Cypriots to trade with the United Kingdom and other countries".

The Committee also pressed for free trade within the island, and supported the view expressed by my hon. Friend the Member for Hendon. The Committee further recommended that

> "in any future negotiations on a settlement based on the Annan plan, the parties be invited to consider accelerating the withdrawal of Turkish and Greek forces and the demilitarisation of Cypriot forces".

The Committee welcomed the British Government's offer to halve the size of the sovereign base area territory, but that is only an interim step towards an ultimate solution that deals with the decisions of the Greek Cypriot elected representatives.

It is important that any resumed negotiations take account of significant changes among Turkish Cypriot people, as well as the economic developments that have taken place. The fact that the Turkish Cypriots voted for the Annan plan, despite the position of Mr Denktash, is of fundamental importance and should not be dismissed. We do ourselves no favours if we see this matter with regard simply to the position in 1974. The position in 1974 is important, and the issues raised by the hon. Member for Chipping Barnet (Mrs. Villiers) and others are fundamental to a long-term solution. However, it must be recognised that the Turkey of the recent past is different from the Turkey of 1974. The decision of 3 October gives the potential for a process of transformation in Turkey. It is not in Turkey's interests to have a continuing problem with other EU states as a result of its presence on the island of Cyprus. If we take intelligent and practical measures over the coming years, we have a real opportunity to take matters forward. That was broadly what the Foreign Affairs Committee argued in its report earlier this year, and I am grateful for the opportunity to refer to it today.

12 noon

Mr. Paul Keetch (Hereford) (LD): I start by congratulating the hon. Member for Hendon (Mr. Dismore) on securing this debate. He has a long record of initiating such debates; his interest in the island of Cyprus is well known and recorded, and he spoke with knowledge. We have seen broad cross-party support for the British Government in recent years, and I hope that it will continue. I shall keep my remarks relatively brief so that the Minister has plenty of time to respond to the important points that have been raised.

The hon. Member for Castle Point (Bob Spink) made a robust speech in which he showed his knowledge not only of Cyprus but of the wider Mediterranean area. He raised some interesting points. The hon. Member for Chipping Barnet (Mrs. Villiers) spoke of balance, something surely needed in a future settlement of the island of Cyprus. It epitomises what we should strive to achieve. The hon. Lady's predecessor, Sir Sydney Chapman, who often spoke in such debates, would have been proud of what she said.

The hon. Member for Ilford, South (Mike Gapes), the Chairman of the Select Committee on Foreign Affairs, of which I am delighted to be a humble member, spoke with the great knowledge associated with that important position. In an intervention, the hon. Member for Brighton, Pavilion (David Lepper) mentioned the Commonwealth. Yes, Cyprus is a member of the Commonwealth, but Britain has a direct responsibility for its sovereign base areas in Cyprus.

Britain very much welcomes and values the importance of our two important sovereign base areas. We also value the close relationship between the British military community and the Cyprus community. There have been problems in the past, but those bases are largely welcomed by the island community. The bases at Akrotiri and Dhekelia remain integral to our defence, and we commend the effort and determination of our troops on the island.

My party believes that Cyprus can succeed as an independent state only with reconciliation and respect for the fundamental rights of the Turkish and the Greek communities. A future settlement of property rights must recognise the legitimate claims of the Greek Cypriot population who were evicted in 1974, but without causing the social injustice that many in the north feel might result. We call for the ending of restrictive Government policies on mobility and property and we call for the settlement of both communities within the islands. The leaders of the two communities must exercise the political will necessary to establish a democratic, bicameral, two-party federal state with a single international identity, its independence being guaranteed by the United Nations.

We broadly support the Foreign Office's and Europe Union's position on Cyprus, and we regret that the UN plan was not adopted. However, it is hoped that some elements of the plan might form the basis of a future settlement.

I mentioned trade in an intervention on the hon. Member for Hendon. Some in the European Parliament have put forward a case for direct trade to be established with northern Cyprus in order to relieve the economic impoverishment of the Turkish Cypriots; and 24 of the 25 EU member state Governments of the Council of Ministers approved the principle. However, it has been blocked by the Government of Cyprus. We regret that. The Council of Ministers pledged to end the isolation of northern Cyprus in the wake of a yes vote for the UN-Annan plan for political settlement, yet despite calls from MEPs there has been no direct trade or financial assistance. We believe that it would have assisted the political settlement and helped to finalise the dispute.

We call for the increase of Turkish Cypriot representation in Brussels in order to counterbalance the Greek Cypriot voice. It is important that its voice be heard.

Many people believe that the solution will be found only through ongoing Turkish negotiations with the EU. Cyprus was one of the 10 new states to join the EU in 2004, but it joined as a divided island. The Turkish Cypriots are in a strange situation. Since 1976, the island has been viewed by the UN as one island, and it joined the EU as one island. However, even though Turkish Cypriots are viewed as EU citizens, the wider world does not recognise their Government, and thus Turkish Cypriots are not represented.

We have always maintained that Turkey should be a full member of the EU in order to maintain good trade links and international relations with the country. Those links must be subject to the accountability of the European Parliament, but Turkish accession must also be subject to the appropriate timing of compatible economic and human rights policies. It may be difficult for Turkey to join the EU if it continues to refuse to acknowledge Cyprus as a member state in its own right. That may cause difficulties, but it is unacceptable to expect Turkey, in order to gain accession to the EU, to make concessions to Cyprus. To do so would deprive Turkish Cypriots of their communal identity. Therefore it is fundamental that the Turkish and Greek Presidents work bilaterally, as well as within the EU, to create a harmonious federal state in Cyprus.

We broadly support what the Government have done. We shall continue to do so, and we look forward to the Minister's response.

12.6 pm

Mr. Graham Brady (Altrincham and Sale, West) (Con): It is always a pleasure to follow the hon. Member for Hereford (Mr. Keetch). I join him in congratulating the hon. Member for Hendon (Mr. Dismore) on securing what has been a good and constructive debate.

The hon. Member for Hendon began by speaking about the lack of trust and the air of depression that he had encountered on his recent visit to Cyprus. He moved on, however, to talk about the more hopeful signs that we see on the island. I join him in welcoming those encouraging signs and a more optimistic future.

We frequently find ourselves in the House talking about what is wrong with the European Union. I have had many exchanges with the Minister for Europe on the subject. Differences exist among the parties on the various issues. However, we hold a common belief in the capacity of the European Union to help to build and secure freedom, democracy and rule of law, particularly for new member states. If we can contribute to resolving Cyprus's problems, we would all greatly welcome that.

The beginning of the Turkish accession talks promises a time of great opportunity in many ways, one of the most important of which is the openings for movement towards a peaceful resolution of Cyprus's problems. We know that those resolutions will not be easily or quickly achieved. Many hon. Members have referred to the Annan plan and the referendum that followed it. The lesson that must be learned is that a lasting, peaceful reunification of Cyprus cannot be achieved over the heads of its people. As the hon. Member for Hendon said, both communities' consent is required if we are to make progress.

It is unfortunate that more progress could not be made on the Cyprus question before the Turkish accession talks began. We must therefore recognise where we are and start from there. We must look positively at the influence that can be brought to bear, on Turkey in particular, during the accession process. As my hon. Friend the Member for Enfield, Southgate (Mr. Burrowes) said, it is important that Turkey's recognition of Cyprus as a member state is not held off until Turkish accession arrives, whether that be in 10 or 15 years. Recognition of Cyprus is an essential sign of Turkish good will and commitment to joining the European Union.

The accession agreement requires progress on the normalisation of relations. That progress should include measures to tackle the real problems, such as the criminal justice issues to which the hon. Member for Hendon referred.

The hon. Gentleman also made the telling point that, in many ways, the Cyprus question is an easier one for Turkey to resolve than some of the other large challenges that lie ahead on that country's road to accession. I hope that that wise guidance will be heard.

[Mr. Graham Brady]

The United Kingdom's special role and position in its relationship with Cyprus has also been mentioned. I therefore welcome the new, structured dialogue agreed by the Deputy Prime Minister that is due to start in January. Britain should maintain close relations, friendship and dialogue with Cyprus. I hope that the wounds of recent disagreements between Her Majesty's Government and the Government of Cyprus can be healed. I echo remarks made about the British Government's response to the referendum, which was unfortunate.

It may be a little surprising that it is the Deputy Prime Minister's diplomatic skills that have been brought to bear in pouring oil on the troubled waters that were caused by the Foreign Secretary's involvement in the issue but, however surprising, it is none the less welcome, because Britain's history and close connections give us a vital role in resolving the problems of Cyprus. Those problems are very real, and we have heard a great deal about them this morning. They include the settlement-building that is taking place in the north—possibly fuelled by the Annan plan, which may make a settlement harder to achieve, as my hon. Friend the Member for Chipping Barnet (Mrs. Villiers) said. There is also a need for proper and full implementation of the EU Customs union. The hon. Member for Hendon was right to say that free and open trade would give considerable impetus for change.

My hon. Friend the Member for Castle Point (Bob Spink) spoke passionately about the need for compassion, tolerance and maturity on both sides if we are to move forward. My hon. Friend the Member for Chipping Barnet rightly reminded hon. Members of the very real human tragedies of Cyprus, but also of how much the communities have in common. That was a message of hope for the future.

I want to leave time for the Minister to address all the issues that have been raised, so I shall conclude by saying that anyone who listened to our proceedings this morning could not doubt the complexity of and the difficulty in finding a solution to the problems of Cyprus. However, I believe that this is a time of real hope. The Government were right to press forward with the start of Turkish accession talks. A resolution of the problems of Cyprus will not be the only benefit of Turkish accession, if that can be achieved, but it should be regarded as an important one.

12.11 pm

The Minister for Europe (Mr. Douglas Alexander): From the Conservative Front Bench, the hon. Member for Altrincham and Sale, West (Mr. Brady) concluded his remarks—not in the same manner as the crescendo that we anticipated and then enjoyed from my hon. Friend the Member for Hendon (Mr. Dismore)—by saying that anyone who listened to our debate today would be aware of the complexity of the issue and the challenge that faces all of us in relation to Cyprus. I would add that anyone listening to the debate that we have enjoyed this morning would reflect on the great credit that it brings to the House of Commons that we can still—sometimes away from the television cameras and the press reporters—enjoy a debate of such quality.

I therefore begin my remarks by congratulating my hon. Friend on securing the debate. Rather elliptically, the hon. Member for Hereford (Mr. Keetch) acknowledged the fact that my hon. Friend has some form on Adjournment debates in the House, and is well known for his expertise in that regard. My hon. Friend more than matched that record today by demonstrating his expertise, long-standing interest and concern for the issues of Cyprus, and I pay due regard to that. I am also aware that this Adjournment debate takes place after my hon. Friend's recent visit to Cyprus between 5 and 7 October. I believe that the House is well served in having individuals with such personal and direct experience, such constituency interest and such expertise as has been manifest in the course of the debate today. I welcome the opportunity to discuss Cyprus and the points raised in today's debate. In the time available to me I shall endeavour to cover most of the specific points that have been put to me in the course of the past hour.

The Government have always worked hard in support of efforts to achieve a comprehensive, just and lasting settlement in Cyprus, brokered under the auspices of the United Nations. I am sure that the House will agree that the search for a settlement must remain an important priority for the Government—that sentiment was echoed in some of the remarks made by hon. Members today. After more than three decades of efforts to find a solution, it is a matter of genuine and great regret that the island remains divided, and that the communities on the island—about which we have heard this morning—and the stability of the region and the international community as a whole, continue to suffer as a result. The Government firmly believe that every effort must be made to achieve a comprehensive settlement. Time is not on our side, for some of the reasons given by my hon. Friend. Many of the points made in today's debate have confirmed my belief that the longer the current division continues, the more intractable the issues become.

My hon. Friend raised, in particular, the concerns of Greek Cypriots about the ongoing situation in the north. I know that the property boom, the presence of Turkish troops and the number of Turkish nationals living in the north are a matter of great concern for many people who take a close interest in Cyprus. All those issues are at the heart of the Cyprus problem and underline the urgent need to achieve a settlement.

On the specific issue of property, which my hon. Friend and other hon. Members mentioned, I can assure the House that we maintain a dialogue with the Turkish Cypriots on all Cyprus settlement issues, including that of property. However, we are not able to prevent property development, and the authorities themselves face powerful economic forces in a perverse political environment. It is a matter of great regret that the island did not reunite on the basis of the Secretary-General's proposals of last year, with the system of property restitution and compensation that was anticipated by the Annan plan. However, we continue to believe that the difficult and complicated issues relating to property in Cyprus can realistically be resolved only as part of the comprehensive Cyprus settlement. That reinforces the importance of achieving a comprehensive settlement on the basis of the Annan plan as soon as possible.

Mr. Love: Two weeks ago, the Saturday edition of the *Financial Times* featured a large article on purchasing property in northern Cyprus. If one read it very carefully, one found a little mention in one paragraph of the fact that legal difficulties might attend the purchase of such property. Should the Government do more to bring to the attention of those who might read such articles some of the difficulties that might occur?

Mr. Alexander: I am grateful for the question, because it anticipates a point that I was going to make on the efforts that the Government are making, and the steps that we are taking in relation to exactly that kind of issue.

We do not encourage British citizens to buy property in the north of Cyprus; through our travel advice, our website and in response to queries we explain clearly that property issues are closely linked to the political situation on the island, and we mention the risk to purchasers who could face legal proceedings in the courts of the Republic. We also advise potential purchasers of property to seek independent qualified legal advice and explain that the non-recognition of the Turkish Republic of Northern Cyprus and the possibility of a future political settlement in Cyprus could have significant practical financial implications for those considering buying property in the north.

The hon. Member for Castle Point (Bob Spink) made clear the efforts that he has made in his community to bring—rather forcefully, I suspect—to the attention of prospective purchasers the risks facing those who would be persuaded by the kind of advertisement of which my hon. Friend spoke. We have a responsibility in Government, and I have sought to explain the steps that we are taking. I urge hon. Members, particularly those whose constituents might be interested in acquiring property in that part of the world, to make their concerns known directly to such people.

In the past year, there have been both encouraging developments on the path towards a resumption of settlement negotiations and some causes for concern, as has been reflected in the debate. Let me address some of the specific questions that have been put to us about the prospects for renewing talks after the result of the referendums.

We believe that new settlement talks in Cyprus can be initiated only with the support of both communities on the island. The recent report by Sir Kieran Prendergast, the UN Under-Secretary-General for Political Affairs, following his visit to the island in May, concluded that the gap between the stated positions of the parties appears to be widening, while confidence between them is not high. The point was made earlier by my hon. Friend the Member for Hendon that that makes the process of establishing common ground extremely difficult. The United Kingdom Government, however, remain committed to achieving a fair, viable and lasting settlement in Cyprus for the benefit of all Cypriots. We therefore maintain our contact with all parties and encourage all sides to show the necessary political will and readiness to negotiate to achieve that goal.

On a practical level I know that, immediately following the 30 hours of negotiation in which the Foreign Secretary and I participated on 3 October to secure the beginning of accession talks with Turkey, our Foreign Secretary was in direct contact with the Secretary-General of the United Nations in order to explore with him the potential for further action, given the changed context of the opening of accession talks.

The hon. Gentleman raised concerns about whether the attitude of the Foreign Office after the referendum was somehow unacceptable or biased. I refute that charge absolutely. Our objective was and remains, as I have said, the achievement of a comprehensive settlement in the interests of all Cypriots, and in that we maintain a close and constructive dialogue with all parties.

The hon. Member for Chipping Barnet (Mrs. Villiers) impressed upon me the importance of respecting the democratic nature of the vote that was exercised in relation to the Annan 5 plan. I assure her that we do respect the outcome of the referendum and the fact that many Greek Cypriots expressed their genuine concerns in their rejection of the referendum proposals. However, I repeat that any future changes to the plan will need to be acceptable to both sides. Notwithstanding the fact that that was perhaps not evident in our discussions this morning, it bears heavily on the importance of trying to find a way forward in light of the rejection of which a number of hon. Members have spoken.

My hon. Friend the Member for Hendon raised the questions of the Turkish implementation of the protocol and, in particular, access to Turkish ports. Let us be clear: by signing the protocol, Turkey has committed to implementing its terms. To quote the EC directly:

> "The European Community and its Member States expect full, non-discriminatory implementation of the Additional Protocol, and the removal of all obstacles to the free movement of goods, including restrictions on means of transport."

In relation to the broader question of crime and drugs across the green line, the European Union has made clear the need to de-isolate the Turkish Cypriots and bring them closer to the EU, fulfilling the mandate from EU Foreign Ministers last year. Helping Turkish Cypriots to raise standards in the north would, I believe, have a beneficial effect on the flow of drugs and illegal immigrants from northern Cyprus into the Republic of Cyprus and the rest of the EU.

My hon. Friend raised a specific point about the census, which was echoed by other speakers. I assure the House that we would support the census and stand ready to assist in taking forward that idea.

Mr. Brady: The Minister referred to the expectation that the protocol should be fully implemented. Could he enlighten us as to what steps are being taken to ensure that and suggest by which date we expect it to be the case?

Mr. Alexander: I am not able to give a definitive date at the moment, but I can assure the House of my good faith. As recently as the day of the Hampton Court summit, I met Prime Minister Erdogan of Turkey and impressed on him the importance of seeing progress on that as well as on a number of issues. That is reflective of a general desire on the part of the British Government

[Mr. Alexander]

to make the Government of Turkey fully aware of their responsibilities under the protocol as well as the need to maintain the momentum established on 3 October to try to drive forward the process. I can assure the hon. Gentleman that we are using the opportunities available.

My hon. Friend the Member for Hendon raised the matter of the recent elections to the Turkish Cypriot chamber of commerce. That is not a matter usually discussed on the Floor of the House, but it is important as it tells us about the dynamics in Turkish Cypriot politics. I will not comment in detail on the specifics of who was elected and who was not and on the internal procedures of the chamber, but I can assure the House that our high commissioner has met the chamber of commerce's new president, who has stressed his commitment to recognising its responsibilities and relationships with the EU. It is a matter of which we are aware and on which work is under way.

A number of hon. Members mentioned the importance of finance for missing persons. We strongly support the work of the Committee on Missing Persons in Cyprus. The United Kingdom contributed $50,000 to the work of the committee last year and we are actively considering a further contribution in the light of the important work it undertakes. We are in discussion with other member states about what further steps can be taken at an EU level to encourage that work.

David Lepper: On the question of missing persons, would the Minister agree that the Turkish army has an obligation to make available the full records of those who were arrested at the time of the occupation in 1974 to enable proper investigations to take place?

Mr. Alexander: Clearly, difficulties in access to information have been encountered in the past. I hope that the sentiment I have expressed and our financial contribution speak to the fact that we would not support the committee if we did not support its aims, which are that information should be established about all the missing people related to the terrible and difficult events that took place.

Notwithstanding the many challenges, it is also important to maintain a sense of perspective, despite the considerable challenges that still confront us. I was enormously encouraged by the EU's historic decision on 3 October to open accession negotiations with Turkey. As well as being the right decision on its own grounds, I strongly argue that it is also the right result for the European Union, for Turkey and for Cyprus. Steady progress in Turkey's accession negotiation process will encourage normalisation of relations between Turkey and Cyprus, as the hon. Member for Altrincham and Sale, West acknowledged. That should in turn help to increase trust and interaction between the parties and provide a sure context for a resumption of those negotiations.

I am encouraged by moves such as the opening of additional crossing points on the green line in Cyprus and the progress towards opening a further crossing point in the centre of Nicosia on Ledra street. The work of the Committee on Missing Persons, with the increased contribution and engagement of both communities, is also promising, notwithstanding the continuing challenges that have been mentioned. We are making every effort to work with the Republic of Cyprus to build a broader base of bilateral co-operation.

During his visit to Cyprus in late October, the Deputy Prime Minister signed the memorandum of understanding establishing a structured dialogue on bilateral co-operation, as agreed by the Prime Minister and the President when they met in July. The hon. Gentleman suggested, gently, that there was surprise about the role of the Deputy Prime Minister and the constructive contribution that he is already recognised as having made in that regard. I assure the hon. Gentleman that I personally can testify that not simply internationally but sometimes even domestically my right hon. Friend is able to pour oil on troubled waters. My right hon. Friend was also involved in discussion about the prospects of the resumption of United Nations' negotiations with representatives of both sides of the island during an important and timely visit.

I am concerned that the stated positions of the parties on the elements that will need to be discussed during a resumption of negotiations regrettably remains far apart. The report produced by UN Under-Secretary-General Kieran Prendergast after he visited the island in May underlined how wide that gap remains.

I am also concerned that to date the EU has not been successful in meeting its commitments to end the isolation of the Turkish Cypriots, an issue addressed in the wide-ranging contribution of the hon. Member for Hereford. As the Chairman of the Foreign Affairs Committee, my hon. Friend the Member for Ilford, South (Mike Gapes) said, the Turkish Cypriots showed their continued support for the settlement and for a reunited Cyprus in the EU at the referendums in 2004 and in subsequent elections. But the more the Turkish Cypriots are left isolated by the international community, the more that elements in the north of Cyprus who oppose a just Cyprus settlement will flourish. We must not allow that to happen, so we will continue to do all we can to ensure that the EU lives up to these commitments.

The Commission has put forward proposals for financial assistance and preferential trade. As hon. Members said, it has proven enormously difficult for member states to agree these measures, but our duty while we have the presidency is to make every effort to do so; we will continue to work to that end with our European Union partners beyond the end of our presidency.

I listened carefully to the contributions from both sides of the House in this wide-ranging debate. I assure hon. Members that we will continue to take forward the work that I discussed when I met the Prime Minister of Turkey and which the Deputy Prime Minister took forward during his recent visit to the island. I assure the House that, not least for all the reasons we have heard—the sovereign bases, the guarantor role, our role in the European Union and in NATO—Cyprus continues to be one of the key areas of priority for the Government.

Aviculture

12.28 pm

Mr. John Randall (Uxbridge) (Con): I am delighted to have the opportunity to raise this subject. I am not entirely sure whether it has been raised in Parliament before, but if so, it was not in a debate. As you know, Mr. Cummings, aviculture is just another name for the keeping of birds which, in its widest sense, means anything from poultry, pheasants, ducks and owls to more familiar birds such as budgies and canaries and also owls.

I will concentrate on the more usual types of bird and speak briefly on the history of keeping birds. It goes back a long way, as we can see from mosaics from Ancient Greece and Rome, in which parrots and other such things were depicted. It is only in the past couple of centuries that bird keeping has become more widespread; before that, it was very much the pastime of the rich, and stately homes would often have large collections. In the 19th and 20th centuries, however, it became much more the pastime of ordinary working men. Latterly, it has been taken up by working women, too, although it is mostly the pastime of working men.

People kept pigeons or canaries before budgerigars became established in this country. In many mining communities in your constituency, Mr. Cummings, and throughout the country, a lot of people who had very hard lives and worked long hours will have derived great pleasure from looking after and nurturing these living creatures. Keeping birds gave people immense pleasure. It is not just that canaries were kept in the mines; keeping birds was a form of escapism for many people.

When people look after living creatures, they have to make a great commitment to ensure that the animals in their care survive. That requires great dedication, and people tend to their birds daily, if not several times a day.

I confess to hon. Members that I have kept birds, although I regard myself primarily as a birdwatcher. If I go back long enough, I can remember a time when I was rather keen on having the usual type of pet, and I pestered mother and father for a cat or a dog. Wisely, they said that that would not be all that easy, so we settled on having an aviary in the garden. I derived great pleasure from keeping birds and found out a lot more about them than I would have done purely by going walking around the countryside watching birds. I found out about breeding cycles and, despite never having been a great scientist, about different mutations; it was good for a young schoolboy to learn about genetics in a simplified form.

Interestingly, two of my friends at school also kept birds. Today, I am here, one of my school friends is a wildlife officer for the Royal Society for the Protection of Birds and the other runs one of the largest bird tour companies in Britain. Although the latter two do not keep birds any more, I am sure that our great interest was spurred on by the fact that we were in close proximity to birds and were able to learn more about them.

I am sure that hon. Members are thinking, "That is all very fascinating, but why on earth is the hon. Member for Uxbridge raising this issue today?" The reason is that bird keepers will potentially be affected by several issues and they feel slightly under pressure, although not under threat. One issue is the Government's impending Animal Welfare Bill. By and large, it is welcome, and I shall come to it in a minute.

The other issue, which is connected with many of the points that I have raised, is the threat of avian flu coming to these shores. In the past few weeks, there has been publicity about avian flu, including the case of the infected parrot. There is concern that that will worry the public and that they will think that every budgie in every front room is potentially a harbinger of doom and that the whole family will be wiped out.

I am therefore grateful to the Government for what they have done and particularly to the Minister, who has taken a very responsible attitude to the issue and who has been sending out the right signals. However, I thought that it was possibly the time to raise some of these issues on behalf of bird keepers. The bird-keeping fraternity is divided, although some of its members are very active and able to put their views across, and does not always present a universal front. There is a certain amount of in-fighting and it is difficult to get all of its members together and establish a common view. I thought that this might be the forum in which to get them to understand the problem.

An important aspect of bird keeping that is sometimes forgotten is the potential it brings to learn conservation skills. I sometimes have to fill in forms—I am sure you do too, Mr. Cummings—in which I am asked who my political hero is. On the quiet, I must say that I do not have a political hero. If I were to have a hero, he would probably be Gerald Durrell, who would probably be thought of today as politically incorrect. Like me, he was inclined to be a little overweight, and probably spoke his mind a little too much. In his youth, he went out collecting animals for zoos; a lot of his books are about that. After a while, he considered the conservation side of things and realised that there was a need for captive breeding populations. Many of the skills that he learned—I believe that he worked at Whipsnade and, latterly, London zoo—helped him to start up his Jersey zoo, in which he had animals such as the echo parakeet from Mauritius, the pink pigeon and other birds and animals that bred in captivity.

Birds and animals do not breed in captivity if they are just stuck in a cage; they have to be nurtured and studied. Even today, some successful reintroduction schemes rely heavily on the expertise and skills of the people who look after the birds in captivity before releasing them into the wild. Around the world, conservation methods for some species include captive breeding for future release when the habitat is secure.

A more controversial issue, which came to attention with the focus on avian flu, is that of importing wild caught birds. This is not the time to raise that issue, but it needs to be sorted out. I congratulate the Government again on their stance on what is by and large an EU matter, although the mood is turning towards saying that it is not as necessary to have wild caught birds as it once was. Australia imposed an export ban in the early 1960s, and many species are now bred there in captivity. Indeed, some parrots and parakeets are more common in captivity than in the wild because of captive breeding and the impetus of saying that no more wild stock could

[Mr. John Randall]

come in, which made breeders and interested parties realise that that would be it if they did not get their acts together.

I hear arguments about sustainability being important, which it is, but it is also important that we consider whether some communities in developing countries are more likely to preserve habitats if they are harvesting, so to speak, a species of wild bird there, as with butterflies. I am not sure; I see both sides of the argument.

The vast majority of people who are interested in aviculture or keeping other species such as reptiles or fish are concerned about animal welfare. The last thing that they want is to see any living creature in distress. Some of the pictures that we see on the news go back some way. It is almost as though they are library photographs. There is an image of awful crowded importers' cages in which birds' heads stick through gaps, but such cages have largely been got rid of. That must still be looked into, although for some time there has been quarantine and people have ensured that things have been done properly. Sadly, that is not so all over the world, but Britain has a pretty good record.

I mentioned avian flu because this is a good opportunity to reassure people that the real threat is from migratory birds arriving in this country and having contact with domestic poultry or wildfowl. It is unlikely that birds in aviaries or cages will become carriers of avian flu, although we must be careful of that. The Minister has taken a responsible view. His Department has studied the effect of imports and bird shows, and has taken sensible measures. A few weeks ago, the newspapers got themselves into a panic over aviculture, which worried many people. Although avian flu is a serious matter, we must put it in proportion.

Aviculturists justifiably raise the issue of animal welfare legislation and what these days are called pet fairs—when I was younger, I called them bird shows. Breeders and owners show their birds off, rather like the old fur and feather shows that one sees at county shows. They often last only one day. Selling birds worries some of the animal welfare people. These shows are very valuable for breeders, who can swap birds, get new stock and discuss matters. Things have changed since I kept birds. Up to when I was a student, I never went very far; I lived next door to my mum, who has the original aviary, and that is why I still keep birds. What has changed most is security. In the old days, one could put one's name and address in a classified ad and did not have to worry. People would come and purchase stock. Now people are worried about theft. There are presumably one or two fanatics who object to people keeping birds in captivity. Therefore, buying and selling stock is more often done at these forums, which is why they are important.

Recently, a popular parrot show was held in Stafford—I see the Minister's Parliamentary Private Secretary, the hon. Member for Stafford (Mr. Kidney), is present. There has been concern about that show in the past. I believe that someone from the Department attended the show and there was a telling veterinary report, which said:

> "Most of the Parrot Society members stressed the importance of the event as a social event. I also witnessed that much time was spent at the members tables discussing husbandry and feeding methodologies. I was accompanied round the show by a veterinary student who was keen to absorb as much knowledge as possible from the many experienced aviculturists present. They all took time to answer her questions even though she always explained that she was not buying. This exchange of knowledge is in my opinion very important, especially when it concerns the rarer species."

The report goes on:

> "My conclusion from the inspection on the day, and reading the terms and conditions applying to the members, is that the show is run with avian welfare having high priority. Any problems identified were rectified immediately."

The top priority of the people who run these shows is their birds, not just because they like them, but because they are valuable, so it is good common sense. However, it is because they care about them.

What I have said about aviculture is equally true of people who keep reptiles, tropical fish, koi carp, hamsters, guinea pigs, rabbits or ferrets. I have four ferrets; it is admirable for someone in the Whips Office to have a set of ferrets to protect him at all times. It has always struck me—and there are examples from my constituency—that people keep animals or birds in special schools or in prison. The bird man of Alcatraz—Stroud—wrote the definitive work on bird diseases just from sitting in solitary confinement, keeping birds and looking at them.

There is an important social angle. I know of young people who have got involved in keeping birds, not necessarily through a parent. The joy when they see that the birds have laid eggs, and when, 18 days later, the nestlings come out and must be given different foods, and the birds fledge, sets them up pretty well for life. It gives them a sense of responsibility. That is something in today's world. We are always talking about that in the context of young people, and it is not a bad thing to show them.

I do not think that the Minister needs to worry too much. The bird-keeping fraternity believes, as I do, that he is a very good Minister, particularly with regard to the present topic—so much so that he appears in the latest issue of the Parrot Society's magazine. It is an excellent picture, in which he looks particularly dapper. If he would like a copy I am sure that the Parrot Society would be glad to help him.

I know that it is a very busy time for the Minister, with the Animal Welfare Bill, but I should very much like to bring a small delegation of aviculturists to a short meeting, in which they could put across their view in person. They want to be able to assure people that they have made their voice heard in Government.

12.47 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Mr. Ben Bradshaw): I congratulate the hon. Member for Uxbridge (Mr. Randall) on securing the debate and commend his constructive and informative speech. He is a living example of the lack of contradiction between an interest in observing and enjoying wild birds and an interest in keeping birds. He is right to point out that bird keeping is a legitimate and old human practice, dating back at least as far as the Egyptians, and probably further.

The Government estimate that about 2 million people in this country keep birds, and they get great pleasure from it. As the hon. Gentleman pointed out, bird keeping has therapeutic and social benefits. Many birds thrive in captivity better than they do in the wild. Some live longer, and there can be conservation benefits. Some species that are rare in the wild have become common in captivity, and aviculture, as the hon. Gentleman also pointed out, has pioneered ways of breeding that are now used to boost the numbers of several endangered species. Captive breeding by hobbyists, such as the hon. Gentleman, has reduced the need to import wild caught birds.

The hon. Gentleman alluded to the debate about the whole trade in wild birds, which I am sure will continue and in which I hope he will play a leading role, as the European Union must reach a decision on whether to extend its import ban. It is right to point out that there are two sides to the argument. The point is made in some quarters—including the United Nations convention on international trade in endangered species—that for many of the poorest communities in the world as long as the birds are being harvested sustainably they are an important source of income. The trade in some of those places is an incentive to conserve a valuable resource. However, I am sure that we shall return to the debate and that the hon. Gentleman, with his expertise, will play a leading part in it.

The main job of Government is to ensure that the welfare and conservation of birds will not be jeopardised and to prevent the spread of avian flu between birds or from birds to humans. The Animal Welfare Bill, which was introduced in the House of Commons last month, should help to ensure that the welfare needs of birds kept in captivity in this country are met. As the hon. Gentleman said, the vast majority of owners, who love their birds and care for them diligently, have nothing to fear from the Bill. However, a small number do not come up to scratch, and the Bill will help allay the fears of those animal rights fundamentalists who believe that it is intrinsically cruel to keep birds; we believe that they have nothing to worry about.

I reassure the hon. Gentleman that the Animal Welfare Bill is not about banning anything; it is about increasing welfare. If he is interested, I hope that he will be fortunate enough to secure a place on the Committee that considers the Bill when it eventually comes before the House; his expertise will be a great help to the Committee.

We have no intention of banning the keeping of particular species, either in the Bill or in secondary legislation. The Bill should not ban anything unless an incontrovertible case can be made that an activity is intrinsically cruel, and we have no evidence to suggest that bird keeping or bird showing, as he described it, is cruel. However, the Government are considering whether more protection should be given on conservation grounds to some of the world's most endangered species.

As the hon. Gentleman will know, article 8.2 of the EC regulation that implements CITES provides for member states to prohibit the holding of endangered species, particularly live specimens of the most endangered species. The Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for South Dorset (Jim Knight), launched a public consultation in July to seek views on the option to regulate the holding of certain species subject to control under CITES. That concluded on 31 October, and the results are still being considered.

The Animal Welfare Bill should help to clarify some of the controversy surrounding pet and bird fairs to which the hon. Gentleman referred. I was sorry not to be able to attend the parrot show in Staffordshire. It was held on a Sunday, and as a busy Minister and constituency MP, my Sundays are particularly precious, but I hope to attend a similar show in future. However, John Bourne, the head of my animal welfare team who is leading on the Bill, was there, and it may have been his report that the hon. Gentleman cited.

I would be happy to meet a delegation from the Parrot Society UK to discuss some of its fears. The hon. Gentleman is right that there are some well organised and well funded non-governmental organisations; he is right also that those who keep birds tend to be quiet individuals who are not used to coming together to agitate or to organise political activity. It would be useful to hear their views before considering the relevant provisions in Committee.

The Government do not have any evidence that bird and pet fairs are intrinsically incapable of providing for the welfare needs of the animals in question. The hon. Gentleman eloquently outlined some of the potential benefits of fairs. People are nervous about putting small ads in papers, especially for reasons of security given the high value of some birds, and such gatherings allow the exchange of information; indeed, if our proposals go through, they will be able to license birds. Licensing will be welcomed by most of the organisations that run such events; it would help deal with potential welfare problems, especially in organisations that are not so well run.

Naturally, future proposals made under the Animal Welfare Bill will be made through secondary legislation. Such instruments will be subject to full public consultation and approval by both Houses. Again, I hope that the hon. Gentleman will play a leading role in those deliberations.

The hon. Gentleman was also right—I am glad that he welcomed this—to highlight the recent temporary EU ban on gatherings like bird fairs and the import of wild-caught birds on health grounds in the context of avian influenza. I was grateful for his considered response, and I hope that he will continue to be involved in the dialogue on whether a ban is justified and, if so, for how long. It is important when making such decisions that the Government take account of the views of the organisations and hobbyists that he speaks for—I hope that he will continue to do so—as we weigh up the animal and bird risk, and the human health risk associated with avian flu. The ban will be reviewed again next month. However, that does not affect the Government's long-term proposals for the licensing of bird fairs or our long-term policy on the import of wild-caught birds. I suspect that the hon. Member for Uxbridge is absolutely right to say that there is currently a shift of opinion on the import of wild-caught birds. In a way, the avian flu outbreak is a diversion from the issues that he raised on conservation and ethical matters, which have helped to spark a debate that will continue as we reconsider the ban in the weeks ahead.

[Mr. Ben Bradshaw]

The hon. Gentleman will know that another result of the discovery of highly pathogenic avian flu at the quarantine facility in Essex has been an independent review of Britain's quarantine procedures. That was a sensible measure and has raised questions about quarantine procedures, including the practice, for example, of mixing species of birds. Perhaps we should do more to separate species in quarantine. Of course, that is a hypothetical matter at the moment because the import ban is in place, and no birds are being imported. However, were the import ban lifted, we would have to be satisfied that the quarantine procedures are robust and are being correctly implemented and enforced. That investigation is continuing and my right hon. Friend the Secretary of State has assured the House that she will keep hon. Members updated as and when information comes to light.

I hope that the hon. Member for Uxbridge will take part in future discussions on the ethical, health and conservation considerations of the international trade in wild birds. Mr Cummings, I would be happy to have the coverage of my activities in the Parrot Society's magazine mentioned by the hon. Gentleman for Uxbridge. If you have not already seen it, Mr Cummings, I commend a recent profile of the hon. Member for Uxbridge in *Cage and Aviary Birds*, which was a charming report of both the hon. Gentleman and his mother. There is a picture of him beside his aviary and a picture, I assume, of one of his birds. That report demonstrates nicely the pleasure and sense of responsibility that is derived from keeping birds. I am grateful to the hon. Gentleman for raising the matter, and I hope that I have been able to reassure him about some of the concerns that he expressed about the potential impact of the Animal Welfare Bill, the current debate on the import of wild birds and the in many cases unfounded fears of the public about avian flu.

Artists' Resale Rights

12.58 pm

Chris Bryant (Rhondda) (Lab): I am delighted to be able to begin the debate rather early. The artist's resale right has barely been discussed in the House over the last few years, but it will radically alter parts of the British art market. It is a great shame that, until now, we have not had a full opportunity to debate the matter. Indeed, when the Government eventually bring forward their measure, it will probably be in the form of a statutory instrument, which will be debated for an hour and a half in a Committee Room, with no opportunity to amend it. That often happens with European legislation as we incorporate it into British law. I hope that, one day, there will be a half-way house—a third way—between primary and secondary legislation so that we do not have to go through the full three readings process for European legislation, but have a fuller means of exploring issues.

I support the concept of an artist's resale right, although I understand that others disagree. It is important to set the artist's resale right within the broader context of the art market in the UK. The Government estimated in 2001 that, as of 1999, the UK art market was worth £3,467 million. In France, for the same year, it was estimated that their total art market was worth about £2,115 million. It is probable that, since those figures were arrived at, the British art market has grown somewhat. Latest estimates put the worth of the market in the region of £4.5 billion. Therefore it makes up a significant part of the British economy. It is also a significant employer. There are about 9,500 art dealers and 750 auction houses. Last year's labour force survey suggested that there are 148,700 artists in the United Kingdom, although that figure probably includes commercial artists and graphic designers. A more conservative estimate is that the UK has 85,000 to 90,000 working artists.

Many of those artists are partly employed and partly self-employed. The art industry drives many other industries, such as the newspaper and magazine industry, the graphic design industry and a whole series of others. The pure artist—the person whom we might identify with an easel and brush—is still instrumental in ensuring the creative innovation of British industry.

It is important that we bear down on some important misconceptions early on in this debate. The first misconception is shared by many people; namely, that artists are wealthy. It is all too easy to see Tracey Emin sell her unmade bed for £150,000 or her slippers for £5,500 and think that artists are doing pretty well.

Incidentally, Sarah Lucas, another artist who sold her unmade bed as a work of art, once viewed my flat in the east end of London. She offered me less for the flat than she would probably have offered for the bed, had I left it unmade before she came to view it.

In February, Lucien Freud's portrait of Kate Moss fetched £3.9 million at Christie's. Damien Hirst's pickled shark fetched £6.5 million. It is therefore easy for the general public to think that British artists are doing pretty well. Those examples are the tip of a formaldehyde iceberg—they represent one tenth of 1 per cent. of UK art sales. The artists who are coining it are a very small minority. In fact, average contemporary art sale prices in 2002—the most recent year for which figures are available—were £382 for a painting or drawing, £198 for a photographic print, £293 for a sculpture and £163 for a limited-edition print. It is good to know that art is accessible to more people in terms of cost than people might think from the figures paid for Damien Hirst pieces. The truth is that half of all drawings and watercolours sold in the UK in 2002 sold for less than £500. Some 43.8 per cent. of all art sales in the UK are for less than €1,000.

During my speech, I shall switch between euros and pounds with rather unnecessary frequency. For that I apologise, Mr. Cummings. The European directive speaks about sale prices in euros, and the Government will end up speaking about sale prices in euros on the matter, so I must sometimes refer to prices in euros, because I have not converted all my figures from pounds to euros. An aspiration may be contained therein for the future of the British economy.

Many artists, even ones who are relatively well known and who may have been established for several years, earn extremely small amounts of money from the sale of their work. Forty per cent. of artists in the United Kingdom earn less than £5,000 per annum. That is below the minimum wage. Many are half employed and half self-employed, so that figure is not regularly in the public domain. None the less, we should bear it in mind.

The second misconception that I wish to abolish is that the artist's resale right will destroy the art market in the United Kingdom. When I was a member of the Select Committee on Culture, Media and Sport in the previous Parliament, we did a report on the British art market. Some of the outlandish remarks made by both the auction houses and the dealers suggested that the resale right would be the end of the British art market. No, it will not. For a start, the Government have managed to secure a whole series of exemptions, which will mean that the Commission's original proposals for an artist's resale right will not be as onerous as people first thought.

For a start, there will be a cap of €12,500 on the amount of royalty that an artist can earn from a work of art, so there is little likelihood of someone choosing to sell a British work of art in the United States or in Switzerland. That was one of the arguments advanced by the auction houses; that someone wanting to sell a Damien Hirst would decide to sell it in Switzerland or the US, where there is no artist's resale right. I do not believe that to be true, although people sometimes have a nexus of different reasons for believing that a work of art will sell best in a particular country. The owner of a work of art may choose to sell a £6.9 million work in the place where it is likely to achieve its highest price. That may be the US, but the €12,500 cap is unlikely to be the major factor that determines whether an owner sells the work in this country or elsewhere.

The second exemption that the Government have secured is that no royalty will be payable when art galleries buy a work directly from the artist and resell it within three years for less than €10,000. Again, that is because a large part of the British art market is selling works of art for considerably less than €10,000, which is roughly £6,500. That ensures that the impact on the high end of the art market will be pretty minimal. Significantly, the Government secured a derogation, which member states can implement, whereby the right will not apply to deceased artists' estates until 2010.

My concern is for the artists who are arriving on the art scene today, particularly for struggling artists whose income stream is difficult at the best of times, and not primarily for the estates of those who have already died. This row has already gone on in France, Germany and Italy. The derogation, however, gives the Government an opportunity before 2010 to review how the artist's resale right has worked in operation in the UK before going back to the Commission and discussing further possible changes to the resale right in the future.

The most important reason why the artist's resale right will not destroy the art market in the UK is that only about 2 per cent. of the total value of the UK art market—a tiny fraction—relates to the resale of the works of living artists. Even if all the works by deceased artists were included—only another 8 per cent.—that would be only a tenth of the whole art market in the UK, so I suggest that some of the comments of the galleries and the auction houses have been exaggerations.

The third misconception is that a strong UK art market depends primarily on a wholly unregulated market. I shall not talk about the regulation of auction houses because we know all about the problems that the auctions houses have got into over unfair trading in the past few years. More important, the strength of the UK art market relies on the vibrancy, innovation, imaginative quality and strength of the artists' community that underlies it. In other words, it relies on the artists who are making new works of art.

It is not good enough for us to rely simply on selling Eduardo Paolozzis and Francis Bacons—the great British artists of the recent past. We must have a modern, contemporary art culture if we are to have a strong art market. We will have strengthened the whole of the British art market rather than weakened it if we can ensure a stream of income to artists who are alive today.

The artist's resale right is likely to clean up some of the dodgy cash-based transactions of some of the UK art dealers about which witnesses told the Culture, Media and Sport Committee last year. That is because artists, who have a financial interest in the resale of their works and will be following their fate with a keen eye when they appear for resale at dealers and auction houses. Furthermore, dealers will have to produce an audit trail and invoices for works of art by contemporary artists. I suspect, therefore, that some of the less savoury practices in the art market will be cleaned up.

The Government issued a consultation paper earlier in the year, suggesting that derogations would enable them to introduce a threshold of anything up to €3,000. That is the point at which the artist's resale right would kick in and it would be in line with the European directive. However, I believe that we should apply the simple principle of helping as many artists as possible without making the royalty too bureaucratically burdensome to apply. The €3,000 threshold is too high to help the vast majority of artists. The threshold is set at €50 in Germany, €150 in Spain, €200 in France and €1,000 in Italy and Ireland. With the Government suggesting that it should be €3,000, we are sticking out like a sore thumb.

[Chris Bryant]

Lowering the threshold will not drive sales abroad. The honest truth is that the royalty on a work that resells in the UK for €1,000 would come in at the princely sum of £27—far less than the cost of packing, shipping or insuring the work, let alone the cost of the complex legal arrangements that may have to be made for it to be sold in the United States of America or Switzerland. We should therefore lower the threshold from €3,000 to €1,000.

Lowering the threshold to €1,000, as opposed to the German or French levels of €50 or €200, would also be proportionate, because that would not impose too heavy a bureaucratic administrative burden on industry. It is estimated that lowering the threshold will bring an extra 72 per cent. of British artists into the scheme. I simply ask the Minister—I hope that he will reply in what, for me, is an optimistic way—whether it would not be right to support the many, rather than just the few.

A classic instance that springs to mind relates to my constituency. A Conservative Member recently asked me what this debate would be about, and when I told him, he said, "I am sure that they talk of nothing else in the Rhondda but the artist's resale right." Well, the Rhondda group of artists comprised Glyn Morgan from Pontypridd, who was born in 1926 and who is still alive; Charles Burton, from Treherbert, who was born in 1929 and who is also still alive; and, perhaps most notably, Ernest Zobole, who died in 1999 and who was from Ystrad in the Rhondda. The group was very active; indeed, the two remaining members are still active. However, the vast majority of their works of art would not be caught by the €3,000 threshold, but only by the €1,000 threshold.

I want the Government—preferably this afternoon, and certainly soon—to say that the work of artists such as Charles Burton, Glyn Morgan and Ernest Zobole will be subject to royalty rights under the artist's resale right because the threshold will be lowered to €1,000. The Minister might like to know that Charles Burton's work "Rhondda Bridge" is currently for sale for £1,650 at the Martin Tinney Gallery in Cardiff. I am sure that the family will be delighted to have some artist's resale rights if it is sold.

Let me now say a couple of words about the legislative process. The Select Committee made recommendations earlier this year. We thought that the threshold should be lowered to €1,000. The Government responded in the summer, saying that it welcomed

> "the Committee's careful consideration of this issue. Responses to the recent consultation will need to be carefully considered and the views of the Committee will help to inform the Government's assessment."

I hope that the Committee's views will help the Government's assessment in the direction of €1,000.

Legislators tend to do remarkably little for visual artists. The nature of their work as painters, sculptors, potters or photographers means, quite often, that they work alone. Unlike singers, authors, musicians and composers, they have had few organisations to fight their corner. Remarkably little has been done to secure their economic and moral rights as artists since Michelangelo completed first the ceiling and then "The Last Judgment" in the Sistine chapel in 1541. The innovation of droit de suite is perhaps a fait accompli, but it was first introduced in France in only 1920 for auction houses alone. It was a vital step, and I hope that we shall enact it as a fully progressive measure, helping the many and not just the few, as soon as possible.

1.15 pm

Mr. Hugo Swire (East Devon) (Con): I am most grateful to the hon. Member for Rhondda (Chris Bryant) for having secured this debate and for allowing me in on it, and to the Minister for agreeing to that.

It is worth making a couple of points. The hon. Gentleman spoke about some of the concessions obtained by the British Government during negotiations. It should be pointed out that one of the principal concessions was when they tried to stop the implementation of a lower threshold. The hon. Gentleman is arguing against everything that the Government have succeeded in doing over a period of five years.

The Design and Artists Copyright Society has mounted an extensive lobbying campaign, and not an unsuccessful one, it would appear. Quite frankly, however, there is nothing to change anyone's mind. Lord Sainsbury of Turville reminded the Select Committee on Culture, Media and Sport, of which the hon. Gentleman was then a member, that the administrative costs of imposing the limit of below €3,000 become an absurdly high proportion of the actual payments to artists. That is the seminal point, and nothing I have heard this afternoon has led me to change my mind.

The British Art Market Foundation has estimated that the total collection and distribution costs involved if the levy were extended to sales of €1,000, as suggested by the hon. Gentleman, would come to more than twice the amount received by the artist. The Government have made much of their policy of reducing the burden of costs and administration on business, and it would be entirely consistent were the Minister to resist the hon. Gentleman's cause.

Clearly, it would be absurd to involve the thousands of small businesses that make up our successful art market in a bureaucratic paper chase that would produce only tiny amounts of money for a small minority of artists. Interestingly enough, the hon. Gentleman will note that an independent survey commissioned by the Government found that the work of only 189 British artists was sold for more than €1,000 in auctions over a one-year period. That is worth noting.

Secondly, the Government have known the details of the resale right directive for more than five years. However, less than two months before it is due to be brought into effect the Government have not published their legislation. The artists' resale right has never been imposed on an art market the size of the UK's, which accounts for more than half the entire European art market. How can that market, which is so vital in this country for all artists of any sort, make the preparations needed if it does not have the details?

1.19 pm

The Parliamentary Under-Secretary of State for Trade and Industry (Barry Gardiner): It is a great pleasure be here, Mr. Cummings. I think that it is the first time that I have served under your chairmanship.

It is always interesting when we have an artistic debate. We have had colour and texture from my hon. Friend the Member for Rhondda (Chris Bryant), and style and form from the hon. Member for East Devon (Mr. Swire). We have been treated to some interesting byways of formaldehyde icebergs and dodgy dealers. However, the substance of our debate is crucial to the development of the art market in the UK, and I am delighted that my hon. Friend has highlighted that important issue. I congratulate him on securing the debate, which is especially significant as we are nearing the end of the process to reach a decision and implement the resale right in the UK.

The UK has a thriving and prosperous art market that makes a major contribution to the economy. In 2001, the UK art and antiques market was worth around £4.4 billion, split roughly 50:50 between auctioneers and dealers. With 25 per cent. of the world market total, the UK market is second only in size to the US and employs 28,000 full-time and 9,000 part-time staff. The Government are determined that it should continue to flourish.

Of course, there would be no art market without the creativity of artists, and the Government recognise the contribution that they make to the UK's cultural identity. Art, in all its forms, improves and enriches our daily lives. Visual art is an increasingly significant part of everything we do; it spans a huge range of activity from painting to photography. Art is one of the creative activities that, according to economic estimates produced in August last year, accounted for a significant 8 per cent. of the UK's gross domestic product in 2002.

As my hon. Friend the Member for Rhondda said, the majority of member states have indicated that they will adopt a threshold below €3,000—indeed €1,000 for many. However, other member states do not generally have as successful an art market as we do, which is why we need to consider the issue carefully before reaching a decision.

In implementing the directive on artists' resale rights, we must strike an appropriate balance between artists and those selling their work. We aim to introduce a workable scheme that will benefit artists without damaging the strong position of the UK art market. We are particularly concerned that the framework should minimise any risk that sales might be diverted to countries such as Switzerland and the USA where the right does not exist.

When negotiating the directive, the Government secured a significant number of concessions to reduce the risk of damage to the UK market. The first key concession is the imposition of a cap of €12,500 on the total royalty payable on any transaction. The original proposal contained no cap.

The second concession is the derogation under which the UK is entitled to delay the application of the resale right to works by deceased artists until 2010—that date can be extended to 2012. We intend to make full use of that derogation to allow the art market time to adjust to the introduction of the resale right. The UK will apply resale royalties only to the works of living artists from 2006. From 2010, resale royalties will have to be paid on sales of eligible works by deceased artists. The UK may, at this time, make a case to the Commission for the derogation to be extended to 2012.

The final key concession is an obligation on the European Commission to enter negotiations to make compulsory the relevant article of the Berne convention—an important international convention that sets out the worldwide copyright framework. Such a change would require countries such as the USA and Switzerland to introduce the resale right. To date, such attempts have not succeeded: both countries have said that they do not intend to introduce the right at this time, and the World Intellectual Property Organisation does not consider it a priority. We will continue to press for the international adoption of a resale right, but without any great hope of that happening in the near future.

The concessions dictated by the final form of the directive are crucial. However, other matters about which we have heard today are also critical to the impact of the directive in the UK. To make certain that we maximise the value to artists without undermining the art market, it will be necessary to make the right decisions on two matters on which the directive permits us some flexibility. Today's debate has allowed us to explore those issues in some detail and has given me an opportunity to set out some of the relevant factors that the Government are carefully considering.

The first important decision concerns the collective management of resale royalties. The directive allows members states to provide for collective management of resale royalties and to make such management compulsory. The arguments for collective management are threefold: it will secure greater compliance, it is generally considered to be relatively secure and it is more efficient, particularly through the lowering of administrative costs. Evidence submitted before and during consultation indicates that costs will be significantly reduced if the right is collectively managed. The main argument against compulsory collective management is that it removes the artist's choice to administer the right independently. Independent collection may be preferable for some artists who have strong links with particular galleries that sell their works. Compulsory collective management of rights does not generally apply in UK copyright law. We would therefore also need to be sure that such a requirement for artists' resale rights would not set an unwelcome precedent in any other area.

The second crucial decision is whether the UK should adopt a threshold of €3,000 or lower for the payment of royalties. Setting the threshold lower would considerably increase the number of artists who would benefit from the introduction of resale right. A recent study found that 37 per cent. of artists earn less than £5,000 per year, which means that almost 50 per cent. of all artists and visual creators fail to earn a reasonable living from their art. That percentage is significantly higher among certain groups, for example painters and sculptors. That is part of the background to the decision made in 2003 by the Arts Council of England to give more priority to assisting individuals. That new policy showed a marked shift away from the Arts Council's earlier policy of awarding grant funding to arts institutions.

The position of some artists at the lower end of the income scale is still not secure. That is why many artists are watching very closely to see what decision we make on the threshold. Our decision could make a real difference to their incomes and livelihoods. However, we must be sure that the decision on the threshold does not increase the number of sales at risk of diversion to overseas markets. We have had some very helpful information from stakeholders to help us to determine whether sales of artworks below the €3,000 threshold might be diverted to other countries. Indeed, the consensus is that the lower threshold of €1,000 will not significantly damage the art market by driving sales abroad. We believe that the costs of relocating a sale overseas will generally outweigh any royalty payable under artists' resale rights.

It may be helpful if I give an example. A work of art sold for €1,000—approximately £700—will generate a royalty for the artist of about £28 if the resale right is at a rate of 4 per cent. That figure will generally be far less than the cost of packing, shipping and insuring the work in order to sell it in another country. We must consider the fact that royalty payments on works selling for less than €3,000 would be very small. The £28 on a €1,000 sale may not make an enormous difference to an artist. Against that we must weigh the administrative burden placed on dealers and auctioneers to process the payments. The administration cost to businesses may be significant compared with the benefit to the individual artist. In particular, we must consider the impact on smaller dealers and auction houses.

We have recently received up-to-date information on the number of artists who would benefit and the costs of administration. Those figures are being analysed to assess the balance between the costs and the benefits that have been so ably presented to us by my hon. Friend the Member for Rhondda and the hon. Member for East Devon. Both decisions are being made in the light of the helpful responses to the Government's public consultation exercise on draft implementing regulations, which was undertaken earlier this year.

The formal consultation process has been supplemented by a number of informative discussions with the art trade and those representing artists. Today's debate has been a useful additional opportunity to hear some of the views that we know must inform our decisions. We expect the draft regulation setting out our proposed framework for artists' resale rights in the UK to be laid before Parliament in the very near future. As this is an entirely new concept in the UK, and resale right has never before been applied to a market as large as the UK, we will monitor its impact following introduction. We will commission further research to compare with that undertaken before the right is in place. That will provide us with information to feed into the commission's review of the directive, which is scheduled to take place in 2009.

I shall conclude by repeating my earlier assurances—

Mr. John Cummings (in the Chair): Order. We have to move on to the next debate.

Planning System (Local Councillors)

1.30 pm

Steve Webb (Northavon) (LD): It is good to have the opportunity this afternoon to raise a subject that is prompted by an individual constituency case, but is of much wider interest to all those involved in local government. To put the matter in context, one of my concerns is that many local councillors feel increasingly powerless. Even if they have been on the council for some time, there are various background trends that make individual local councillors feel that they have less power and influence than they once had.

I suspect that there is a general trend among central Governments of all parties to want to take powers from local government and to constrain what local councillors can do. The move to a cabinet system of local government, which we have in south Gloucestershire, is great for those in the cabinet, but many back-bench councillors feel that they have very little say and involvement—that they are lobby fodder and somewhat peripheral to what is going on.

The one thing that councillors can be, and seek to be, and often get elected to be, is a champion for their community. Planning is one area in which they can try to exercise that function. It is important to say at the outset that it is proper and right for a local councillor to try to influence a planning process on behalf of the people he or she represents. As the Nolan Committee's third report says, at paragraph 288:

> "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is via the local elected representatives, the councillors themselves."

I am sure that the Minister agrees with that.

The question then arises whether that is what is happening, or whether the genuine, legitimate concerns to ensure that planning is done properly have been taken too far and constrained the legitimate democratic acts of local councillors in their attempts to represent their own community. The latter is the case in at least one respect—the consequences, which may not have been intended by the drafters, of the Local Government Act 2000 for the way in which councillors are involved in planning decisions.

The example that I want to give—I shall give the details of a particular case in a moment—is of a councillor who is on a planning committee when a planning application is submitted that relates to their ward. The councillor to whom I shall refer later happened to be the chair of the planning committee, although that is not particularly relevant. Under the 2000 Act, in practice councillors have to make a choice. They can be on the planning committee and cast their vote, but can express no real opinion throughout the entire planning application process; they must sit as sober as a judge when the arguments are presented at the meeting, weigh them up, and come to their so-called independent decision. Alternatively, they can say, "To hell with that—I know exactly what I think about this application and I know what my constituents think about it. No way am I going to keep my mouth shut for the next three, six or nine months. I am going to speak out, knowing that I then cannot vote and cannot be part of the discussions on that application." In the jargon that is called fettering discretion.

Immediately, that becomes a problem; I have come across councillors who have been vilified for sitting on the fence. I am sure that the Minister has also come across that. If a councillor is on the planning committee and people in his or her ward say, "This is a terrible application; it would be dreadful for local people", the councillor has to say, "I cannot say anything." Technically, they can say, "Well yes, I have concerns about this, but obviously I am not going to make my decision until the meeting", but if there is any sniff that they have made their mind up beforehand, the applicant can appeal, can go to the Standards Board, or can go to the local government ombudsman. Councillors are therefore incredibly nervous about expressing an opinion. That leads councillors to be vilified—I have seen it happen. Also, bizarrely, it leads constituents to go to the opposition party—whichever party it might be—because its councillors are under no such constraint and will gladly slag off the planning application. It is a strange situation, in which the person whom the people elected to represent them cannot speak, but the person whom they did not elect can speak. That does not seem right.

However, it gets worse. If a councillor lives in the ward affected by the planning application, the rules say that if that councillor has a personal and prejudicial interest, he or she cannot even speak. Not only can they not vote, or be part of the discussion, they cannot even speak. In other words, the councillor has fewer rights to come along and say their piece than a citizen in their ward.

What is a personal and prejudicial interest? Under the local authorities' code of conduct 2001, it is defined as follows

> "a member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest."

Those rules are being applied too tightly; the judgment has to be that the application clouds their judgment so much that they can no longer discern the difference between their interests and the public interest, which may, of course, completely coincide.

It is not just me who says that the pendulum of prohibition has swung too far, so that it is a kind of gagging order on local councillors. Earlier this year, the Committee on Standards in Public Life published a report, in which recommendation 28 stated:

> "In planning decisions the ability of elected members to represent constituents' interests where they have personal and prejudicial interests has been unnecessarily diminished."

The recommendation was spot on. The point that I want the Minister to reflect on is that it continued:

> "This should be changed to give any elected member the right to speak (but not vote) for their constituents at a planning committee meeting . . . provided"—

and it then gave three perfectly reasonable conditions. The first is that

> "a declaration of personal interest is made",

the second is that

> "the representations are made in an open and transparent manner",

and the third is that

> "the member making the representations . . . withdraws at the completion of their representations."

At least councillors can say their piece openly. Everybody knows that if they are affected they ought to be able to do that. Technically, there is a discretionary waiver of those rules, which I will come on to. However, that is the problem.

The Standards Board for England consulted on the code of conduct and made recommendations to the Office of the Deputy Prime Minister just a couple of months ago. I want to highlight two. Recommending changes in the code of conduct, the Standards Board said first:

> "The Code needs to empower members as community advocates to take the lead on issues where their expertise is greatest and speak out on behalf of their own communities."

I am sure that that must be right. Secondly, the board said:

> "The rules around personal and prejudicial interests should be clearer, especially for members who sit on more than one public body."

The suggestion is that the rules have gone too far and that they are unclear. They certainly need looking at.

I want to highlight one specific case in illustration, which involves a councillor in my constituency, Alan Bracey. We have a unitary authority; no other councillors represent his area. It is a one-member ward. That is significant, because if it was a three-member ward we could largely get round the problem. The one on the planning committee could keep their mouth shut and the other ward councillors could weigh in, making it clear what they thought. In a one-member ward, that cannot be done.

The area is also semi-rural and the ward is, roughly speaking, the village. In other words, if someone is a ward councillor and lives at the heart of the ward, as is preferable, the chances are that they will be affected by a planning application in that ward. If it has broad impact on the ward as a whole, it is quite difficult not to be affected.

I will not go into great detail about the application, but basically Network Rail wanted to cut down huge swathes of trees to make the tracks safe. A lot of local people were unhappy, including Councillor Bracey. For 12 months, he fettered his discretion, stepped out of the chair of the planning committee, did not vote, but spoke out powerfully and gained some significant concessions. However, he has now been told that because he lives 100 yd away from some of the trees, he has a personal and prejudicial interest—if he has, he always did, but he has only now been given the advice—and should not even speak. That feels wrong, and it was not the intention of the legislation.

Councillor Bracey can apply to the standards committee of his local authority for dispensation to speak. However, it will get its legal advice from the same council's legal advisors who have told him that he should not speak: in effect, it will be an appeal to the person who turned him down. The worry is that that does not provide him with the freedom to go along and speak. Obviously, that is a specific case, but there is a wider issue. As I said, the pendulum has swung too far.

I want to draw the contrast between the situation for councillors and that for Members of this House. Issues of personal, prejudicial and pecuniary interest apply to

[Steve Webb]

us, but the rules are very different. We are governed by the code of conduct for Members and accompanying guide to the rules, and, to paraphrase section 76(1) of that guide, Members may not initiate proceedings in cases in which they have a relevant interest, but may otherwise speak freely on matters that relate to the affairs and interests of a body from which they receive a pecuniary benefit—so it is possible for them to be paid—provided that the benefit is properly registered. Paragraph 70 of the guide to the rules states:

> "For the purpose of taking part in any division . . . it is sufficient for the relevant interest to be disclosed".

So not only can Members speak; they can vote on matters in which they have a personal, prejudicial, pecuniary interest.

Why is that rule good enough for us and not for councillors? I have a sense that it is because we are hon. Members. We would not bend the rules or lobby inappropriately, whereas I do not know what the assumption is about our councillor colleagues, but somehow they need tight rules. As for us, who pass the laws of the land, as long as things are in the book and everyone knows, we can pretty much do what we like. I exaggerate slightly, but there is a great inconsistency, and I shall be interested to hear the Minister's comments.

Councillors are in an uncertain position. My hon. Friend the Member for Winchester (Mr. Oaten) asked the Deputy Prime Minister in 2003 if he would

> "make it his policy to allow councillors on planning committees to make public statements on planning applications."

That is the kind of thing that we are discussing. The Minister's predecessor, the present Minister for Immigration, Citizenship and Nationality, set out the legal framework and then said:

> "Ultimately it is for individual members to decide how they conduct themselves in carrying out official duties, including whether to make public statements".—[*Official Report, House of Commons*, 18 March 2003; Vol. 401, c. 742W.]

In a sense, therefore, it is up to them.

My worry is that councillors are now frightened of tripping over the rules. They are frightened of being taken to the Standards Board for England. There is concern about over-use of the board, maliciously or by people who did not get the outcome that they wanted. I talk to councillors and ask them to speak out, but they say, "I can't say anything before the meeting, because if I do I will not be seen to be unbiased." The public do not understand that. I have come across too many cases in which councillors must either be completely straight with their constituents, explaining that they cannot express an opinion at all, or they give a coded message, along the lines of "I can't really say, but you know me." It should not be like that.

I will not labour the point. My feeling, and the feeling of the Committee on Standards in Public Life—and I think that the Local Government Association has similar concerns—is that a well-meaning attempt to make sure that there is probity in the planning system, as there should be, and that cases are decided on their merit, has resulted in community representatives feeling disempowered, the community feeling that they do not represent them, and local democracy not being properly served.

I do not expect an instant decision from the Minister, but it would be helpful to receive a suggestion of the response that the Department is likely to give to the submission on changes to the code of conduct made to it by the Standards Board for England in September 2005, and, more generally, some indication that the Department is willing to consider again whether things have gone too far and we are unnecessarily shackling the ability of councillors to represent their communities' concerns.

1.43 pm

The Parliamentary Under-Secretary of State, Office of the Deputy Prime Minister (Jim Fitzpatrick): It is a pleasure to see you in the Chair, Mr. Cummings. I congratulate the hon. Member for Northavon (Steve Webb) on securing the chance to raise the issue, in general and on behalf of his constituents. It is clearly a matter of wide public interest.

I appreciate the strength of feeling aroused by the case that he raised, but he knows that it would be inappropriate for me to comment on the circumstances of an individual case. I do not think that my response will fully satisfy him, but he will, if he waits for my conclusion, hear something about reflecting on the latest assessment of what is happening, which may give him some hope for a pronouncement shortly.

If there are allegations about the behaviour or position of an elected councillor that is, in the first instance, an internal matter for the local authority. Subsequently, as outlined by the hon. Gentleman, such matters ought to be referred to the Standards Board for England. However, if allegations impinge on an individual planning application, it could be referred to the First Secretary of State or one of his inspectors on appeal. In such circumstances, also, I would not wish to say anything that might prejudice the quasi-judicial appeal process. However, I wish to be helpful, so I shall explain some of the rules and guidance on the planning process that apply to elected members, which will reinforce much of what the hon. Gentleman said.

As elected members, councillors may sit on a planning committee; they are responsible for making planning decisions, although a large number of those are delegated to planning officers for determination. Councillors do not act as judges on planning applications; they perform an administrative task. They balance two roles, which are not always harmonious—determining planning applications and representing the public opinion of their communities. The planning committee is normally given background information, applicable policies and a variety of circumstances on an application, with recommendations on the decision to be taken that should guide members in making their decision.

The English planning system involves a considerable amount of discretion. As a result, decisions of councillors on a planning committee may be based on a variety of considerations. However, the law defines that decision-making duty. Failure to act within the confines of the law may render the council open to legal challenge by means of judicial review.

The cornerstone legislation on reaching decisions on planning applications is section 54A of the Town and

Country Planning Act 1990, which is incorporated into Section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 38(6) states:

> "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

As I said earlier, elected members on a local authority planning committee have to balance the needs and interests of individual constituents and the community with the need to maintain an ethic of impartial decision-making on what can sometimes be highly controversial proposals. The Nolan Committee acknowledged that that dual role can give rise to great tensions, as is clearly the case in the situation that the hon. Gentleman has brought to the House. In response, the Local Government Association issued a guidance note to authorities in October 1997.

The Local Government Act 2000 introduced a new ethical framework to local government, including a model code of conduct for councillors. The relevant elements of the code are a requirement on each local authority to adopt a local code of conduct for councillors and co-opted members, the establishment in each authority of a standards committee to provide support and guidance to members on the requirements of their local code, and a requirement on the Standards Board for England to arrange for the investigation of allegations of breaches of local codes through its ethical standards officers.

The LGA revised its original guidance in 2002 to reflect the new legislative arrangements. It was further updated in January 2005 in the document entitled "Member Engagement in Planning Matters", which states that if members have both a "personal" and a "prejudicial" interest, they should not participate in discussions. However, a planning committee member can still speak out against applications on behalf of ward constituents. Nothing in our guidance prevents them from doing so. The consequence is that they do not take part in the decision.

Another question is whether councillors should speak out in council meetings and in committees. They should probably not. Chapter 8 of "Probity in Planning" makes it clear that councillors who have openly declared a view on an application should not use their position to lobby other councillors or to organise a caucus to support their position. The decision-making meeting should be planned to give the councillor a say, but one that is similar to that which other stakeholders will get, in order to preserve fairness. Elsewhere in Chapter 8, it is made clear that other political meetings should not be used to organise a decision in advance of the committee that is due to make the decision.

The document published in January 2005 by the LGA, "Member Engagement in Planning Matters" gives similar advice. The purpose of the document is to explain to members how they can become more engaged in discussions without fettering their discretion. However, if they do the guidance is clear:

> "Members who do take an active stand in support or assistance to an application should withdraw from the planning committee deliberations. Responding to lobbying is fully legitimate where a councillor openly admits an interest in the outcome of deliberations and withdraws from the discussions on which they have a particularly strong view and stands down for the period while the item is under discussion."

In the event of a conflict of interests arising in a particular case during its consideration by a local authority, it would be for elected members to seek advice from the authority's own legal staff. They would then provide advice on interpretation of any relevant legislation and on case law. However, as I said, it would be inappropriate for me to comment on such a matter.

One of the Government's aims in reforming the planning system is to make it fairer and more transparent. Accordingly, the Office of the Deputy Prime Minister continues to work with partner bodies such as the Local Government Association to produce advice and guidance for elected members on propriety issues in planning. Indeed, the planning advisory service, an arm of the Improvement and Development Agency, is financed by the Government. Its creation was one of the benefits of the £600 million in planning delivery grant allocation made available to improve the system.

I am pleased to say that only last week, a guidance document, "Positive engagement—a guide for planning councillors", was sent to every elected councillor in England. It was produced by the planning advisory service and endorsed by the chairman of the Local Government Association and my noble Friend Baroness Andrews. It too says that councillors should not

> "expect to lobby and actively support or resist an application and still vote at committee (or even stay in the room during discussions)".

The code of conduct for local authority members requires that members with a prejudicial interest in an issue should withdraw from the council meeting. We are aware of concerns that some people have raised about the effect of the current rules on members' ability to represent the concerns of their constituents. The Standards Board for England has recently concluded a review of the code of conduct and the board's conclusions from that review include consideration of this issue. The board has proposed amendments to the code of conduct as well as a recent recommendation of the Graham committee on standards in public life and the Select Committee on Office of the Deputy Prime Minister on the conduct regime for local government and the role of the Standards Board for England. We aim to announce our conclusions on proposed amendments to the conduct regime for local government later this autumn.

Steve Webb: Before the Minister sits down, will he provide some clarification? I am encouraged that these matters are being looked at. I read out a couple of general recommendations made by the Standards Board for England. Can he clarify whether the board has made any specific recommendations? I read out one about making the code of conduct clearer. Has the Department received specific recommendations from the board that are, perhaps, in the public domain, or are they at the same level of generality as the one I read out?

Jim Fitzpatrick: I apologise to the hon. Member for Northavon but I cannot share that information with him at the moment, but I will write to him when I have clearance to identify for him the exact nature of the recommendations. As I said, we aim to make an

[Jim Fitzpatrick]

announcement later this autumn, which means within the very near future.

I thank the hon. Gentleman again for raising this important issue. It is clearly a matter of concern not just to him and his local authority but to other authorities in the country. I assure him that the Government will continue to work with partner bodies such as the Local Government Association to monitor and improve guidance to local authorities at the earliest opportunity.

Question put and agreed to.

Adjourned accordingly at six minutes to Two o'clock.

Westminster Hall

Wednesday 9 November 2005

[MR. JOE BENTON *in the Chair*]

Medical Research (Regulation)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Heppell.]*

9.30 am

Dr. Ian Gibson (Norwich, North) (Lab): It is a pleasure to speak under your chairmanship, Mr. Benton. It is a first and I welcome the opportunity to introduce the debate. It is clear that not many people will show particular interest in the subject. Regulation must be one of the most boring issues in Parliament, yet I hope to prove that many problems are associated with it. Moreover, I am sure that many hon. Members have other things on their minds today that are perhaps more pressing than what we are discussing today and do not regard regulation as being as important as some of us believe it is.

I wondered about the vagueness of the title of the debate because various people telephoned to ask me what I would talk about. The subject is wide ranging and difficult to home in on. I will concentrate on regulation because it crosses various Departments, especially the Department of Health and the Department of Trade and Industry. People are charged with operating the regulations and drawing them up. It is a huge activity throughout many Departments. Although the issue is a quagmire and many people hate regulation, there is no doubt that it is necessary in many circumstances, mainly because the public expect it. It exists for the safety of the public in many cases and we must have good regulation if we are to establish new research, new technologies and new ideas.

I was struck by those who have been lobbying about such matters. Many people are worried about regulation. I mean not only drug companies, but organisations such as Cancer Research UK, which said that the

"increase in legislation regulating and inspecting aspects of research has led to concern within the research community."

It went on to say that regulation

"is imposing unnecessary and damaging constraints"

and that European legislation has a great effect in this country. We all remember the big debate about how clinical trials were carried out in Europe, and how the proposals from Brussels were curtailing the innovative work that is undertaken in this country.

I have received letters from organisations such as Kidney Research UK. While welcoming the opportunity to undertake medical research, it must have the freedom to work without unnecessary regulatory burdens. It said that adequate safeguards must be

"in place to protect individuals against the misuse of organs and tissues . . . organs and tissues should not be retained after death".

A year or so ago, the Human Tissue Bill was introduced. It provoked much debate and many professionals were upset by the restrictions that were being brought in by regulation. They said that that would make it difficult for them to hold on to tissues and to reclaim them without consent. Matters concerning who obtained consent created a huge debate within the academic community, as well as much activity and lobbying in both Houses. The Parkinson's Disease Society regards stem cells as a potential great way forward to controlling problems. It is worried about the regulations that might be attached. Patient groups as well as the pharmaceutical industry are concerned about regulations and their potential to inhibit progress.

It is clear that medical research has contributed so much not only in this country, but throughout the world. We have learned so much about diseases and we are learning more. There is no doubt that there will be more drugs to treat cancer, Alzheimer's disease and other diseases. There will be a huge explosion of effort in medical research and stimulation, and we do not want that to be inhibited by fearsome regulations that put people off filling in the forms or whatever bureaucracy is associated with such regulations.

The position is becoming interesting and the Government should be examining when regulation is necessary and when it is not. Such questions need to be dealt with at some point not in a piecemeal way, but generally. It is hard to draw up hard-and-fast rules, but that does not mean that we should not attempt to do so. We want to encourage innovation in research. There is great potential for patient benefit and faster success to find cures for many diseases.

I am pleased that a DTI Minister is replying to the debate because such matters have a huge effect on our economy. Research and development, and the young people whom we train to work in our industries, have made a difference in terms of what we can discover. Not only do we employ those people, but we create a knowledge-based economy, which is one of the Government's prime targets. For that we should be grateful. It has taken a long time for it to be acknowledged, but, thankfully, now we are there, with 10-year innovation plans and so on to help things happen. Yet there is still a concern—perhaps not a worry—that some of the regulations associated with the new technology may inhibit the development of our economy. I shall spell that out a little more.

Medical research is not simply Nobel prize-winning research into a new gene, disease, drug or treatment. It also relates to the care of patients. We must recognise that research can be done into the kinds of bed people are in, palliative care and the circumstances in which people live. We want an evidence-based society that treats the patient from the early diagnosis, at which we are getting better with many diseases, through to when we care for them in our communities. That will enable us to realise that many diseases will be associated with people late in life and will be chronic, and that there will be a patient's journey from the early stages to the later ones. Much research is undertaken into that, but it is not highly prized or recognised. People feel that it is not Nobel prize-winning stuff. However, it is still important. Therefore, we need innovative ideas across the board.

Some hon. Members may be confused by the title of the debate. Research is regulated. There are health and safety conditions and laws that must be obeyed. It has sometimes been hard to operate in that environment if people have not been trained properly to understand

[Dr. Ian Gibson]

that the research that they do in their white coats in the laboratories demands care and attention. I refer not only to their own behaviour with others but to the materials that they work with, be they chemicals, gases or anything else. Some of those materials could become available to people who have other plans for them. Therefore, there must be continuing regulation at that level. However, I am concerned about the regulation after that, and today we should try to address the regulation that helps our economy and develops new techniques. I want to give some examples of that.

Do we have enough regulation and do we need it at all? I do not have a hard blueprint in relation to those questions, but I can see that people can be over-zealous or under-zealous. I shall speak later about human embryology. The hon. Member for Salisbury (Robert Key) and I were members of the Select Committee on Science and Technology last year when it looked into the regulation of assisted reproduction technology and, gosh, we have the scars on our backs to remind us of those debates, because it is a vehement issue. The body that operates the legislation relating to that, the Human Fertilisation Embryology Authority, was very much in our sights. I shall cite that regulator as an example later.

The Government brought stem cell research into the parliamentary domain and allowed it to go ahead in this country. Now the argument is whether we are developing the technology fast enough and whether we will be ready for it when it happens. Members will know that Christopher Reeves, who played Superman, supported the work going on in this country, as opposed to the work that was not going on in the United States, which was inhibited by religious fervour. A Republican Government, who in many ways were against science, technology and innovation, were making it very difficult. Therefore, this country is ahead of the game.

With Richard Branson, Sir Christopher Evans and others, I sit on the Stem Cell Foundation, which has been considering a mechanism to ensure that, as the discoveries fall off the bench, the peer-reviewed papers and so on do not simply stay at the Royal Society and other such institutions, but are used to cure motor neuron disease, Parkinson's and Alzheimer's. There is tremendous potential, but getting money fast-tracked is a real problem, and one with which we have not yet dealt.

Regulation is not the only consideration. We have laws in place, but we also need to know how to develop the research. Regulation could be part of ensuring that we take the public with us when we start to do experiments, particularly those that involve animals. It is necessary to go through a regulatory process using animals. We all know about animal activists, or terrorists, and the way in which we have had to legislate and to draw up regulations to prevent their activities but to allow an open debate about their beliefs.

This country is doing well on stem cells—for example, in getting legislation and regulations in place and in starting to introduce products that will help people in the marketplace. That is difficult, as those people are not just constituents. They wear other hats as well. They are members of the public, patients and, indeed, citizens, so it is difficult to address such questions.

I sit on various committees for public understanding—the Royal Society and this and that organisation. Everybody means well and wants to get information to the public, but there is still a difficulty in getting scientists and medics to come out of their ivory towers and to talk about things in a language that the public can understand and feed into, thereby creating the feeling that the work is valued. Without that, we will run into more debates such as the ones on the measles, mumps and rubella vaccination—still going strong—genetically modified products and telecommunication masts, where knowledge does not get into the argument. The media and the political activity of other groups take over the debate and determine what happens to many products. These things are all mixed up but necessary: the legislation, the regulations and the interaction with all the different forces from industry to the public. How we make such interaction happen is important, and we still have much to learn.

There is a plethora of regulatory and advisory agencies in this country. Sometimes, I think that there are too many. They cross each other's agendas and have turf wars, almost like Government Departments. The war itself becomes bigger than the actual manifestation of the research in the communities and in the world. A great deal of effort and potential are lost.

Let us consider drugs, for example. People from the pharmaceutical industry—very powerful, emboldened, wanting to get their products to market—always want to talk about regulation. They talk about bureaucracy and too much red tape. Such talk can go too far. We do need some regulation, but perhaps the case can be made now and again that we stretch it too much. However, regulations evolve—they do not last for ever. In five or 10 years, the regulations that we make now may change because of, for example, new information.

There are deep-seated problems with public understanding of what some regulatory agencies are about. I have a quote about the United States Food and Drug Administration, which is known as

> "a guardian of the United States public health standards and gatekeeper for regulated products"—

that is, food industry products. That is the biggest part of its mission but not the only part. Its other mission is to be

> "involved in advancing innovation—stimulating and encouraging new thinking, new means and new strategies for protecting and promoting the health of our nation".

Sometimes regulatory agencies get muddled up by taking on only their major responsibility, perhaps because of limits on time or resources, but I do not know of any agency that does not have to carry out several major activities. As I shall explain later in discussing the HFEA, there is a case for distinguishing between them.

Of course, strengthening the work on the safety of medicines is extremely important. However, innovation, openness, communication and information, which help to embolden and to strengthen, for example, the European Network for Drugs and Drug Addition, which meets occasionally, are also important, so there is a regulator looking at that across the board, as well as looking at the safety of medicines. What would be interesting to know is how much effort, relatively, is put into those particular two activities in the States and here.

The pharmaceutical industry says that the development of a drug is still an art, which is interesting—a matter of intuition, luck and trial and error, instead of what it should be, a mechanical process driven by science-based facts or probabilities. Lack of those insights at the start of the development process exposes novel drugs to unforeseen obstacles. We often glibly say that research and development is all that needs to happen, but the process is much more sophisticated and difficult to operate than that.

Medical research feeds into the process, and we need to make sure that we understand that, although regulated, the use of something may not happen right away. Seeing the benefits may take time, but we might need the regulations in place. For example, penicillin took a long time to get into use, likewise for recombinant DNA technology with therapeutic proteins and monoclonal antibodies, which were discovered at Cambridge but, sadly, developed in the United States. The new stuff coming along—cells, tissues, genes, therapies and stem cells—are at early stages yet, but how do we react to those discoveries?

The example of stem cells is a good one. There was good pressure from the academic community and, particularly, from the patient associations—those for Parkinson's, Alzheimer's and others—to wake the Government up to the fact that we needed regulation, that we needed to talk about it and to expose it to the public.

That was a good example of something being taken up, but quite often we sit back and wait for something to happen. GM technology, for example, had been around a long, long time. Scientists, academics and medics said that we would not need any regulation, the public would love GM, which was going to be good for them. Well, we learned the lesson the hard way. Newspapers took up Frankenstein stories, exposing lies to the community, such as GM technology and plants giving us this and that disease.

As people know, the argument about the MMR vaccine is still raging on. Journalist Melanie Phillips has taken an anti-science view or, rather, has taken some scientists' view against that of others. We have to see things coming and have the regulation in place, or not, depending on the situation. We cannot wait and say that all the research will find its own level. We have to provoke things and know what the problems might be. We do not have to put them in hard order, but we must have some discussion.

If a pharmaceutical company tries to develop things today, it will have to deal with EU legislation, testing directives, paediatric regulation and tissue engineering regulation. It will remember that we have the Human Tissue Act 2004 and a regulator, the Human Tissue Authority, which was set up to handle questions after Alder Hey. That was a reaction to a situation that we should have seen coming, but which happened because of exposure in the media and a national scandal. That is not how we should use the excellence of knowledge, research and what we discover, nor how we should get them into the legislative, regulatory and parliamentary processes.

I want to talk briefly about several of the regulators. For example, we all know about the National Institute for Health and Clinical Excellence. I am not going to go on about NICE—we are all a bit fed up with NICE and the stories on Herceptin, which just keep going on and on. I am not sure that NICE is the best organisation in the way that it works, but the principle of having evidence-based medicine cannot be argued against.

How NICE operates is up for grabs at the minute. I asked a question the other week on what the value of NICE was. The Minister told me, but she did not say that the NICE organisation was brilliant—she said that the principle was brilliant. I agree, but we have to look around. We do not need to throw brickbats at NICE, which is an evolving organisation. It may be hard to push, shove and kick it but Ministers and Governments can help with legislation and regulation. We are moving towards a fast-track process and I predict that within a year NICE will have sub-committees. One will deal with cancer drugs, another with drugs for mental health and so on. We are going to be invaded by all the new potential coming out of research. There is a huge feeling that we are not really ready for it and that, if we breathe on Herceptin, it will go away. It will not. That organisation has a list of about 30 cancer drugs, and the suspicion is that all of them will be useful in helping people with certain types of cancer. I will not go on too much about that.

What I want to go on about in particular relates to some of the other authorities. The Human Fertilisation and Embryology Authority has a dual role. It considers several things at the same time. It has two principal functions: it is a regulator and an advisory body. It is charged to keep under review information about embryos and, as the Human Fertilisation and Embryology Act 1990 states:

"any subsequent development of embryos and . . . the provision of treatment services and activities governed by this Act".

Hon. Members will know that that provision is mainly concerned with the technology of in vitro fertilisation, which changes almost daily in terms of how embryos can be created.

Regarding stem cells, there is a provision concerning the embryo: how long should an embryo be kept before it is killed, and is it a live being after 14 days or not? Now, the process can be carried out without having to destroy an embryo at all. That is true of mice at the moment, but you can bet your bottom boots that they will be able to do it with human eggs as well. We always start such processes with animals, then the process moves on. Nuclear transplantation started off with frogs, ended up in Dolly the sheep and can now be done with human beings. That is an inevitable process, which we should welcome but be ready for and ready to handle.

We are ready in some ways. We have considered human cloning and said that we should not allow it. We have jumped ahead there, but that is because of stem cell research. The technology and science of medicine moves on so fast that we are always lagging behind. We often get caught by media scares, patient groups or other groups making the case.

There is a problem with regulators having a dual function. The regulator's role allows it to work within the Act and to discharge its duties accordingly. Its advisory function challenges it to find fault with the legislation on behalf of the Government. That is an ambiguous position. It is a double-handed position, and one role does not always sit easily with the other. The Select Committee was quite light about it compared with Lord Winston, who would abandon the HFEA overnight. He said that it had no useful function and was a pain, and he is considered to be a world expert in this

[Dr. Ian Gibson]

arena. He suggested that the functions should be separated in two new regulatory bodies. I give that not as an example of something I want to argue, but as an example of how we have to adapt when we consider something in depth in relation to new research and discoveries.

There are many more agencies that have been important in the sphere of health. The regulators are amazing; they spring out of the woodwork all the time. The Minister will probably be able to give examples of where that has happened in his field of expertise. I shall just use the one of health because I mentioned the HFEA. Bodies have been set up for clinical standards, medicines, health care products, equipment and the conduct of health care professionals. The current vogue in politics is to merge those bodies. I mentioned, for example, the Human Tissue Authority, which was set up a year or so ago by the Government. The intention is to merge it with the HFEA because there is so much cross-function. Considering the bare bones of their job descriptions, it should be possible to find common territory, so that we do not duplicate things. Turf wars could emerge; even if they do not, the process of getting the product into the market could be delayed.

The Medicines and Healthcare Products Regulatory Agency has been attacked quite savagely by people in this Chamber. It was set up in 2003 and it replaced the Medical Devices Agency and the Medicines Control Agency, one of which was concerned with technologies such as stents for heart disease and the other one of which was concerned with drug products. Within that context, it promotes public health, patient safety and health care products that meet appropriate standards of safety, quality, performance and effectiveness. That is another example of taking two bodies and putting them together so that they function in the same building to tackle the same problems: health and the standards that have to be met.

Another body, the Commission for Healthcare Audit and Inspection, came on the scene about the same time. The HFEA suddenly had to talk to it too, because, again, there was a lot of overlap, although there are differences in function. One body is concerned only with IVF and assisted reproduction. However, the general care and interaction with the public and patients is much the same in both instances. So, again, much more could be done about that.

I am not going to say anything about ethical committees and issues of morality. They often get put at the bottom of the agenda, if there is time to get to them. It is essential that they should be the top one or two items on the agenda. We cannot worry about that because we do not understand ethics. That is true. On our Select Committee, gosh did we argue about ethics. I still do not know what they are and we did not get very far. I do not think that we were going to persuade each other what an ethical position was, but did we argue.

Now, if we are like that, what must it be like on some of those committees? However, there are important, serious questions to be asked and they must be incorporated. Patients can be involved or it can be members of the public, but their view must be taken into consideration. I made that point about the joining together of committees and so on.

Many complaints are emerging in some areas, not just about regulations, but about having the necessary staff. I am not going to talk about radiographers and radiologists and all the boring stuff that we have been through. I want to talk about clinical people who work in universities and who are interested in clinical infection. They find it difficult to get others interested in that. These people are interested in infectious diseases and, gosh, do we know about those. We are hearing about bird flu just now, as well as AIDS, tuberculosis, malaria, antibiotic-resistant infections and so on. The official bodies complain that there are not enough people studying those things and that the people who are teaching do not have time to do proper research into those areas.

There is a point to be made about regulation in that context, too. There must be enough people to know what kind of research is going on and to subject it to critical scrutiny. Microbiologists and virologists in this country think that they are being left behind. That would mean that, if we had an epidemic of some kind, we would have to buy in the expertise and obtain the knowledge. We must consider problems such as that at the same time.

I have talked about several bodies, how they have merged together and how that has been valuable. Remember that the endgame in all this is to reduce the risks to public health. The process must be seen to be transparent. It must be based on scientific and medical evidence to support risk management. Sometimes, people have to know what the risk is and there are ways of handling that. If the public are given the knowledge, they can say, "Well, I'll take the risk," or "I'm not taking the risk." I do not know what makes the public choose one rather than the other, but I know this: if we do not ask them early enough, they will get confused messages from the media and others and the whole thing could go wrong. That is important.

I have already given a few examples of how regulation can tee people off in terms of innovation. The great thing in this country is that young people who work in these fields have superb ideas. That is why I care about people who are doing medical microbiology and virology. They have so much information and dedication, and the hours that they work are almost as long as those of MPs.

Someone who works on AIDS at Oxford worked in my office in Parliament for three days the other week. After she left at six o'clock at night, she said to one of the other interns, "I am going back to the lab tonight to carry on my work." That is the kind of dedication that we have. I do not want to talk about such people's career prospects, but they are making the innovation and product culture very much a part of the British way of life. We do not have to leave the US or Europe to do it all the time, and we do not have to be inhibited by the way in which they carry out research.

I do not want to go on about the HFEA, or others who I have mentioned who are worried about it, such as Lord Winston. There is turmoil, however: on the one hand, there are good messages about what is being done; on the other, there is fear. Can we get rid of the organisation? Do we need to? It may be good that people think that their work will not get on to the market. They do not do it to become millionaires; they get a pride out of doing it, and that is important. We have much to learn not only in the area that I have emphasised, but in others. I have no doubt that the Minister will have something to say about that.

The Select Committee's report about legislation addresses the question of how much regulation we need. I shall not be able to find the quotation I had from the competitive fifth force, the body in the Minister's Department which considers such matters. However, it produced a report on regulation in which it said that there is a time for regulation when public concern requires it; there is a time also when one needs to evolve existing legislation and regulation and join the bodies that take care of it, because knowledge moves on; and there is a time for no regulation at all.

Most of medicine is not regulated. Why should assisted reproduction in vitro fertilisation have a regulator all to itself? What about all the other activities in the health service? That is the reason that Lord Winston does not like the HFEA. One could spend one's whole life analysing the health service and setting up regulators, but it would be inhibitory. Sometimes, one must trust people to set up their own ethics committees. They have concerns, ethics and morality, and they are certainly concerned to ensure that the products we produce are regulated and respected.

Many regulators are respected. It is a good job that they exist, because there are charlatans out there trying to cut corners. There is no doubt about that, and regulation cuts it down.

10.3 am

Martin Horwood (Cheltenham) (LD): I congratulate the hon. Member for Norwich, North (Dr. Gibson) on securing the debate on this important topic. It is dear to my heart, and the hon. Gentleman should not apologise for it being dear to his. I used to work with and for several medical research charities, and this is an important subject for Parliament to debate. It is risky for politicians, as it includes ethics and morality, which lead us to the grey area between party politics and private conscience in which tempers run high and party Whips are strangely unwilling to provide their usual gentle guiding hand.

I agree wholeheartedly with the hon. Gentleman that careful attention to the evidence and a rational argument must guide us through this unfamiliar territory. When strongly held personal and religious beliefs lead people to believe only the evidence that suits them, sensible debate begins to go out the window. The least excitable participants in the debate on regulation are those in the business community. As I am sure that the Minister will shortly tell us, it employs significant numbers of people in medical research in the UK. One managing director of a pharmaceutical company told me yesterday that there is much to be positive about in Britain's commercial position in medical research. He sees Britain as

"an effective place to invest"

in medical research and says that it scores more highly than most other EU countries. He also said that a positive Government and regulatory environment is essential to that success and spelled out nine areas of concern.

I will not list them all but will make the Minister aware of a few. They include competition from the US market and, increasingly, from China, India and eastern Europe, as well as the climate of fear that is still being created by violent animal rights campaigners who are now beginning to target small suppliers. Even in a large medical research charity I remember the siege mentality among researchers that was created by the most violent campaigners. Even when we were not commissioning research involving animal models, we would never say that for fear of starting a process by which animal campaigners could narrow down and identify the charities that were. The managing director I talked to was from Eisai UK. He cited a lack of well trained science graduates, the unrealistic expectations of potential academic partners in terms of intellectual property and the slowness of negotiating agreements and clinical study protocols with NHS hospital trusts. Those were all issues for him. Perhaps predictably, he grumbled a little about NICE's role in judging the cost-effectiveness of medicines in addition to all the other regulatory bodies involved in the industry. I cannot agree with him there and I agree with the hon. Gentleman. My experience in the area of Alzheimer's is that NICE's decisions are not always right, but it is right in principle to have a body to direct prescribing in the NHS on evidence-based lines.

The managing director of Eisai warned specifically about one aspect of a recent new proposal from NICE to evaluate new medicines at their launch. He was worried that that might delay the entry of products into the market and lose us one of our competitive advantages over many other EU countries. It affects the nature and quality of evidence available on which to make an assessment if one dives into the process so early because there is none of the grubby market-based learning from the drug in the market.

Charities have similar concerns about the balance between the proper need for regulation and a system that is manageable and proportionate to the risks involved. The hon. Gentleman mentioned what Cancer Research UK had said to the Select Committee and others. It suggested three measures to reduce bureaucracy, simplify processes and increase productivity such as a common system of reporting to reduce duplication and free up time for research. It suggested that application processes should be simplified to address delays and inconsistencies. It suggested simplifying and expediting the ethical review process for clinical research, which would reduce the time taken to start research programmes, making that process as quickly navigable as it believes it is in other countries.

CRUK acknowledges that although the regulatory regime for medical research in this country is not perfect, it is of a higher standard than in other European countries, which is a matter of pride. It is also worried about the EU clinical trials directive and particularly how its UK incarnation, the Medicines for Human Use (Clinical Trials) Regulations 2004, has impacted on the non-commercial sector, pushing up the cost of clinical trials and perhaps damaging recruitment. In theory, that should apply equally in all EU countries and there is a thought that we might be gold-plating the regulations. I am not sure whether that is so, but perhaps the Minister could pay attention to that. I hope that he will bear in mind the concerns of both the charity and the commercial sectors.

[Martin Horwood]

It is a tribute to the 20-year-old legislation that set up the Human Fertilisation and Embryology Authority that it has largely succeeded in coping with astonishing and often controversial new developments in reproductive medicine. It has combined a willingness to allow effective, important research to proceed and to grow with an understanding of public sensitivities. The novel use of embryonic material is one of the most sensitive areas and the authority is absolutely right to keep that under review. It should remain clearly within the authority's remit, and that should not have to be brought before judges, or even politicians, too often. The way in which the debate in the United States has been debased by politicians influenced by religious fundamentalism should give us all pause for thought. The result is that scientists such as Stephen Minger of King's college, London, and Roger Pederson of Cambridge, have come from the United States to this country, and that is a matter for quiet national pride.

It would be wise to amend the Human Fertilisation and Embryology Act 1990 to make clear the authority's competence in areas of study that were not really foreseen 20 years ago, such as the creation of embryos for the purpose of treatment using stem cell lines. That, as the hon. Gentleman mentioned, holds enormous promise for potential therapies for diseases such as Alzheimer's, Parkinson's and Huntingdon's disease.

It has been suggested that the authority's remit could be extended to the licensing of clinical trials. It argued that that would have the advantage of encouraging a smooth transition from research to treatment under the same regulator and the same legislation; but, of course, from the point of view of clinical trials, it would be adding yet another regulatory body into the mix. Perhaps it would be wiser if the HFEA were simply asked to issue guidance to the ethics committees already responsible for regulating clinical trials. We are in a new landscape in terms of awareness of issues such as children's welfare, patient safety and personal freedom of information. Those issues may have implications for the wording of legislation and the composition of the authority itself.

Public opinion is, in broad terms, generally on our side; a recent MORI poll conducted for the HFEA earlier this year showed how far we have come since the first test-tube baby was a matter of such huge publicity and controversy. The recent poll showed some public concern about unforeseen consequences, and even about risk to future generations, but more than 70 per cent. of respondents agreed that human embryo research can improve the quality of life of future generations with inherited diseases, and can enable scientists to increase their understanding of how the human body works. Fewer than 10 per cent. disagreed.

The same cannot be said of the use of animals in medical research; on that subject, opinion is much more polarised, and there is significant public and political disquiet. On regulation, opinion varies. Some people would like us to go towards a free-for-all, and would allow very light regulation of animal research, but others want to ban it completely. Opinion is so polarised that each side in the debate has taken to almost cartoon characterisation of the other. I have been at meetings in the medical research community where anyone who had the faintest notion of animal welfare or animal rights was characterised as being in the same camp as violent car bombers. On the other side, it seems that it is sometimes claimed that animal research has contributed absolutely nothing to human welfare, has only harmed and killed people and has impeded medical research. The truth, as ever, is somewhere between the two.

I commend to hon. Members, and to the Minister, the recent report by the Nuffield Council on Bioethics. It is a little bit of light reading at 334 pages. I confess that I have not read every page of it yet, but from what I have read, it seems a thoughtful and impressively thorough examination of just about every nook and cranny of the animal research debate, including the issue of the need for regulation. It gives no comfort to antagonists on either side who are in search of a quick win. For those who ask, "What has animal research ever done for us?", it gives chapter and verse. In basic biological research, it explains: how research with dogs helped to identify the biological basis of narcolepsy; how animal studies revealed the role of autoantibodies in the life-threatening disease myasthenia gravis and contributed directly to better diagnosis and treatment; and how patching the eyes of newborn cats revealed the risk of patching newborn children with one lazy eye. Children with this condition now have each eye patched alternately, saving many of them from blindness in one eye.

In the study of diseases, the most famous example is that of variant Creutzfeldt-Jakob disease—a rare, fatal and fast-moving form of transmissible spongiform encephalopathy that affects mainly teenagers. Studies with mice proved the transmissibility of scrapie between sheep species through abnormal proteins known as prions. Those led in turn to experiments that showed the transmissibility of the bovine variety of spongiform encephalopathy—BSE—to primates. The process linking BSE to human variant CJD was therefore clear. The rest, as we know, is political history.

The report also explores the use of animals for pharmaceutical research and toxicity studies. It acknowledges that there is controversy, complexity and genuine limitation in both those fields, but in the end it supports their validity as well.

The notorious failure of pharmaceutical research methodology in the case of thalidomide provides a good example of some of the problems involved. Animal trials failed to predict the adverse effects of the drug on the unborn children of pregnant humans. However, the animal models used were not pregnant. Subsequent experiments showed that had they been, the same limb deformities might have been detected in mice, rats and other animals, and the alarm bell would have been sounded.

Is there no case to answer for animal research and no need for tighter regulation or, perhaps, for any regulation? Yes, there is. Showing that some animal experiments work for humans does not necessarily make it the right thing to do and does not even show that most research using animals is necessary or beneficial to humans.

A recent article in the *British Medical Journal* is pretty damning. Its authors are not animal rights protestors, but professors from the London School of Hygiene and Tropical Medicine, the Centre for Perinatal, Pediatric, and Environmental Epidemiology at the Yale university school of medicine, and the department of clinical neurosciences at Edinburgh university, along with a research fellow from the department of social medicine at Bristol university. They said:

> "Clinicians and the public often consider it axiomatic that animal research has contributed to the treatment of human disease, yet little evidence is available to support this view. Few methods exist for evaluating the clinical relevance or importance of basic animal research, and so its clinical (as distinct from scientific) contribution remains uncertain. . . . Biased or imprecise results from animal experiments may result in the testing of biologically inert or even harmful substances in clinical trials, thus exposing patients to unnecessary risk and wasting scarce research funds. Moreover, if animal experiments fail to inform medical research, or if the quality of the experiments is so poor as to render the findings inconclusive, the research will have been conducted unnecessarily. Investigating the validity of animal experiments is therefore essential for both human health and animals."

Examples were given in the article and work on that investigation is urgently needed.

Even if animal experiments are well designed and prove to be beneficial, it is not always clear that they are really necessary. The Nuffield report quotes a 2003 study, where head restraint devices were implanted in the heads of rhesus macaque monkeys under anaesthetic and metal coils were then surgically implanted into their eyeballs so that their eye movements were recorded. The purpose of the study was to learn more about the way primates perceive other primates' faces. The pressure group Europeans for Medical Progress, with which I have some issues, claims that similar experimental outcomes have been achieved using human volunteers wearing adapted contact lenses. Even if they had not, many of us would instinctively recoil from the use of intelligent creatures, such as monkeys, in that way for research unconnected with any life-threatening disease.

That raises the moral question of whether we have the right to conduct experiments on animals and, if so, on which ones and causing what degrees of harm, distress, discomfort or pain. The Nuffield report bravely ploughs into the moral, philosophical and scientific arguments, quoting Aristotle, Immanuel Kant and others along the way; it is a fantastic read.

My view is that is nearly impossible to draw a categorical moral dividing line between humans and other animals, especially as science reveals more and more characteristics that we have in common with a few of the most intelligent animals, from tool use to altruistic behaviour and the capacity for language. In other words, some animals must have some rights, but it would take the most pious Jain religious belief or the most extreme support for animal rights to place us on the same moral level as a fruit fly. Lines have to be drawn and moral boundaries marked out across what is essentially an evolutionary and biological continuum.

The Nuffield report makes no real stab at that almost impossible task, but it concludes simply, powerfully and perhaps rather surprisingly:

> "A world in which the important benefits of . . . research could be achieved without causing pain, suffering, distress, lasting harm or death to animals involved in research must be the ultimate goal."

The report's authors go on strongly to support the three Rs of reduction, refinement and replacement. They argue for much more promotion of best practice and say:

> "We acknowledge that the UK has the most detailed legislative framework concerning research on animals in the world. But proper attention to the welfare of animals involved in research and the accountability of scientists who conduct research on animals cannot be achieved merely by having detailed regulations. Regulation can act as an emotional screen between the researcher and an animal, possibly encouraging researchers to believe that simply to conform to regulations is to act in a moral way. It is therefore crucial to promote best practice more actively and to improve the culture of care in establishments licensed to conduct experiments on animals."

It encourages the UK to take a leading role in the development of alternatives and recommends that each research application proposing the use of animals should show how the three Rs have been considered and on what grounds any possible alternatives to animal use have been rejected. Interestingly, the Royal Society for the Prevention of Cruelty to Animals has tackled the other end of the research process and suggested that all published research papers from studies using animal models should include information on how the three Rs had been complied with and on the fate of the animals involved.

The Nuffield report also suggests public opinion research, which might start to draw the animal research debate into the admittedly rather fragile kind of public consensus enjoyed in the field of embryology, and away from the current, extremely polarised, views. Those and other recommendations on regulation in the report go well beyond the status quo, and I recommend them to the Minister.

10.21 am

Robert Key (Salisbury) (Con): I congratulate the hon. Member for Norwich, North (Dr. Gibson) on securing this debate, which is extremely important. He has done the House a service in raising this important issue. I had the good fortune to serve with him on the Science and Technology Committee during the previous Parliament. It was an exciting experience, to say the least, to do something that this House should do far more—take a lead in the area of science.

Medical research is fundamental to the well-being of all of us in this place, the whole country and, increasingly, the whole world. One of the best reports produced by the hon. Gentleman's Committee was that on science in international development. It showed the significance of the British research effort for worldwide well-being. We had many more, slightly exotic, excursions into the realms of scientific research under his excellent chairmanship.

I am not a scientist. However, I have the honour of representing a lot of scientists; there are more than 1,000 scientists and science researchers in my constituency. Most work near Salisbury, at Porton Down, which has two establishments: the Defence Science and Technology Laboratory and the Health Protection Agency. A lot of very important research is done there that has a huge spin-off into medical research, with everyday applications to extremely complex diseases—and to some simple ones as well.

Science is politically neutral. It is what we do with it that matters. When science, or an issue in science, is overlain by moral or ethical considerations, as in the

[Robert Key]

case of human reproductive technology, for example, the decision on where to draw the line has to be taken by Parliament as a whole, not by the loudest pressure groups—or, for that matter, by Whitehall Ministers. It is often perceived in this country that to be pro-science is to be anti-green, but that is no more true than saying that good greens are anti-science.

Often in the United Kingdom, there is an assumption that science is bad, dodgy, difficult and something that we really do not want to know about unless we have to. That is most unfortunate, because it is not true of other nations, where the whole concept of science is often thought of very differently. Perhaps the old days, when scientists in this country were extremely respected because they knew so much more than the rest of the community, have gone. Sadly, that respect is not there as it used to be.

If we go to other countries such as Finland or France, we still find that there is a great deal of respect for scientists—research scientists in particular—specialising in anything from nuclear energy, to GM crops, to medical research. In those countries, the place of the scientist in the community is different from the position that we have arrived at.

What has gone wrong? One of the things that has gone wrong is to do with British politicians. We should take a lead, and not run for cover every time science is mentioned. It is significant that only four Members of Parliament are taking part in this important debate. That does not do us much credit, although it gives those of us who are present a little longer to say what we want to say, which is no bad thing.

When considering medical research, debating policy options, scrutinising legislation or deciding how to vote on difficult issues, we must first understand and properly assess the nature of risk. The hon. Member for Norwich, North mentioned that. That is fundamental. There is now an assumption in the public mind that it is possible to achieve a risk-free status for almost everything, and that things should not be done if politicians or scientists cannot guarantee that. If we try to justify doing something by saying, "Well, there is a risk, but we have assessed it and we have made the decision to go ahead," we immediately have the tabloid press, for example, down on our heads. Anyone who has ever been in a ministerial position knows what can happen if they dare to put their head above the parapet and say that they have assessed the risk of doing something and that they want to take the public with them.

Public opinion can be gullible if the public are not well informed. That is another major problem in our country, because we do not have nearly enough science education. The right attitude towards science is inculcated at an early age in many societies. The teaching profession—I was a teacher for 16 years—tries hard in respect of science education, but it is an uphill task to try to persuade people to take science in schools seriously.

We have heard again today, from the hon. Member for Cheltenham (Martin Horwood), about how British industry complains that there are not enough good science graduates. Why are there not enough good science graduates? Because not enough people study it at school. Why do too few people study it at school? Because science does not have a high enough status, it is too difficult and we do not encourage schools to take it more seriously for pupils at a tender age.

I asked a group of young professional people aged between about 25 and 35 if it was true that Brits cared little about science. They said that most of us, including journalists, were, to use their words, apathetic, ignorant, indifferent, misinformed and gullible when it comes to science. In their opinion, science is taken for granted until something goes wrong, when the media have a field day. There is open season for pressure groups and lobbyists, and then we enter the fantasy world of Frankenstein food, designer babies and grey goo.

Later, I attended a seminar of chief executive officers of blue-chip, science-based companies, a brace of vice-chancellors from science-oriented universities and a few politicians. The subject of the seminar was the state of science education. I expected to get an ear bashing from the industrialists about the paucity of postgraduate science education and so forth. Instead, with one voice, I was told that the most pressing need is for more and better science education for all, from key stage 1 right through life. That is a challenge that we politicians must meet.

One of the areas where we come across that problem is in medical research, in the regulation of that and in the nature of the science budget. The science budget describes a delicate relationship or partnership between the Office of Science and Technology at the Department of Trade and Industry, other Government Departments, business and industry, charities, which have an important role to play, international sources, including the European Union, and, of course, the regional development agencies in the United Kingdom, which also have an important role to play in the delivery of the science budget. They all meet as what is called the Funders' Forum.

One of the problems is that the Government see themselves as the main driver of innovation and research in the UK, simply because they are the biggest customer. That is not unreasonable; 10 per cent. of our gross domestic product is spent on goods and services to do with research. However, the trouble is that, although the Government are a good spender, I am not sure that they are the best judge of research and innovation agendas. Therefore, the relationship between Ministers and science is probably wrong.

For example, when the DTI published its last five-year programme for science, it said that the Cabinet would define the "grand challenges" facing public policy in which scientific research can play a major role in establishing the way forward and that that work would be based on departmental proposals. I wonder whether that introverted and interventionist approach can deliver the global advantage so necessary for UK science and innovation and the economic prosperity so necessary for our nation, particularly where medical research is concerned.

We should follow the good practice of the hugely successful system in the United States, where the federal-funded, fully independent National Science Foundation is responsible for granting research funding, with the exception of medical research funding, which is administered by the independent National Institutes of

Health. The foundation gives the private sector and medical research charities a much bigger role in determining where research should go.

In biotechnology and pharmaceuticals, British science is ahead of the game. The spin-out of research through innovation to production is remarkable and much to be encouraged. However, as we heard from the hon. Member for Cheltenham, there is still unfinished business in relation to the use of animals in research. The targeting of scientists and their families by extremists is completely unacceptable, as is the economic damage done to the biotechnology sector by threats to trade suppliers, financiers and insurers. None of that is justified or in the national interest. It is driving global enterprise out of the UK.

I pay tribute where it is due to the Government in taking steps to improve the situation, but we must go further if we are to encourage British scientists to stay in difficult sectors of medical research. We must also challenge and remove burdensome regulation when we can. As the hon. Member for Norwich, North said, there is an enormous burden of regulation. He said that more regulators creep out of the woodwork all the time. Therefore, we face a huge challenge.

To turn to specifics, it is true that the United Kingdom has been at the cutting edge of medical research. Many of the methods used for large-scale clinical trials were developed in the UK, largely because of the nature, size and scale of the national health service. Other countries that do not have a comparable health service cannot get their hands on the numbers—the captive audience—necessary to do the work.

I mentioned the work done at the Health Protection Agency and the DSTL at Porton Down, but there was also the work done until the 1980s by the Common Cold Research Unit in Salisbury. It did not find the cure for the common cold, but it laid the foundation for important virology work, which led to British expertise in coping with AIDS. That was an unexpected roll-out of science, which often happens when scientists, almost by accident, come across something that can change the world.

I also think of the work on the defence side at Porton Down, which has led to the treatment of wounds. It has been of enormous benefit around the world, not only to the British military, which is the prime purpose of the establishment, but to everybody else. The work at the DSTL on the detection of chemical and biological agents has been of enormous significance throughout the world, as has the development of protection against those agents through suits and breathing apparatus. It is significant that not only do the military now train people at the Defence Nuclear Biological and Chemical Centre at Winterbourne Gunner, also in my constituency, but, at the Police Nuclear Biological Chemical and Radiological Centre. Every police force in the UK now receives training in those subjects. Therefore, the basis on which we invest in science in this country can have significant spin-offs throughout medical research and everyday life.

Last year, there was a row between the Medical Research Council and the National Institute for Medical Research. It symbolised so much of what had gone wrong with medical research. I congratulate the hon. Member for Norwich, North on the skill and ruthlessness with which the Science and Technology Committee, of which I was a member, pursued an inquiry. That report did much to heal the wounds and to point the way forward for two world-class institutions. It was a remarkable example of the good work of a Select Committee.

I happened to be strongly opposed to us getting into that murky water, but the hon. Gentleman was right. It helped to resolve a conflict between those two excellent organisations, and the latest reports are most encouraging.

In June 2003, the Department of Health produced an encouraging document, "Our Inheritance, Our Future: Realising the Potential of Genetics in the NHS". It was a remarkable document, and it foresaw some problems facing the national health service's attempt to integrate genetics, which has not worked out as well as we hoped. The Government have failed to secure the necessary funding to develop research within the NHS. The nation cannot afford not to do that work.

The Government pledged that they would spend 1.5 per cent. of the total NHS budget on research. They have delivered just 0.96 per cent. That has meant a lack of training opportunities and poorly defined career structures. The lifetime financial rewards in clinical academia are not attractive, and they are certainly less attractive than private sector opportunities. The result was that the number of clinical academics fell by 12 per cent.

The good news, however, is that the Medical Research Council is working to find a new focus in clinical research, and I congratulate Colin Blakemore on his energy and enthusiasm in steering the MRC down that channel. Getting those scientific bodies moving in the right direction must be like steering a flotilla of large tankers through the English channel.

What can Parliament do? I have already said that Select Committees have a role. It is their duty and that of Parliament as a whole not only to reflect public opinion, but to delve into the real world, to shine a torch into obscure corners of science and technology and to make sensible and practical recommendations. Sometimes they should be for policy changes and at other times for more research, but always for more open debate. The Science and Technology Committee made an important contribution in the previous Parliament when it produced its report on human reproductive technology.

That report was groundbreaking. The hon. Member for Norwich, North said that we bear the scars of that report on our backs, and we certainly do. It was a brave report. It sought to continue the Warnock, gradualist approach to research. Research will always be way ahead of public opinion and knowledge, but we must try to bring the scientists feet out of the clouds and put them firmly on the ground.

The Government's response, published in the middle of August, was encouraging. It set out a number of positive results. I shall not go into them all, but will the Minister consider one significant point about the future of medical research? I know that the report is from the Department of Health, but if he could look into the matter I should not expect an answer today.

[Robert Key]

The Select Committee recommended that there should be

> "a rationalisation of regulatory or advisory bodies where there is a clear overlap".

The Government acknowledged that. They intended that primary legislation would set out the

> "policy in relation to human tissue, embryos and assisted reproduction clearly and comprehensibly."

They also believed that they should give

> "Parliament a greater role in keeping the law up to date through means of secondary legislation."

You and I know, Mr. Benton, that secondary legislation will never give Parliament a greater role in anything if we cannot even debate whether we approve the content of a statutory instrument. We still need to challenge the Government on the policy-making role in that case. There is a lot of work to be done.

The Government said that they would create a regulatory authority for tissue and embryos. That would require primary legislation, so they must present to Parliament in due course their proposals for the role, remit, composition and powers of the authority. My question for the Government is: when? We cannot let the matter drag on for many more years. When will we see the primary legislation?

We were encouraged that the Government concluded by saying that they would take the recommendations into account in drawing up the new legislation and that they would expect to include most, if not all, of them. That was a big compliment to the hon. Member for Norwich, North. The Select Committee that he chairs has produced a report and the Government have said that they will include most, if not all, of its recommendations.

It has been a bit of a canter round the course this morning, but it has been an important debate. It is significant that all three of us who have spoken so far have tackled different angles of medical research. I look forward to hearing what the Minister has to say.

10.41 am

The Parliamentary Under-Secretary of State for Trade and Industry (Barry Gardiner): It is a pleasure, Mr. Benton, to speak under your chairmanship. The hon. Member for Salisbury (Robert Key) just said that the debate has been quite a canter. I am afraid that, in the 19 minutes that remain in which to respond to the many questions, it may turn into more of a gallop, but I shall do my best.

My hon. Friend the Member for Norwich, North (Dr. Gibson) said that this was perhaps one of the most boring subjects to come before Parliament. The speeches that we have heard this morning have eloquently given the lie to that suggestion. I remember arriving in the House several years ago and being advised by an older colleague that if I wanted to be taken seriously by the House, I ought to try to become an expert in something. My hon. Friend certainly is a good exemplar of an expert in something: medical research and the regulation thereof. He has an air of expertise and the House always listens to him carefully and with great respect, sometimes quaking as it does so.

Before I try to respond to many of the important points raised, I want to set out the Government's position on the issue of regulation in general and on the necessary regulation of medical and clinical research in particular. The Government are at the forefront of the drive to improve the European Union regulatory environment, which is a key issue for the current UK presidency. Better regulation plays a key role in improving UK and EU competitiveness. The Government's better regulation agenda involves scrutinising all current legislation for unnecessary bureaucratic burdens and introducing simplification and deregulation, as envisaged by the Hampton review and the Better Regulation Task Force reports.

We are also ensuring that the right stakeholders are appropriately engaged with emerging policy proposals and that our position on key EU measures is best designed to meet UK objectives, including the Lisbon and regulatory reform goals. All regulatory and enforcement proposals will be challenged. I thought that, at one point, my hon. Friend sounded like an Old Testament canonical prophet from Ecclesiastes. He was looking for a quotation, and I thought that this might be the one he was looking for, but I changed my mind: "A time to regulate and a time not to regulate."

Of course, many fear that better regulation is an excuse to deregulate. Let me say this clearly and without hesitation: it is not so. Carefully drawn-up regulation improves the health and quality of people's lives throughout Europe. It guarantees the rights and safety of employees, protects consumers and conserves the environment. Legislation also underpins the markets and can create new business opportunities.

I was struck by the remarks of the hon. Member for Salisbury, who spoke specifically about the need for regulation, the need to look at the effects on business and the fact that this is a matter not simply of science but of important business. That remark was echoed by the hon. Member for Cheltenham (Martin Horwood). Let us be clear: better regulation does not mean sacrificing high standards. However, it must be proportionate, accountable, consistent, transparent and targeted. The DTI works to maintain the best possible business environment for bioscience companies. It is crucial that society and the Government clearly understand the issues and set the regulatory framework within which the industry can innovate, be competitive and develop effectively.

That means influencing many complex and technical EU directives and regulations, and working with our European partners to ensure that those directives and regulations are based on sound science and that the requirements are measurable and enforceable. The UK has the largest biotechnology industry in the EU and is regarded as a pace setter in competitiveness in that sector. The DTI hosted a UK EU presidency biotechnology conference in October this year, which was attended by delegates from almost all member states. A session on regulation considered the way in which the EU clinical trials directive had been implemented by member states and what lessons could be learned for the implementation of future directives. The October conference came up with proposals to be discussed as part of the mid-term review of the EU strategy for life sciences and biotechnology.

Hon. Members spoke about the gold-plating of regulations. It is essential that, in working with our EU partners, we ensure that there is a level playing field throughout the Union and that gold-plating is not going on. That can best be done by carrying out the proper impact assessments and the correct consultation procedures at an early stage, so that we get things right in the first place and roll them out accordingly.

The hon. Member for Salisbury spoke of Government interference in science and, in particular, of prioritisation. I have to confess that I found his comments about what he saw as the centralised approach of this country and the US approach strange. However, he went on to acknowledge, as did my hon. Friend the Member for Norwich, North, that this country enjoys a research capacity, particularly in human fertility and stem cell research, that far exceeds that of the United States, precisely because of the political interference there. Although the Office of Science and Technology sets the overall strategic objectives and priorities for the science budget in the UK, research councils are independent bodies and prioritise their particular areas. Of course, they are delivering plans that are developed in line with Government strategy, but, on the whole, our system has worked well and stands up against that of the United States.

If the UK is to take full advantage of the opportunities for creating wealth and improving the quality of life offered by scientific discovery and technological development, it is crucial that we develop new approaches to bring scientists and the public together in a constructive dialogue to explore emerging issues. We need to build on the already widespread positive attitudes to science in the UK to ensure that the public, the broad science community and policy makers feel comfortable in handling issues raised by science and technology and that they feel a joint sense of purpose in ensuring that the full benefits of science and technology are realised.

The UK is among the world leaders in both industry and academic medical research. The Government have consistently shown that we have big ambitions for medical research to maintain the UK strengths in pharmaceutical and biotechnological research and development. However, we will not succeed if we do not meet or exceed international regulatory standards for good clinical practice and public expectations of safety, security and privacy. This country's future in medical research depends on making the best use of highly talented people and the unique potential of the NHS as a platform for superb quality clinical research to bring benefits to patients.

We must have high standards and businesslike systems to support doctors, researchers and the industry to allow them to do their jobs properly. We cannot forget the vital part that patients play in medical research by making available their bodies, samples and medical records, which are the basis of all research. If patients have no confidence in medical research, they will simply not volunteer. That is why in the past five years we have overhauled the regulation and management of medical research, clinical trials, human tissue and mental capacity research, and the process will continue as science develops into new areas such as nanotechnology and stem cells.

The Government recognise that the changes are a big challenge for everyone. It is in all our interests that the UK takes the lead and sets an example to others in developing a sensible, robust, risk-based approach to regulation. That goes with our reputation for leadership in this area.

Many changes derive from European measures to harmonise markets. In principle, they should make life more predictable for industry and academics alike. However, it is uncomfortable to adjust to new procedures. Transition brings uncertainty if there is long debate among regulators about the details and, of course, no one welcomes the extra cost of complying with new inspection and quality systems. The regulation of pharmaceutical clinical trials is an example.

The EU issued a directive in 2001, which followed years of effort by the industry to agree on common standards for trials in Europe, the USA and Japan. The principles behind the directive seemed to be well understood and not so different from a regime we have operated under since the Medicines Act 1968. The European Parliament extended the standard protections to academic trials and early phase trials, from which the UK had previously been exempt, but the directive allowed three years for the Commission to work out the subsidiary guidance, and for member states to implement the proposals. Therefore, why are we continuing to hear concerns?

Member states and the Commission took a long time debating the details. The Commission's subsidiary directive on good clinical practice came out after the deadline for member states to implement the parent directive. A number of member states have yet to implement it. We are far from achieving harmonisation across Europe and there are lessons for future legislation. Finally, the EU seemed to take inspection and monitoring standards that were right for new medicines and apply them to other trials with different risk profiles. Why is that important? It is not just because it is a nuisance for researchers.

There is some good news from the experience of regulating clinical trials. The UK took a leading role in arguing for a more flexible, risk-based approach. Officials worked with the Medical Research Council to explore and to respond to researchers' concerns. The EU is now preparing more appropriate guidelines for academic trials and the UK is pressing it to draw lessons from all this. That is important, because there is more harmonising legislation on the way, affecting research on children's medicines, tissue-engineered products, and the use of so-called physical agents such as devices for imaging.

Dr. Gibson: Is it the Minister's understanding that in Europe the precautionary principle is operated much more vehemently than in this country? That can lead to an inhibitory situation.

Barry Gardiner: I understand the point that my hon. Friend is making. That is why I emphasised earlier that the measures that we take in regulation must be proportionate. It is only by ensuring that there is proper consultation and that the appropriate risk-based regulation is put in place that we will get this right.

[Barry Gardiner]

This Government rightly give a high priority to protecting individuals who volunteer to take part in clinical research. We make no secret of the fact that we want to ensure that properly conducted and approved research can go ahead with the minimum of delay and with the maximum respect for the patient's rights and privacy. We all acknowledge that, if the process is disproportionate, there are costs beyond making research expensive. One cost is delayed development of better, safer treatments; another is less evidence about existing treatments, when the public expect more reliable advice on safety and effectiveness.

Those dilemmas are not new. They are at the heart of every debate about medical research. With each change in the law, it is the job of Government and Parliament to take great care not to add complexity when what we want is robust systems that protect people from risk across the whole of medical research.

The overwhelming majority of doctors and researchers place the patient at the centre of all decisions about clinical research. There are well understood checks and balances in the system of research ethics committees, hospital and NHS governance systems and, ultimately, the research funders such as the Medical Research Council.

Unfortunately, there are occasional researchers who seek to circumvent the controls and, as has been mentioned, they receive most publicity in the press. That tarnishes the rest of the research community. Sometimes, as with the recent Human Tissue Act 2004, those events highlight flaws in the legal system, which has been overtaken by progress in research. This Government have taken decisive action to prevent unacceptable practice, but at the same time they have listened to patients and researchers about how to strike the correct balance. We will go on listening.

It is a credit to hon. Members on both sides of the House that the Human Tissue Act enjoyed the broad support of all parties in its final form. The new legislation introduces a coherent framework for regulating the storage and use of human organs and tissue from the living, and the removal, storage and use of tissues and organs from the deceased, for specified health-related purposes and public display. The Act will help to protect the rights and expectations of patients and their families, while allowing vital medical research to flourish. On Second Reading of the Human Tissue Bill, my hon. Friend the Member for Norwich, North, said:

> "We need to restore public confidence in science and medicine. The march of knowledge depends on that; we cannot move forward without the public behind us. The Bill recognises that—it is one of its major features. I believe that the measure will be a landmark Bill, of which we shall all be proud."—[*Official Report*, 15 January 2004; Vol. 416, c. 1012.]

The Department of Health and the NHS have issued consolidated guidance on research governance in the NHS, and research governance is now one of the core NHS standards. In the past, researchers have had difficulty in obtaining ethical review of proposals for NHS research, but a national system of ethical review is now in place and it is backed by a managed booking system and a common electronic application form. As a result, the time scale for obtaining ethical review has been dramatically reduced. Following the report of a review of NHS ethics set up earlier this year by Lord Warner, we can look to further improvements in the ethical review process as we progress to a smaller number of larger, better-trained research ethics committees.

The Government have also driven initiatives to aid researchers in obtaining approval for research by NHS trusts. In the summer, the Department of Health consulted on a new strategy for research in the NHS. The proposals include a number of bureaucracy-busting measures: national advice structures to provide reliable advice on regulatory measures; better local support for researchers through national networks; much more joint working and standardisation in research governance procedures; and better use of IT to streamline information flows.

Those measures will have a parallel effect to those introduced for ethical review and standards of decision making, and the time scales for clearance by NHS trusts will improve dramatically. To secure the clinical research potential offered by the NHS, the Government announced in 2004 the establishment of the UK Clinical Research Collaboration, with a commitment of a £100 million increase in NHS research and development funding by 2008.

The UKCRC brings together the major stakeholders that influence clinical research in the UK, particularly in the NHS. The ultimate goal underpinning the initiative is to create a clinical research environment that will benefit patients and the public by improving national health, increasing national wealth and enriching world knowledge. The collaboration will achieve that by building up a research work force, streamlining the regulatory and governance processes and co-ordinating future clinical research funding.

The Government were grateful for the report on human reproductive technologies and the law, produced under my hon. Friend's chairmanship. The report was highly detailed, but not without controversy, as such issues touch on the essence of what it is to be human. We made clear in our response, published in August, where we agreed or disagreed with its recommendations and where we felt that consultation with the wider public was necessary.

I am sure that parliamentary time will be made available to debate that report at an appropriate time. Many of its recommendations dealt with detailed aspects of the regulation of in vitro fertility services. The Government are consulting on a range of issues covered by the Human Fertilisation and Embryology Act 1990 and the closing date for comments is 25 November.

The consultation document includes a section on the regulation of research involving embryos, sperm and eggs, and poses a number of questions on which the Government are seeking the views of the public. Any changes to the 1990 Act as a result of the consultation would require primary legislation and therefore provide Parliament with an opportunity to consider these important matters. My hon. Friend raised the issue of the regulation of embryonic stem cell research, and he has done a sterling job of keeping the Government alert to the prospects and pitfalls of such research—for example, he led a debate on it in March this year.

I am grateful that my hon. Friend pointed to the need for more investment in translational research to move stem cells from the laboratory to the clinic. I am delighted to record his foresight. Shortly afterwards, the Chancellor of the Exchequer in his Budget speech made similar points when he established the UK stem cell initiative, a high-level review, chaired by the former director of research and development at the Department of Health, Sir John Pattison, who is charged with developing a vision and strategy for UK stem cell research over the next decade. The initiative is due to report back to the Government shortly. We eagerly await its report and recommendations on the future of that area of medical research in the UK.

Scottish Parliament (Electoral System)

11 am

Mr. Tom Harris (Glasgow, South) (Lab): It is a privilege to have won the opportunity to speak on this issue, and I am delighted that so many colleagues from all parties are present. This is clearly the most important debate of the day, although I suspect that for most members of the public it might be esoteric, dry and technical. However, I hope that all Members will agree that it is an important issue for the body politic of Scotland.

There can be no doubt that since the Scottish Parliament was established in 1999, it has delivered for the people of Scotland. The blueprint that was painstakingly drawn up by the Scottish Constitutional Convention, and which was enacted by this Government in 1997, was the result of years of well thought-out planning and deliberation. That blueprint will, I hope, be the basis of devolution for the next 100 years.

As I believe that devolution must be an event rather than a process, I am opposed in principle to root-and-branch reforms of the Scotland Act 1998. However, we must be able to amend the Act where necessary, so that we can make small technical changes. We have already done so on one occasion, by accepting that Scottish parliamentary constituencies should remain unaltered when the Westminster seats were reorganised in the run-up to the 2005 general election.

I believe that another technical, but extremely important, change will soon have to be made to the Act. I draw Members' attention to the White Paper "Better Governance for Wales", a document which, despite its title, is extremely relevant to the situation in Scotland. In that document, the Secretary of State for Wales writes:

> "The Government proposes to change the provisions currently in the Government of Wales Act to prevent individuals from simultaneously being candidates in constituency elections and being eligible for election from party lists."

The reasons for that change are given in the subsequent paragraph:

> "The outcome of the Assembly election in the Clwyd West constituency in 2003 illustrates the problem the Government is seeking to address. Five candidates stood for election in that constituency, four of whom ultimately became Assembly Members (one as the successful constituency candidate, and three more as additional members elected from their respective parties' regional lists). In the Government's view, for losing candidates to be able to become Assembly Members regardless of their constituency election results both devalues the integrity of the electoral system in the eyes of the public and acts as a disincentive to vote in constituency elections. We therefore propose that a simple amendment should be made to the provisions currently in section 5 of the Government of Wales Act to prevent this situation occurring in the future."

I look forward to voting for that, and I encourage every Member to do so.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Does my hon. Friend agree that there are other anomalies that ought to be addressed? In particular, is he aware of the situation in Orkney? The number of votes that the winning candidate there received would not have had him placed first, second or even third if he had stood in East Kilbride, Strathaven and Lesmahagow. Indeed, he would not have been fourth.

[Mr. Ian Davidson]

With the number of votes he won in Orkney, he would have been fifth in the East Kilbride constituency. That is clearly an absurd situation. Do we not need to have constituencies of equal size, so that votes are of equal value?

Mr. Harris: I am always extremely grateful for my hon. Friend's helpful interventions. However, I disagree with him on this matter. Given the geographical nature of Scotland, we must accept that some constituencies will have smaller electorates than others, such as those in Glasgow.

John Barrett (Edinburgh, West) (LD): Another anomaly is to do with those parties that decide not to fight constituency seats, and which only campaign on the list. That throws up a problem. The list was set up in the first place to deal with under-representation or over-representation in respect of constituencies—particularly for parties such as the Green party, which does not fight constituency seats. Will the hon. Gentleman address that issue?

Mr. Harris: The hon. Gentleman is correct, but I go back to what I said at the beginning of my contribution: we have to respect the terms of the Scottish Constitutional Convention report. That made it clear that the d'Hondt system would be used to calculate the number of additional members. It did not make reference to any obligation on the parties to stand in both lists. I agree that the issue should be addressed, but that is not the purpose of this debate. However, I know that some Labour Members are equally incensed about the situation.

The question has to be asked: if it is good enough for Wales, why is it not good enough for Scotland? The problems caused by list MSPs—or assisted places scheme MSPs, as perhaps we should call them—are absolutely identical to those caused by list Assembly Members in Wales. I am extremely grateful to Leanne Wood, a Plaid Cymru list AM, who has written a memo entitled "What should be the role of a regional AM?". It perfectly illustrates the problem that we face in Scotland and Wales. Ms Wood writes:

> "Each regional AM has an office budget and a staff budget of some considerable size. Consideration should be given to the location of their office—where would it be best for the region? Are there any target seats . . . within the region?"

She goes on:

> "We need to be thinking much more creatively as to how we better use staff budgets for furthering the aims of the party."

She finishes off with a refreshing burst of honesty for a nationalist:

> "Regional AMs are in a unique position. They are paid to work full-time in politics and have considerable budgets at their disposal. They need not be constrained by constituency casework and events, and can be more choosy about their engagements, only attending events which further the party's cause. This can be achieved by following one simple golden rule: On receipt of every invitation, ask 'How can my attendance at this event further the aims of Plaid Cymru?' If the answer is 'very little' or 'not at all', then a pro forma letter of decline should be in order."

Pete Wishart (Perth and North Perthshire) (SNP): Hear, hear!

Mr. Harris: I do not know whether you noticed what the hon. Member for Perth and North Perthshire (Pete Wishart) said to that, Mr. Benton. No one has ever doubted the level of cynicism to which the nationalist parties in Scotland and Wales will stoop, but it is awfully convenient to have it in black and white.

Mr. David Marshall (Glasgow, East) (Lab): What my hon. Friend has just said outlines the exact situation in Glasgow. There, the nine and a bit first-past-the-post MSPs represent only their own constituency, yet the seven additional list Members—none of whom could win a first-past-the-post seat—go around sticking their noses into every constituency in the city, claiming to represent the whole city. They raise not only devolved matters, but reserved matters that have absolutely nothing to do with them. Does my hon. Friend agree that it is high time that UK Government Departments told MSPs to mind their own business and to refer reserved matters to MPs?

Mr. Harris: I agree entirely with what my hon. Friend says, but as he will know, the problem is not so much list MSPs claiming to represent every seat in their region; it is regional MSPs sometimes claiming to represent one specific seat in the region.

Mr. Frank Doran (Aberdeen, North) (Lab): I have experience of that in my constituency. In the north-east of Scotland, we elect list MSPs for the whole of the north-east of Scotland region, which covers Aberdeen, Dundee, the whole of the former Grampian region and part of Tayside. In 1999, Richard Lochhead, now a list MSP, fought in my constituency—Aberdeen Central, as it then was—and was soundly defeated by the electorate, and yet he became a MSP. I find that difficult to understand, and I know that my constituents do, too. Notwithstanding the fact that he lost and was then elected, he spent the next four years campaigning in my constituency, holding surgeries, dealing with local issues—

Mr. Joe Benton (in the Chair): Order. That is a rather lengthy intervention.

Mr. Harris: My hon. Friend is absolutely correct. The Government agree with him; they have pledged to do something about that particular problem in Wales.

Ironically, one of the sternest critics of the additional member system as it currently operates is the former Liberal Democrat MSP and MP, and the first Presiding Officer of the Scottish Parliament, Sir David Steel. He said on 18 August 2003 that

> "the system as operated . . . has led to a confusing and expensive proliferation of 'parliamentary' offices throughout the country. In at least one town there are four . . . they have become a thinly disguised subsidy from the taxpayer for the local party machines . . . In my view they are a serious waste of public money".

It is not often that I agree with Sir David Steel. In the same lecture, he recalled that the most distasteful and irritating part of his job as Presiding Officer was dealing with complaints against assisted places scheme Members. He said:

> "I could not understand at first why we had such problems, until it dawned on me that what some were determined to do was misuse their position to run a permanent four-year campaign as candidate in a particular constituency."

That was exactly the point made by my hon. Friend the Member for Aberdeen, North (Mr. Doran). Sir David continued:

> "In most parliaments you do not have Members sitting in the same chamber or in committees who are going to be election opponents, and it does not make for a good working atmosphere."

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): Does the hon. Gentleman accept that his arguments would have more credibility if the current Minister for Education and Young People, Mr. Peter Peacock, had not stood in the Moray constituency in the highlands and islands? Labour Members who serve on the Scottish Parliament's corporate body and in most senior offices in the Parliament sought to deal with such issues, but they have not done so. Surely the resolution to the list situation is a job description for list Members, which currently does not exist. As a result, list Members are either carrying out a range of matters, which the hon. Gentleman has described, or doing very little indeed.

Mr. Harris: The hon. Gentleman was a list MSP for the Conservative party, although I am sure that that has played no part in his thinking on the issue. If he had used those four years as an opportunity to organise matters in the seat that he now represents in the House, that would have added strength to my argument. I wish to point out that, although Peter Peacock stood in the Moray seat, such a proposal would affect all parties equally. I do not believe that any party should have candidates in the list and in first-past-the-post seats. Even if that does not give an advantage to my party in a particular seat, in principle it is a worthwhile move.

Mr. Davidson: The hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell) was at least campaigning on behalf of his party consistently. What should be done in respect of Brian Monteith, who was elected on the list as a Conservative, but who then resigned and now presumably represents no one at all. Surely, it is anomalous to have someone elected on a party list, but who then remains as self-employed. Such measures should be precluded from the rules of the system.

Mr. Harris: My hon. Friend makes a valid point.

Pete Wishart: We have already heard that there are manifest deficiencies in the additional Member system, and I doubt whether anyone here would defend it. I was surprised that the hon. Gentleman said that he was interested only in a technical amendment. It would serve no real purpose. It would not deal with some of the deficiencies. Does he not agree that the people who are best qualified to make such decisions about the membership of the Scottish Parliament are the Members of the Scottish Parliament themselves, not hostile, antagonistic Members of Parliament who are based down here?

Mr. Harris: I hope that, when referring to hostile, antagonistic Members of Parliament, the hon. Gentleman was not referring to me. The Scotland Act 1998 makes it absolutely clear that the electoral system in respect of the Scottish Parliament is the domain of this Parliament. If the hon. Gentleman is in favour of elected bodies choosing their own electoral systems, perhaps he will explain why his party and my party voted to impose a single transferable vote system on local councils in Scotland, which did not want it.

Jo Swinson (East Dunbartonshire) (LD): Some of the difficulties with the current system of election to the Scottish Parliament have been described eloquently by the hon. Gentleman. Does he agree that there is a simple solution to the problem? It is to elect for the Scottish Parliament through a single transferable vote in constituencies that maintain the constituency link, while ensuring a degree of proportionality.

Mr. Harris: I saw that point coming from so far off that I passed it in Millbank this morning. I have to disappoint hon. Members of all parties by saying that I do not want a single transferable vote system for the Scottish Parliament. We cannot justifiably go back to a first-past-the-post system in the Scottish Parliament. We must honour the terms of the Scottish Constitutional Convention, otherwise we are saying that the great work that it has done over the years meant nothing—*[Interruption.]* If hon. Members will forgive me, I want to make a little progress. I see the Minister trying desperately to rise to make his comments.

There are many examples of poaching. My constituency includes part of the Glasgow, Govan Scottish parliamentary seat and in 1999 and 2003 the Scottish National party's deputy leader, Nicola Sturgeon, was defeated by Labour's Gordon Jackson, but in 1999 and 2003 she became an MSP. That is a basic democratic problem. When someone stands for election and is defeated, one would assume that that person would not become a member of that body. When people have made a choice, surely that choice should be respected.

John Robertson (Glasgow, North-West) (Lab): Does my hon. Friend agree that we are talking about politicians with limited ability? If parties do not have enough politicians to fill posts, they must proceed in any way that they can. Does he agree that their time would be better spent doing the work they should be doing instead of interfering and talking about matters that have absolutely nothing to do with them?

Mr. Harris: My hon. Friend feels strongly about the point and I would not want to comment on the ability of politicians in another body, but I agree with the general thrust of his argument.

An important example is the Liberal Democrat MSP, Robert Brown, whose website contains some helpful information and states:

> "My Regional constituency covers both the City of Glasgow itself, and the communities of Rutherglen and Cambuslang."

It is odd that, although he represents a region with 10 parliamentary constituencies, he mentions only one of them on his website, and that one constituency is where he regularly stands as a first-past-the-post

[Mr. Harris]

candidate. At the last election, he obtained less than 20 per cent. of the vote, but he goes around pretending to be "Your local MSP". Sorry Robert, you are not.

Mr. Alan Reid (Argyll and Bute) (LD): Will the hon. Gentleman give way?

Mr. Harris: I want to make some progress. I apologise because I know that hon. Members want to speak, but time is of the essence.

Whenever Mr. Brown has stood in Rutherglen, he has been thrashed by the Labour candidate, but after each defeat at the hands of the voters he claims to represent, he has used taxpayers' money to campaign against the incumbent MSP, a colleague in the Scottish Parliament. There are other examples. Bruce McFee in West Renfrewshire is another SNP loser who, after being soundly rejected in 2003, continues to use taxpayers' money to campaign not in his region, but in that seat. The arguments are many and unanswerable.

First, it is undemocratic to allow candidates who have been rejected by voters in a constituency subsequently to be elected anyway. Secondly, it is not justifiable for assisted places scheme MSPs to use office expenses, paid for by the taxpayer, to pursue a four-year-election campaign by targeting a particular seat in a region. Thirdly, the existing system acts as an incentive for such behaviour with MSPs sitting side by side while plotting to unseat one another at the next election. The disgraceful behaviour of poachers such as Nicola Sturgeon, Robert Brown and Bruce McFee has brought the whole system into disrepute and it is up to the House to remedy the situation.

The answer is simple and the path has been mapped out for us by my right hon. Friend the Secretary of State for Wales. A simple amendment must be made to the Scotland Act 1998. Candidates must choose whether to stand on a party's list or to fight a first-past-the-post constituency. They should not have their cake and eat it.

There is a difference between first-past-the-post MSPs and list MSPs. The former represent constituents and the latter represent their party. It is not for this House to decide what their duties are or what their office costs may be, but surely there is an argument that list MSPs do not deserve or need office costs because they do not need an office.

I want to ask my hon. Friend the Minister a number of questions. First, does he agree that my right hon. Friend the Secretary of State for Wales is right to promise to legislate to prevent candidates from standing in both lists and seats? Given the identical nature of the problems created by list AMs and list MSPs, surely it is inconsistent, to say the least, for the same Government to legislate to fix the problem in Wales but not in Scotland. Will a similar amendment be made to the Scotland Act 1998?

I expect that my hon. Friend will tell the House that we must await the outcome of the Arbuthnott inquiry, which was set up my right hon. Friend the Secretary of State for Scotland. I accept that. The commission was set up to look at the various electoral systems inScotland and will conclude at the beginning of next year. Nevertheless, decisions on such matters of policy cannot be devolved to an unelected commission. Whether or not the Arbuthnott commission recommends the change, the Government must, nevertheless, press ahead with the change. Policy is up to the House to decide, while the commission has merely to offer advice and not to legislate.

Will the my hon. Friend confirm whether, in the event of the Arbuthnott commission reporting in early 2006 and a subsequent decision being taken by the Government, any amendment would be tabled in time to take effect before the 2007 Scottish elections?

I appreciate the patience of the House. I apologise to Members whose interventions I have not been able to accept and I am sorry to have taken slightly longer than the Minister would have wished. I am sure that leaving him nine minutes will give him plenty of time to respond to the issues that I have raised this morning.

11.21 am

The Parliamentary Under-Secretary of State for Scotland (David Cairns): I begin by welcoming you to the courteous and comradely world of Scottish politics, Mr. Benton. I am sure that you found it a revelation and an eye-opener. I congratulate my hon. Friend the Member for Glasgow, South (Mr. Harris) on securing the debate today, particularly a 30-minute one.

Clearly, from the contribution of other hon. Members, there are strong views—it says in my brief—on various aspects of the current electoral system for the Scottish Parliament. In the time available, I will try to address some of the questions that have come up, both in my hon. Friend's speech and in contributions from others.

First, I shall say something about the process that led us to the current position on examining boundary differences and voting systems in Scotland. On Second Reading of what was then the Scottish Parliament (Constituencies) Bill in February 2004, my right hon. Friend the Secretary of State for Scotland announced that he would set up a commission on boundary differences and voting systems. He took forward a commitment given by his predecessor, Helen Liddell, when the decision was taken to retain the number of MSPs at 129 and not to reduce them proportionately with the revised constituencies for Scottish seats at Westminster.

However, in fairness, an additional factor was on the scene by the time that my right hon. Friend made his announcement last year. That was, of course, the prospect of a single transferable vote for the 2007 local government elections in Scotland. That prospect is now enshrined in Scottish Parliament legislation.

John Robertson: Would the Minister refrain from stalling by reading out a singularly boring pre-prepared statement and address the question of whether or not Brian Monteith should be put down and of what should happen if Margot McDonald stands down?

There is no provision for a by-election for a single person on the list. Seriously, that is another issue that ought to be addressed, as should the fact that all Labour votes in Glasgow in the second ballot are wasted, because we have already won all the first-past-the-post seats. What is he going to do about all those issues in the remaining seven minutes?

David Cairns: I have a list of people that I would like to see put down, which may be of interest to hon. Members. Mr. Brian Monteith, of whom I had never heard, until a few days ago, does not feature on it.

I will come to those points, but am going to make the point about the Arbuthnott commission report, because it is central to much of the debate that we have gone around in the past 23 minutes.

Mr. Reid: The Minister mentioned STV in local government. Would he not agree that introducing STV for the Scottish Parliament would remove the anmaly that the hon. Member for Glasgow, South (Mr. Harris) referred to, that of two classes of MSPs? With STV there would be only one class of MSP and a lot of the problems would be removed.

David Cairns: For reasons that I am about to set out, I am not going to be drawn on that issue.

The commission under Sir John Arbuthnott was appointed last year with the specific remit to look at the different sets of boundaries that we have in Scotland, as between parliamentary constituencies, for Holyrood and Westminster, local government and other relevant public agencies. The commission's remit extends to reviewing the voting system for elections to the Scottish Parliament. As my right hon. Friend the Secretary of State said on Second Reading, we must face the fact that by 2007 in Scotland we will have

"four different voting systems for an electorate of just over 3.8 million".—[*Official Report*, 9 February 2004; Vol. 417, c. 1150.]

It is a serious commission, carrying forward a serious piece of work on our behalf. It is composed of extremely high-calibre individuals who have made outstanding contributions to public life in Scotland over many years. They are going about the task that we gave them with exemplary thoroughness and integrity. They have held public meetings throughout the country—in Glasgow, Aberdeen, Dundee, Galashiels, Stornoway and Edinburgh—and have consulted MPs, MSPs, political parties and a range of representative organisations concerned with voting or boundary issues.

Throughout the process, the commission has kept the public informed via its website. It published a series of reports and issued papers outlining some of its findings and the representations that have been made to it. Given all that, and the fact that we expect the report within a matter of weeks, it would be wrong of me to pre-empt the findings.

The commission started work in July 2004 with a timetable to report to the Secretary of State and the First Minister by the end of this year or the beginning of next year. I dare say that today's debate will be drawn to its attention as it reaches the concluding stages of its deliberations.

I turn now to some of the specific points raised by my hon. Friend the Member for Glasgow, South and others. He began by saying that he was opposed to fundamental root-and-branch reform of the Scotland Act 1998. The Government also oppose such reform, and it is not on the agenda. He asked specifically about the situation in Wales and whether I agreed with my right hon. Friend the Secretary of State for Wales. Of course, I agree with my right hon. Friend, whose statement clearly was made in the context of the Government of Wales Bill and the recommendations of the Richard commission. We should learn the lesson from my right hon. Friend, who waited until the Richard commission reported, examined its findings, consulted on those findings and then brought a statement to Parliament on how he planned to proceed. That is the way to go about such matters.

The Arbuthnott commission is doing a different task, as we have asymmetric devolution in this country, but, on the issue mentioned by my hon. Friend the Member for Glasgow, South, it is fundamentally similar. It is doing the work that we have tasked it to do. It is doing it in a serious, mature way, and we owe it the right to bring its report forward. Obviously, there will be other debates such as this one. At that stage, we can decide how best to further the recommendations and go about timetabling them, which is the second point made by my hon. Friend.

It is not a question—I have heard this said—of hiding behind the Arbuthnott commission. These are serious matters. We are discussing fundamental issues such as how we have elections in Scotland, how we have elections to the Scottish Parliament and how the Parliament is brought together. It is important that we try, as far as possible, to deal with them on a consensual basis, as the Scottish Constitutional Convention did. I know that the convention was snubbed by some parties, but it followed a proper process. Post-Arbuthnott report, I hope that we will achieve a similar consensus.

I am aware of the concerns raised by my hon. Friends the Members for Glasgow, North-West (John Robertson), for Glasgow, South and for Aberdeen, North (Mr. Doran) and others about interference of MSPs on the list. I appreciate that that is an issue, and that it was raised in the Scottish Parliament. My hon. Friend the Member for Glasgow, South mentioned the case of Bruce McFee. However, what that MSP did was even worse than what my hon. Friend outlined. The Scottish National party's western Scotland regional office was in my constituency for four years. When the SNP was drubbed in the elections in Inverclyde in 2003, overnight it closed its office, which had served my constituents, and moved it 17 miles along the road to Paisley because it thought that its electoral prospects were better there. The cynicism with which the SNP has treated my constituents simply knows no bounds.

This has been an interesting and customarily lively debate. When Sir John Arbuthnott reports, as it will in due course, we will have an opportunity to revisit many of these issues. However, when we do, the debate will be informed by what I expect will be a high-calibre report. We will be able to revisit these issues in the context of that report.

11.29 am

Sitting suspended until half-past Two o'clock.

Milk Prices

2.30 pm

Mr. Stephen Crabb (Preseli Pembrokeshire) (Con): I am grateful for the opportunity to open this debate on milk prices and the dairy industry. I am extremely encouraged by the turnout for the debate, considering that so many other important things are happening in the House today.

The fact that this is the first debate for which I have applied and secured since being elected six months ago reflects the seriousness with which I view the challenges facing dairy farmers and the importance of maintaining a healthy domestic dairy industry. I appreciate that this is a complex subject that has generated a huge amount of comment and analysis in recent years, not least the excellent report from the Environment, Food and Rural Affairs Committee published last year.

There are many different angles to the issue, and I shall not attempt to cover all bases. I shall not, for example, mention the impact of common agricultural policy reform on the dairy sector, or bovine tuberculosis, which is having such a harmful effect on dairy farmers in my constituency I will not mention rising energy input costs or even the huge amount of regulation that is hampering so many farmers in the sector. I hope that contributions from other hon. Members will plug the gaps in my speech.

My starting point is a simple one; it is the belief that Britain—Wales—needs a vibrant, healthy dairy farming sector, but that many dairy farmers are currently demoralised and pessimistic about the future and have little faith that the market for their product is working fairly and transparently. Many dairy farmers are producing milk at a loss, with production costs of around 20p a litre set against the farm gate price of around 18p a litre. It sounds rather like a GCSE maths question: "Work out how big the loss is, given any level of milk production." It is not complex.

Here we are in the middle of autumn and with the escalation in costs of producing winter milk, many of the dairy farmers to whom I have spoken in recent days are very gloomy. That farmers were even able to countenance the action that some of them took last week in withholding product from processors is indicative of the frustration and anger in the community. Speaking to local dairy farmers, I do not get much sense of optimism or enthusiasm for the sector in which they do business.

I spent part of my recess attending agricultural shows in my constituency and talking informally to numerous farmers. I could find reasons to be optimistic about beef and arable, and indeed we have had good news in recent weeks about the beef market and the ending of the over-30-month scheme. I pay tribute to the Minister and his colleagues for their efforts in that regard. However, in discussions with my dairy farming friends and representatives of the Pembrokeshire branches of the Farmers Union of Wales and the National Farmers Union, I heard nothing to suggest that the dairy sector is in anything other than a depressed state. The message and feedback that I have received is one of unalloyed pessimism, which is very worrying.

Pembrokeshire lies in the heart of the famous west Wales dairy belt where, thanks to our wonderful rainfall and topography, we have been a major producer of Britain's milk for centuries. If dairy is to have any future in the UK, it should be in a place such as Pembrokeshire. Seen from the air, Pembrokeshire is a beautiful patchwork of family-run farms, holding together around 90 small, rural village and town communities.

The changes that we are seeing in the dairy sector lead me to believe that the nature of some of those communities is under threat. There is no question that farmers are exiting the dairy sector, and farming altogether, at an alarming rate. Farms are being vacated, which is having a serious knock-on effect on the viability and sustainability of our local services and the communities that use them. We know that there has been a drop of more than 30 per cent. in the number of dairy farmers in Wales in the last decade; we have also seen the closure of numerous village schools, post offices and shops during the same period. It is no flight of the imagination to suggest that the two phenomena are closely linked.

Some dairy farmers are leaving the country altogether. I know of two young farming families in my constituency who have left in the last year to pursue their businesses overseas, one in France and one in Canada. I understand that they are not the only examples from my county. They have not given up on the industry that they love; they have given up any prospect of carrying out their business profitably in the UK, which is very sad.

I do not regard this situation with anything like the cool neutrality of the former permanent secretary to the Department, who told a conference in 2003:

> "Government has no particular view on how much milk the UK should produce or on how many producers or companies there should be. . . . it does not have views on the shape of the industry."

I take the view that a diverse supply base is a good thing. I believe that, while the trend towards larger farms cannot be reversed, family-run farm enterprises are a good thing and that the wider rural economy in a place such as west Wales relies on a large and successful network of producers.

No one is arguing that change must not happen, least of all the farmers to whom I have spoken. Indeed, the "Vision for the Dairy Industry" document published recently by the NFU illustrates that; it is forward looking and realistic about the changes facing the sector. However, it is my contention that some of the trends in dairy are being accelerated by imbalances in the supply chain caused by unequal power relationships and a lack of trust and transparency. The problem is one of a fundamental imbalance in the supply chain where farmers, who are the primary producers, are right at the end of the supply chain and the return that they get for their toil is widely regarded as unfair.

Let me state from the outset that I do not accept the simple narrative that supermarkets are the cause of all the woes that face dairy farmers, and they should not be seen as pantomime villains. My understanding is that the picture is a lot more complex than that. Supermarket chains are rational decision makers, whose duty is first and foremost to create value successfully for shareholders, which they do by creating and recreating value propositions for their customers day in and day out. Farmers understand that supermarkets are here to stay. Supermarket chains are the largest customer for British agriculture and some of the younger farmers

I have spoken to, in particular, are remarkably upbeat about the need to work closely with the major retail chains. Only yesterday, I was speaking to one young dairy farmer in my constituency who is closely involved with the group Future Farmers of Wales. She stated clearly that if she has any sort of future in the industry, it would only come about by working successfully with the major retail chains.

That brings me to the efficiency and transparency of the supply chain linking the farmer to the supermarket checkout. I do not believe that the market is working well; a high degree of mistrust, suspicion and confusion characterises the sector. There is no question but that the rise of supermarkets has altered the playing field on which farmers compete. We know from the Milk Development Council report in September that evidence suggests that farmers' returns on milk have fallen at a much greater rate than those of their EU counterparts, but that retailers' margins have been increasing. Dr. Nick Fenwick of the Farmers Union of Wales describes it like this:

> "There is now overwhelming evidence to suggest that the dominance of supermarkets over supply chains represents a wholly new type of market place that is not compatible with traditional notions of free competition, and the economics of 'supply and demand'."

As a Member with a passionate belief in the benefits of free competition, I have to take such a charge very seriously indeed.

The first specific point to which I would like the Minister to respond concerns the extent to which he feels that the current supermarket code of practice is working well. In what ways could it be reformed or changed to ensure that the market functions well and for the benefit of the primary producer? Does the Minister agree that the code should apply to the entire supply chain, thus addressing the relationship between farmers, suppliers and supermarkets, as opposed to those between supplier and supermarket? Last year's Environment, Food and Rural Affairs Committee report concluded that

> "there remains a fundamental imbalance of negotiating strength between supermarkets and most of their suppliers. The code appears to have been ineffective in redressing this imbalance, at least in respect of the dairy supply chain."

I welcome the Minister's thoughts on that statement, one year on from the publication of the report.

Mr. Stephen O'Brien (Eddisbury) (Con): My hon. Friend articulates very well indeed the severe problems that a lot of us share in our constituencies. These matters are crucial to the rural economy, not only in relation to its diversity but to the vital strategic business of producing dairy raw materials. Has he noted, as I have from talking to farmers in my constituency, that the receipt for farmers for their commoditised product at the farm gate is probably about 18p, while the supermarkets have increasing returns? If we analysed the whole value chain from the farmer through to the shopper, about 18p in that value chain is unaccounted for.

I do not know whether my hon. Friend has carried out any further investigations. If not, does he hope that the Minister is able to account for that 18p because it cannot be accounted for in distribution costs, or in any attempt to suggest that there is a regulated distribution market? If that 18p were available, it would be better shared among farmers at the farm gate rather than used solely to increase returns for the supermarkets under their code of practice.

Mr. Crabb: My hon. Friend makes an excellent point. The evidence submitted to the Select Committee last year highlighted the confusion that I mentioned when examining the sector, and the confusion and lack of transparency in the supply chain. I echo the comments of my hon. Friend and I invite the Minister to comment on the missing 18p per litre.

What are the Government doing to ensure that fair play is maintained in respect of consumers and suppliers? If the Office of Fair Trading sees its role as firmly in dealing with consumers, who is protecting the interests of suppliers? I invite the Minister to comment on the concept of a buyer's charter proposed by the NFU, which seeks to ensure that trading terms between suppliers and retailers are not abused.

Mr. Lindsay Hoyle (Chorley) (Lab): Rightly, the hon. Gentleman has mentioned the buyer's charter. I wonder whether he has signed my early-day motion, which I urge other MPs to sign, which supports the NFU's stance on the buyer's charter.

Mr. Crabb: Absolutely.

I would welcome a response from the Minister on the question of what role he feels that he and his Department can play in restoring confidence to the sector and, specifically, in bringing farmers much closer to processors and retailers. It is a widely held view that farmers need to get closer to the end customer and to be much more directly involved in value-added processing, which means a greater degree of partnership working and vertical integration down the supply chain.

On partnership working, I was encouraged to learn of two examples of retailers seeking to work constructively with primary producers to ensure that a fairer return reaches the farmer's pocket. In so doing, they are guaranteeing their own supply base. I am told that Marks and Spencer has established long-term price agreements with a network of organic dairy farmers to supply milk to its in-store cafés. That agreement provides added security for the farmers, who have a more stable environment in which to make their investment decisions.

More significant in terms of volume is the partnership involving Asda, Arla and its base of dairy farmers. I understand that the purpose of the partnership was to ensure a much greater level of transparency in the supply chain and to build trust and consensus with the processor and the producers. That involved Asda's agricultural manager sitting down in the homes of many of the individual farmers involved in the partnership. That kind of close involvement obviously builds trust and lays a good foundation, but it still does not fundamentally alter the price scenario for liquid milk.

Mr. James Gray (North Wiltshire) (Con): Although I entirely agree with my hon. Friend that vertical integration is a good thing overall and probably the way forward for the industry, does he not agree that there is a significant risk that companies such as Asda and some of the other very large retailers and processors may

[Mr. James Gray]

bring unreasonable conditions to bear on smaller dairy farmers in particular, so that only the large, professional, industrial-type dairy farmers will survive because the small farmers—the kind that we represent in many of our constituencies—will be unable to compete?

Mr. Crabb: My hon. Friend makes an extremely good point. I have not been able to find out the extent to which the farmers who are involved in that kind of partnership represent the kind of farmers that we both have in our constituencies: those who run small, family farms.

Albert Owen (Ynys Môn) (Lab): Does the hon. Gentleman think that it is important that when supermarkets such as Asda apply for planning permission, the planning authority considers the local conditions and the effects that he says supermarkets have on pushing the price down in local areas? Should there not be greater input from local farming unions in the planning process so that local sourcing can be considered as a way of helping farmers, particularly those who run family farms?

Mr. Crabb: The hon. Gentleman makes a good point. I have to confess that I am unsure of the extent to which the detailed planning guidance that affects decisions that local authorities make can incorporate that kind of thinking about local sourcing, but I have been talking to local supermarkets in my constituency and asking specifically how many local lines of produce they stock, whether they have targets for Welsh produce and whether they are on course to meet them.

Mr. Andrew Turner (Isle of Wight) (Con): May I assist my hon. Friend on that matter by describing the reaction of the Isle of Wight council's planners to the suggestion that local sourcing should be a condition of an extension to Tesco at Westridge in my constituency? The planners believe that that cannot be done, but the members are determined that it should be done and are determined to push it through and try it. I hope that other planners up and down the country will be persuaded by their members to try it.

Mr. Crabb: My hon. Friend makes a good point.

Without doubt, there is a need for greater rationalisation and consolidation in the processing section of the supply chain. Many farmers feel that that would be one route towards equalising some of the power relationships in the chain, especially if there were much greater farmer-owned processing. However, in that context, we could run into problems with the Office of Fair Trading. It is a view in the farming community that the OFT would seek to call in any further mergers between large UK dairy companies for fear that that would give them a monopolistic position in the domestic market.

Many farmers regarded the OFT's decision to investigate the proposed acquisition of 15 per cent. of shares in Robert Wiseman by First Milk as absurd. I want to ask the Minister why the OFT felt that it was necessary to refer to the Competition Commission the proposed sale of Scottish Milk Dairies, which held only 2 per cent. of the Scottish liquid milk market, to Robert Wiseman. To quote one renowned dairy producer, who I spoke to this morning:

> "it sends out completely the wrong signal to the industry when the OFT is crawling all over initiatives like this".

I invite the Minister to respond to that.

Mr. O'Brien: I am grateful to my hon. Friend for generously giving way a second time. I am holding a raft of e-mails from dairy farmer constituents who are incensed about the Scottish Milk Dairies and Robert Wiseman Dairies decision and recommendation. The Minister has an opportunity today to demonstrate that it is within the Government's power to have a beneficial effect on dairy producers in our constituencies. I had something to do with the 1999 Eddisbury by-election, as did my hon. Friend the Member for North Shropshire (Mr. Paterson). That was the time when the former Secretary of State—I cannot remember his constituency, but it was somewhere in the north-east—reversed the Competition Commission's recommendation and did not allow vertical integration from producers. That has had a continuing and dire effect on the value-added chain to benefit farmers at the farm gate. The Minister has it within his gift to reverse that and we are urging him to do so.

Mr. Crabb: I thank my hon. Friend for that intervention. We look forward to the Minister's comments on it.

What steps is the Minister taking actively to encourage the growth and development of farmer-controlled co-operatives such as Milk Link? Farmers are not looking to politicians to determine the milk price. Those I speak to consider themselves to be business people and simply want the market to work in a way that guarantees fair outcomes.

I am grateful for the opportunity this afternoon to raise some important issues concerning the dairy sector and look forward to contributions from other hon. Members and to the Minister's comments.

Several hon. Members *rose*—

Mr. Joe Benton (in the Chair): Order. Before I call the next speaker, I want to draw attention to the fact that I propose to commence the wind-ups at around 3.30. A number of hon. Members have indicated that they wish to speak and I want to call all of them if possible. That is in the hands of hon. Members so I appeal to them to be as brief as possible.

2.47 pm

Mr. Lindsay Hoyle (Chorley) (Lab): I congratulate the hon. Member for Preseli Pembrokeshire (Mr. Crabb) on raising this matter because we would not otherwise be having this debate today. It is an important debate because the subject seems to be a forgotten one. Farmers seem to be bottom of the pile when recognition of them should be at the top of the pile. Without doubt, farmers—dairy farmers and beef producers through to sugar producers—are under the cosh from day one.

I congratulate the hon. Gentleman on raising the subject and the way in which he articulated every problem and issue along the way. My only slight disagreement—this is my view and opinions change—is that ending the 30-month scheme will not do anything for beef production at this stage. We must try to keep it until we can get the beef price at a sustainable level for beef farming.

The main subject is milk prices and the price that is paid at the farm gate to farmers who work endless hours. MPs may complain about the hours that we work, but they are nothing compared to those worked by farmers. They work seven days a week with their families and they toil to try to ensure that we can be proud of our countryside and, more importantly, that milk is delivered to homes and supermarkets. I shall return to that villain.

An unacceptable price is being paid to dairy farmers. The 2003 study said that milk production costs were about 18.36p per litre and we now know from the NFU's latest paper that they are just over 20p per litre. As was said earlier, one does not need to be a great mathematician to know that farmers cannot stand such losses. Governments come and go, and seem to have their own ideas about farming. One minute we persuade farmers to undertake more intensive farming because that is where the future lies. Then we say that perhaps we should not have large, intensive production but should slow it down. Farmers must keep trying to change the way in which dairy production takes place. Then we come to the big problem. Yes, they can produce quality milk in this country that is second to none, but they need a fair, firm price delivered to the gate. The price is not fair at the moment. The problem is monopolies. No matter how many times we try to break them, it does not help the person who we are representing today, the farmer. Whatever action we take, the price will not be fair.

Mr. Gray: Does the hon. Gentleman agree that it is not just a matter of the differential between the 20p that it costs the farmers to produce the milk and the 17p that they are receiving, but capital investment? A constituent, Mr. John Tuck, wrote to me to say that his milk parlour is 31 years old. His youngest tractor is 16 years old. How on earth is he supposed to replace that equipment, when he is losing 3p per litre on his milk?

Mr. Hoyle: I was trying to make that point. Farmers are expected to invest in a certain way. They are then told, "Sorry, we have not got it right. We want you to change to this way." How can we expect people to invest? How can we expect to change the way in which farmers are viewed, without their receiving the real price? The hon. Gentleman is correct.

My constituent, Rick Massey, is a big dairy farmer. He has worked hard to make a living for him and his family. He is a tenant farmer. He and the rest of the Brindle farmers have always been up against it. One minute Arla wants to be fair to the farmers; the next minute, it is cutting prices. Both sides sign up to an agreement to say that the price is fair, only to find out that the dairies want to renegotiate the deal within 12 months. That is unacceptable.

We have had the same experience with supermarkets. They continually work in such a way. The great passport of a penny is not acceptable. The matter has been touched on already. Supermarkets must be fair. They can make a difference to farming in this country. The answer to the future of farming is for the supermarkets to pay a fair farm gate price to ensure that farming stays in this country for ever and a day. That can happen because of their monopoly. They dictate and they can make or break a farmer. The time has now come for less talk and more action from the supermarkets.

Let them sign up to a voluntary buyer's charter. They are shying away from matters. A buyer's charter would be a step in the right direction. We and the supermarkets must be serious. People do not realise what is going on when they pay the price in the supermarket. They think that someone is making a lot of money; they might think that it is the farmer. Well, we all know that it is not the farmer who is making the profit, but the supermarkets and the processors. Excuse the pun, but they are creaming off all the capital. When it comes to price, let us have not a fair playing field, but a fair dairy field.

Albert Owen: Does my hon. Friend agree with farmers in my constituency who welcome the OFT holding a review into the dominance of the major supermarkets? He referred to a buyer's charter. Does he also agree that the Minister should be thinking about his Department working with the Department of Trade and Industry to construct a proper regulatory framework? Farmers are asking for that. They have no confidence in the OFT, or in the Monopolies and Mergers Commission.

Mr. Hoyle: I cannot disagree with my hon. Friend. He is correct. Let us have commitment from the supermarkets under a voluntary charter. The Office of Fair Trading must be seen to be doing its job. We have received report after report from the supermarkets, but they always shy away from the real problem, which is their monopoly position. We should be taking on the directors of the supermarkets because, without doubt, the moment that their collar was felt, we might see a fair price.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): It is encouraging to hear a Labour MP speaking with such passion about agriculture. Does he agree that it is important to have a Secretary of State in the Cabinet who is involved solely in agriculture, so that she or he could act as a champion to lobby the supermarkets? I questioned the Secretary of State for Environment, Food and Rural Affairs at the DEFRA Select Committee the other day. I referred to her as the Secretary of State for Agriculture, for which she admonished me, to the cheers of Labour MPs. She said, "I am not the Secretary of State for Agriculture. My Department is DEFRA."

Mr. Joe Benton (in the Chair): Order. That was quite a lengthy intervention.

Mr. Hoyle: We recognise that the Department is now called DEFRA and has slightly different rules. However, I agree with the hon. Gentleman that the farming industry needs champions. There are a lot of champions in the Chamber today who will ensure that its voice is heard.

I am sure that the Minister is taking that on board. I know that he is a champion of the industry. He has not been in the job for long, but at least he is going around

[Mr. Hoyle]

the shows, seeing the farmers, and beginning to talk to people. I am pleased that that is happening, but we must of course firm up the position on the future of farming.

Legislation has been mentioned, and that is necessary. There is also a need for the input of a Government, and of the Departments that have been mentioned. The Department of Trade and Industry and the Department for Environment, Food and Rural Affairs, along with the National Farmers Union—and even Farmers For Action—have all got voices that must be heard. We must all stand together and say to the supermarkets, "We need you to be fair." That is the commitment that is needed. Perhaps we ought not to be using legislation; perhaps we ought to be allowing common sense to prevail, by telling the supermarkets that if they really do want a future in this country, they must recognise this point. That is important.

It is also important to touch on the subject of young farmers and the future of farming. There is no future for young farmers, because of the high cost of buying or renting a farm. The prices are unfair, and that puts people off; they ask. "Why do it?"

If anybody picks up and reads the *Farmers Guardian* these days, they will know that farms from the south of England to Scotland are up for sale for one reason; people have had enough. They might not be walking away from farming altogether—they might be going to Nigeria or other parts of Africa, or to France, or to Canada—but our farmers are saying, "Enough is enough," and they are going elsewhere in the world to try to enjoy what they enjoy most, which is farming.

Annette Brooke (Mid-Dorset and North Poole) (LD): Does the hon. Gentleman agree that although the consumer might benefit to some extent from lower supermarket prices, the loss of our dairy farming would create great disbenefits for the consumer, because there would be lack of controls on quality, in addition to us losing our farmland? Tough action and tough speaking are needed now; there is no alternative. We have had a real wake-up call, and I hope that we have got it in time.

Mr. Hoyle: I cannot disagree. In fact, I totally agree, except on one point. I do not think that people who shop at supermarkets are getting the best deal. I do not believe that any of the gains that are being made by screwing the farmer into the ground is being passed on to them; the evidence shows that that is not what happens. The profits are creamed off for shareholders. Companies such as Tesco and Asda hold up their balance sheet; that comes first, and it does so at the expense of farming. That is unacceptable, because it is not sustainable.

We must also talk about the Government in this respect. They have a major role to play. We must get people around the table, and get them to recognise that there is a future in farming only if a fair price is paid for what farmers produce.

Another big issue for farmers is that they want to be farmers. They did not want to be form-fillers, but, unfortunately, that is what they have become. More and more of their time is spent form-filling. I understand that there is a need for forms. I understand the problems caused by foot and mouth and so forth, and I acknowledge the difficulties that arise from such events, so I recognise that forms can be important, but there is an issue to do with the number of forms. They are repetitive. Often, a single form could cover a lot of the relevant issues, and if that form were shared between different Departments, that could further reduce the burden on farming.

That is what farmers would like to happen. Let them do what they do best; let them get out into the fields and get on with farming. They did not take up farming to do so much form-filling. However, I recognise that this problem is not entirely to do with DEFRA; forms come from all Departments.

The amount of paperwork is crucial for the future of farming. We ought to be saying that one form will fit all, if the information is shared. That can be done. We need to take a serious look at this matter, because it is important. I am sure that, like me, all Members regularly meet the farmers in their constituencies; when we do, the one thing we can be sure that they will say is, "Have you seen these forms that I now have to fill in?"

It is a tragic shame that dairy farmers with new-born calves have no market for those calves. There is no future for calves. They are having to shoot the calves; they are having to be put down. That is a tragedy.

There are a number of major problems that we must deal with. All Members present are united on one thing; farmers must get a fair deal. Let us talk to the people who matter. That is not just the Government, but the supermarkets, which can do more for the future of farming than any of us here by giving that fair price.

3 pm

Mark Williams (Ceredigion) (LD): Like others, I pay tribute to the hon. Member for Preseli Pembrokeshire (Mr. Crabb) for securing the debate. If there is one message that must come from it, it is that there is a united front, as has been said by the hon. Member for Chorley (Mr. Hoyle). I join him and other hon. Members in drawing the Minister's attention to the huge gulf between retail milk prices and farmers' production costs. Many of us receive that message in the farmyard and at the marts when we talk to farmers in our constituencies. We have also heard about the disastrous effect that that has had, and is having, on dairy farming.

The hon. Member for Preseli Pembrokeshire was right to draw attention to the much more far-reaching implications of the collapse of the dairy sector for local schools and services, and for the wider rural community. I share a constituency border with him. All the concerns in Preseli Pembrokeshire that he expressed are replicated in my constituency.

Historically, a third of the total farm output of Wales was generated by the dairy sector. Yet, by the end of 2004, 60 per cent. of Welsh dairy farmers were failing to cover their production costs, and dairy farmers in Wales have been exiting the industry at a rate of three a week, a frightening statistic. In Ceredigion, some 1,300 jobs have been lost in the agriculture, forestry and farming sector since 1998. The number of holdings and the average herd sizes have fallen dramatically. We cannot overstate the feeling of the farming community. In the same week as Tesco's profits topped £1 billion, nearly two thirds of farmers could not cover their production costs. There is real despondency and anxiety about the future of their farms.

Mr. Philip Dunne (Ludlow) (Con): I want to reinforce the point that the hon. Gentleman is making so well about the strategic nature of the industry. For the public health reasons that have been mentioned, there is concern that if farmers leave the dairy industry in the way he has described—it is also happening in my constituency—this country will, at a certain point, lose the capacity to produce milk. That is not too far off. I urge the Minister to take that message away from this debate.

Mark Williams: I thank the hon. Gentleman; I can only concur with those comments. This is a UK-wide problem, although constituency interests are obviously dear to our hearts.

A combination of factors has brought us to this situation. The legacy of the break-up of the milk marketing boards has left the large retailers and their suppliers in an increasingly powerful position in the supply chain. That has been compounded by significant rises in farm prices since the 1990s, motor fuel prices increasing by 22 per cent. last year, feed prices increasing by between 9 and 20 per cent. and the price of fertilisers rising by 30 per cent. in two years.

Again like the hon. Member for Preseli Pembrokeshire, I will not be tempted to discuss CAP reform, but that issue has had a profound effect on dairy farmers. When questioned on the issue, Ministers have stated that market forces should be allowed to operate. It would seem that farmers are still losing out in what is an increasingly favourable market for some dairy products.

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): My hon. Friend talks about the picture in Wales. In Scotland, we have lost 500 diary farms in the past five or six years, and thousands over the past 20 years.

Market forces have been mentioned. Surely for as long as the big supermarkets are allowed to unleash their forces on the market there will be only one set of winners. Is it not about time that the Office of Fair Trading was given a proper remit to regulate this market for everybody?

Mark Williams: My hon. Friend pre-empts me slightly. Of course that is the case. Free markets with protection for the vulnerable must surely be the course.

The Rural Payments Agency figures have shown that milk production is about 233 million litres behind quota. The economics of supply and demand would suggest that farm gate prices should therefore be rising, yet they remain low—that is the problem. I will now discuss possible solutions, and I look forward to the Minister's comments on them.

As was articulated well by the hon. Members for Eddisbury (Mr. O'Brien) and for Preseli Pembrokeshire, the National Farmers Union is concerned at the decision made by the Office of Fair Trading to refer the proposed merger of two Scottish milk processing companies to the Competition Commission. The NFU thinks that further rationalisation in the processing industry is essential if the UK is to compete effectively at EU and international level. I would be interested to hear the Minister's views on the principles of rationalisation. Does he agree with the NFU that it should be encouraged? If so, what can he do to aid that process?

Farmers have told me that suppliers often cite increasing fuel prices and transport distances as a reason for reducing the price that they will pay for milk. Does the Minister agree that we should have a renewed push to process milk as locally as possible? The closure of local creameries is a key factor in driving down farm gate milk costs. The Government, the Scottish Parliament and the National Assembly for Wales should address that.

Action on those points would be welcome, but that would only begin to address the main issue. I return to the point made by my hon. Friend the Member for Berwickshire, Roxburgh and Selkirk (Mr. Moore): the Government must do something to tackle the overwhelming power of the supermarkets. The voluntary supermarket code of practice applies only to the relationship between farmers and their suppliers, and people have no confidence whatever in that system. The code should apply to the whole supply chain. That would acknowledge that the behaviour of supermarkets impacts directly on farm gate prices; the figures that we are hearing today prove the facts.

Mr. Alan Reid (Argyll and Bute) (LD): My hon. Friend makes important points about the unfairness in the marketplace. Does he agree that one of the problems with the supermarket code of practice is that, if suppliers complain, it has to become a matter of public record? Naturally, some suppliers are anxious about that, in case they are then victimised by the supermarkets. Does he agree that we need an independent watchdog to help reintroduce transparency and trust into the industry? Such a watchdog could be proactive and need not rely on suppliers to make a public complaint, with all the risks that that involves.

Mark Williams: My hon. Friend is right. In a survey in the February 2004 OFT report on the supermarkets code of practice, 73 per cent. of respondents reported a fear of complaining about the conduct of suppliers. Three years after it was introduced in 2001, not a single farmer had used the code, fearing lack of anonymity and loss of business.

Mr. Jeremy Browne (Taunton) (LD): Does my hon. Friend accept that farmers and agricultural producers are not looking for special favours? They do not want to be permanently reliant on subsidies, and that is not the route we should seek to take. What they want is a fair market—I am in favour of free market economics—but one can only have such a market if there are no abusive or restrictive practices and if there are enough players in the supply chain to mean that there is genuine competition. That way, the price of milk will find a natural level, which means that farming can be sustainable without being reliant on subsidy. The problem is not that the Government necessarily need to give more largesse—

Mr. Joe Benton (in the Chair): Order. That intervention is far too lengthy.

Mark Williams: I thank my hon. Friend for that intervention. His essential point was about the level playing field. That relates directly to what my hon. Friend the Member for Berwickshire, Roxburgh and Selkirk said about the need for a food trade inspector based in the OFT to monitor the whole supply chain and prevent unscrupulous action.

I also wonder—this point has not yet been touched on—about the feasibility of the introduction of a brand of fairly traded milk, a specially labelled product that would guarantee consumers that the farmer was receiving a fair price for his milk. Would the Minister be willing to assist such a scheme?

I hope that the Minister will take on board the comments of hon. Members today. There is a great deal of consensus among all parties present that action must be taken to halt the erosion of our dairy industry. I go back to what the hon. Member for Preseli Pembrokeshire and I have said: this issue is about livelihoods and about sustainable rural communities, because once the farms and farming families have gone, there will be a critical threat to the vibrancy of a rural economy. We have seen that in Wales and, from the contributions in the Chamber, throughout the United Kingdom.

3.10 pm

Patrick Mercer (Newark) (Con): It is a pleasure to follow the hon. Member for Ceredigion (Mark Williams), who spoke clearly and with great interest in the subject. May I congratulate my hon. Friend the Member for Preseli Pembrokeshire (Mr. Crabb) on securing this debate? Any time the Minister wishes to look at the limited but large farms and the burgeoning, affluent supermarkets that I have, he is welcome to return to his old stamping grounds. I shall show him around with the greatest of pleasure; I am sure that my constituents will be very pleased to see him.

North-east Nottinghamshire is not noted for its dairy or beef farmers. During the past 50 years, we have moved quickly from a mixed agricultural society to a limited one of almost completely arable farmers. Unlike the rich pastures of Preseli, where I spend many of my holidays, the whole area in between the power stations that proliferate up in Nottinghamshire is taking on much more the mien of the county of Cambridgeshire.

Our farming is getting much less interesting, demanding and diverse, and the farming communities, and their mixture, are suffering. Several Members present have already made the point that the vibrancy of the agricultural community depends not only on profit margins, but on variety and on there being a fair deal for those to whom they sell their produce.

Time is limited, so I shall not bang on more than I normally do, but I should like briefly to consider one case study in my constituency. A little under a year ago when this problem started to generate heat in the east midlands and in north-east Nottinghamshire, I was asked to visit several of the diminishing number of dairy farms in my area. Most of them were absolutely model farms. They understood the necessity to make milk production as efficient as possible, and the diversity was impressive. Every single one of them had thought about the environment; many had tried to diversify so that they could sustain all sorts of farm products other than merely dairy products, and I was impressed by the way they were making a go of difficult circumstances.

In one particular case, the farmer of a larger than normal herd of 110 beasts told me that he was producing in profit less than £1,000 a month. He and his wife worked more than a 60-hour week, and they had had to pay off the man who worked part-time essentially, as far as they were concerned, to fill in the forms about which we heard from the hon. Member for Chorley (Mr. Hoyle). Their workload was increasing and their profit margin decreasing by the day. I do not need to tell the Minister that on 1 October the price of milk fell by another 0.3p, making life even more difficult for the characters whom I have just described. That is a relatively large milk producer on my patch; there are others in more difficult circumstances.

Although electricity, diesel, contracting, oil-based fertiliser and all other costs that the farmer must absorb continue to rise, there is nowhere for the farmer to go. I know that the Minister understands. With my limited grasp of mathematics, I should have thought that the rules of supply and demand suggest that as supply diminishes, so prices should rise. That is not the case. Although prices may be rising, they certainly are not doing so at the farm gate. The losers in this deal are the farmers who are trying to put in those 60-hour weeks not only to produce the goods that we want, but to maintain the farms, the diversity and the rural aspect.

Those points have been made already. However, the dairy farmers pointed out to me that it is not easy to change from dairy farming, unlike other forms of farming. It takes about four years to go from conception to producing a milkable animal, if that is the right technical term, and such a business cannot just be turned round or changed overnight. Already, we have heard that if we are not careful, given where competition is going, we will end up with large farms, and the sort of small herds that I have been discussing will completely disappear. I do not want that, and it is clear that nobody in this Chamber—no matter what their political stripe—wants that either.

I iterate the points already made. Will the Minister please allow us, and therefore our farmers, to know what the Office of Fair Trading is going to do about this? How will a supermarket code of practice be made to work, both in theory and—to use the same word again—in practice? What can the buyers charter be made to do for the farmer, rather than the processor? Lastly, how can farmer-controlled co-operatives be encouraged by the Government, not just in theory, but in fact?

The time for talking about this subject is long past. The Minister understands that, unless the supermarkets and other market factors are gripped and controlled, we shall lose our dairy production capacity completely, and I, for one, will be extremely sorry and many of my constituents will be extremely poor.

3.17 pm

Mr. Roger Williams (Brecon and Radnorshire) (LD): I, too, congratulate the hon. Member for Preseli Pembrokeshire (Mr. Crabb) on securing this debate. This is not the first time that we have debated this issue, and we seem to be making a distinct lack of progress.

From the dairy farming point of view, the issues are about not just the price of milk, but BSE and the lack of export opportunities. The fact that dairy farmers cannot send their calves to the best market also impinges on the profitability of dairy farms.

However, the price of milk is obviously a key issue. I am surprised to see the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for South Dorset (Jim Knight) in his place; I should have thought that the Minister for Competitiveness would have responded to this debate. In a sense, this issue is not about farming, but competition. Farming is all right: people produce milk—there is no problem with that. The key issues are selling it and the state of the market.

I shall be very quick. We have to make up our minds about a point of principle and of policy. The question is about whether we want a fair market or a free market for milk. I do not think that we can have a free and a fair market; we will find that the free market is not fair—it does not reflect the effort and investment that goes in from farming families—and that the fair market is not free.

This country, and in some ways the Government, have benefited very much from food prices having been kept down. Inflation in this country has been kept very low, and we congratulate the Government on that, but across the economy the prices charged by some service industries seem to have gone up fairly substantially—I certainly think that when I pay my accountant or solicitor. To some extent, manufacturing has also seen price hikes. Food prices, however, have been kept very low indeed. Supermarkets do not compete on quality or variety—all of them have those—but on price. It is hard to explain to a farmer that supermarkets make more money by charging less than anybody else, but that is what they do because they want market share.

Mr. Gray: The hon. Gentleman seems to be making a different point from that of his colleagues. A moment ago, we were saying that, given that milk was sold at 54p a litre at supermarkets, somebody somewhere was making a fat profit. The hon. Gentleman seems to be saying that the supermarkets are competing with each other and keeping the price unreasonably low, and that that is why farmers are so badly paid. In that case, presumably he is proposing that supermarket milk prices should go up.

Mr. Williams: If the hon. Gentleman hangs on a minute, I shall come on to what I am and what I am not proposing.

That is my analysis of the market. In classical economic terms, a market—a free market, which is acting properly and in the interest of all who participate—must have many buyers and many sellers. Everybody must have a shared knowledge of that market—the amount, the demand, the amount provided and the manner provided. That is obviously not the case in this country. Tesco and other supermarkets have a huge proportion of buying clout. That point has been well made.

One of the questions that I would like to ask the Minister is about the OFT—I am not quite sure whether it is the Office of Fair Trading or the office of free trading. The OFT is meant to be at arm's length from the Government, but there must be some indication as to when it should or should not intervene. The time is well past for intervening in the food chain market. Examples have been given, and we could put out a lot. What are the instructions, the guidance, for the Office of Fair Trading?

I know that my hon. Friend the Member for Lewes (Norman Baker), who leads for us on these matters, will put forward the case for a fair trade inspector. That is important. In Wales, few farmers sell directly to the supermarkets. They sell through intermediaries, whether the dairies, the slaughterhouses or the meat-processing plants. Often the happy supermarket—I cannot remember which hon. Member mentioned this—will go and sit in the farmer's kitchen and chat, moaning and groaning about the margins and that sort of thing, when the dairy is driving down the price.

Mr. David Jones (Clwyd, West) (Con): The hon. Gentleman mentioned that farmers in Wales sell primarily to dairies. Does he not share my concern at the increasing number of dairy closures, including Longslow dairy in my constituency only last month? Farmers are left with additional transport costs, reducing their profitability.

Mr. Williams: I agree. The problem of consolidating the industry stands as a problem.

I will close. The Minister needs to address the competition issues. No Government should leave the country lacking in food. British dairy farmers cannot produce at the price at the moment and, in the end, they will not produce.

3.22 pm

Mr. Philip Hollobone (Kettering) (Con): I have the pleasure and privilege of representing the Kettering constituency, which is situated in the heart of England and represents the best that England has to offer in every respect, including agriculture.

The Minister has connections with Kettering. He will know the area well, but he may not be aware that in north and east Northamptonshire the number of dairy herds has fallen from 42 to just 13 since 1986. Several more are on the brink of closure, taking the number of dairy farms down to single figures. At the current rate, I would not be surprised if dairy farming ceased to exist in the Kettering constituency during my parliamentary career, should that last for more than one term.

Local dairy farmers tell me that the process of closure has accelerated in the last five years. Dairy farming requires substantial investment, not only in financial terms but also in time. Dairy farming consumes far more of a farmer's time than crop production, because of milking and animal-welfare issues. The request that local dairy farmers asked me to make is that the Government look seriously at the transparency of the supermarket price of milk.

With another hat on, I have the privilege of sitting on the all-party parliamentary small shops group. We are considering the state of the retail sector. Evidence given shows that a supermarket having an 8 per cent. share of the retail market starts to distort competitive pressures. Tesco has a 30 per cent. share of the grocery market and

[Mr. Philip Hollobone]

a dominant share of the milk market. As my hon. Friends said, the farmer gets only 16p to 20p per litre, but the supermarket sells milk at 54p per litre. The Government urgently need to examine the difference between the two prices.

Of course, there is an Office of Fair Trading. The hon. Member for Brecon and Radnorshire (Mr. Williams) made an extremely good point that the Government need to send a signal to the OFT and the Competition Commission that all is not well, not only in the retail industry but in the supply chain, particularly in respect of dairy farming. On behalf of all the dairy farmers and related rural communities in the Kettering constituency, I urge the Government to take the issue extremely seriously. I do not want to be the Member of Parliament for a constituency that no longer has any dairy farms.

3.26 pm

Hywel Williams (Caernarfon) (PC): I congratulate the hon. Member for Preseli Pembrokeshire (Mr. Crabb) on securing this important debate. It is timely, as the industry is in crisis—I do not use the word lightly. Milk prices are a particular issue in Wales and in my constituency and the constituency of my hon. Friend the Member for Carmarthen, East and Dinefwr (Adam Price), who would contribute to this debate if he had the time.

Many producers have gone out of business, not because they are unwilling to put in the long hours or do the work, and certainly not because they are not enterprising. In rural areas in Wales and elsewhere, people are very enterprising. They run small businesses successfully—much of the time, against the elements—but they are under extreme pressure.

I would like to use my time to draw Members' attention to the effect on some processors. I refer specifically to a farmer-run co-op in my constituency—the South Caernarfon Creameries, or Hufenfa De Arfon. It is a unique enterprise, with members as far south as Aberystwyth and as far east as Denbigh. It produces an excellent range of products, including organic products and milk from cows that are fed on non-GM feed—it is labelled as such, which is the good practice that we hope for from other producers. The creamery produces a cheese called Monterey Jack, which is based on an American recipe, and exports it to America. The people who run the co-op are enterprising. The prices that it pays its owners—it is farmer owned—are always in the higher echelons, and it does everything that it should, yet it is under pressure because of the current situation, which, unfortunately, is a case of the bad driving out the good.

At the recent annual general meeting of the Farmers Union of Wales, Carwyn Jones, the Minister for Environment, Planning and Countryside in the Assembly, said that the supermarkets were in danger of killing the goose that lays the golden egg. A Minister from Cardiff has told us who is holding the smoking gun. I do not need to go into that argument, as the Milk Development Council's report is clear enough.

I shall make one further point that is specific to my part of the world. It is to do with the knock-on effect on rural life and, particularly in my constituency, on the Welsh language. The agricultural community is the backbone of the Welsh language.

Adam Price (Carmarthen, East and Dinefwr) (PC): The hon. Member for Brecon and Radnorshire (Mr. Williams) made an excellent point about goods inflation in the UK, which is currently running at 0 per cent. for milk. All the cost increases are being passed to the suppliers—they are not being borne by the consumers—and that is one of the problems.

Hywel Williams: I thank my hon. Friend for that intervention, which brings me to my final points. Will the Minister ensure greater transparency in the supply chain? We need to be able to see where the money is going. It certainly is not going into the pockets of farmers in my constituency or in my hon. Friend's constituency. Finally, I refer, as other Members have, to the virtue of a buyer's charter as requested by the National Farmers Union and the FUW.

3.30 pm

Norman Baker (Lewes) (LD): This has been a useful debate. I congratulate the hon. Member for Preseli Pembrokeshire (Mr. Crabb) on introducing it. The debate has been attended by a large number of Members from all parties—more from the Liberal Democrat and Conservative parties, it has to be said. Nevertheless, Members from all parties are here today, despite the fact that a significant debate is taking place in the main Chamber.

The debate is also significant for the fact that hon. Members who have spoken have shown unanimity about the seriousness of the problem, the role of the supermarkets and the urgent desire to do something to ensure that the British dairy industry continues in existence. I am sure that the Minister will have taken those points on board and I look forward to hearing his contribution shortly.

This is a serious issue. It is extraordinary that this country has an almost unique combination of skills, structure, climate and geography to provide a secure and financially sound dairy industry, yet farmers are leaving the industry week after week, as we have heard, from all parts of the country, be it Wales, Scotland, the south-west or indeed my constituency of Lewes. Undoubtedly one of the reasons is the operation of the market. My hon. Friend the Member for Brecon and Radnorshire (Mr. Williams) is right to draw attention to the importance of the competition process, which is at the root of our debate this afternoon.

Mr. Andrew Turner: The hon. Gentleman acknowledged that geography is a significant factor. Would he be surprised to know that school milk, which is subsidised and sold in my constituency, is sold at 18p for a one-third-of-a-pint carton? It is brought from Chadwell Heath in Essex to the Isle of Wight; yet it is possible to buy milk at 30p a pint from suppliers on the Isle of Wight. For some reason, even the Government's subsidised scheme for milk creates far more food miles and far more expensive milk.

Norman Baker: It does indeed. If I were to be distracted down a different road, the same could be said of the fruit scheme in schools. Huge numbers of pears and apples are imported into the country, when it would be better if they were supplied by our own suppliers, for environmental reasons as well as to support the British farming industry.

I want to draw the Minister's attention to the answer to a parliamentary question that I put, which spells out the relationship between the price that farmers have received for milk in recent years and the price at which the supermarkets are selling it to consumers. In 1995 the average price paid at the farm gate across England and Wales was 24.94p a litre. By 2004 that had dropped to 18.46p a litre. We also heard of all the extra costs—genuine and significant costs—that are falling on the farming industry, whether it is for fertilisers or the infrastructure. When suppliers have lost about 25 per cent. of their price over that period of time, it is impossible for them to continue indefinitely, if over the same time the supermarket price has stayed roughly the same and the supermarket profit has increased from 1.3p a litre to 13p.

David T.C. Davies (Monmouth) (Con): Does the hon. Gentleman agree that one of the significant costs that have been borne by many dairy farmers is that resulting from TB and its spread in certain areas? Does he agree that the Government need to take action over that and to see how it is being caused, which in many cases is by badgers?

Norman Baker: I agree that TB is a serious issue, particularly in the south-west, but also in Sussex in my constituency. The hon. Gentleman will be interested to know that the Lib Dems recently published a proposal to deal with the problem, which included dealing with the badger issue.

The relationship of farm gate prices to retail prices is absurd, and shows what the NFU correctly calls a dysfunctional supply chain. The supermarkets are making increased profits, while the process to compete for supermarket tenders is driving down prices to farmers. As a result, the dairy industry is threatened and we will end up sucking in more and more imports. That is in the interests of no one, except those who are abroad. It is a clear market failure. The market is not delivering the level playing field that we have a right to expect. That is why so many of us are so angry at the OFT's failure to take action on this matter.

My hon. Friend suggested that it was the office of free trading rather than the Office of Fair Trading. I might suggest that it is the office of fixed trading, fixed in the sense that it does not move and also that it seems to be beneficial to supermarkets and not to those supplying milk. I understand why we have got there, but it is not satisfactory simply to leave the matter with the OFT, which is not only not helping with a clearly malfunctioning market in which it ought to intervene, but is making matters worse, as we have heard, in respect of the referral of the proposed acquisition of Scottish Milk Dairies Ltd. by Robert Wiseman Dairies plc to the Competition Commission, despite the fact that the business represents a mere 2 per cent. of the Scottish liquid milk market. It is extraordinary that when the OFT intervenes, it does so in the wrong direction. We cannot allow that to carry on.

Mr. Stephen O'Brien: Having had some involvement in this for many years, does the hon. Gentleman agree that the real problem that the OFT has, and that the Government can influence, is that it should not keep on looking at the producer definition as the short circuit and the easy way out for defining a market, which is the much harder process of defining where the sales took place? That is how we could help get to the supermarkets rather than always to the farm producers.

Norman Baker: I have some sympathy with that point. The OFT also seems to fail to recognise that we are now in the European market. When it considers the ownership of different aspects of the market it needs to do so on a European basis rather than on a UK one.

The Minister who is present is from DEFRA. He doubtless has some sympathy with the plight of farmers; I have heard him on previous occasions express such a view. What influence does he have with his colleagues at the Department of Trade and Industry, who should be the ones taking action on this matter? How can he take that message back? What will he ask them to do? What is DEFRA's position on those issues, which the DTI, the OFT and the Competition Commission ought to investigate more fully? They do not seem to be investigating them fully at the moment.

As has been said by my hon. Friend the Member for Ceredigion (Mark Williams), there is an urgent need for a fair trade inspector or a food trade inspector in the OFT. It is clearly not satisfactory to rely on the code of practice, which has simply delivered nothing. Nobody will complain if they feel that they will be victimised or will lose business as a consequence, and we cannot expect them to do so. There has to be a genuine mechanism to allow farmers to make what they believe to be genuine complaints, to have such complaints properly investigated and to feel secure that they will not lose out as a consequence. Clearly, they do not have that confidence at the moment, but they want to make complaints.

The absence of complaints made does not mean that people do not want to complain. There are plenty of complaints to make. I am sure that other hon. Members present will have met local farmers, as I have; I joined a great many from the south-east outside the Arla processing plant in my constituency, which is at Sheffield park, near Chailey. Farmers have plenty of complaints, many of which are entirely justified, and they are very angry. Some farmers are now being driven to pouring their milk down the drain to try to draw attention to this serious issue. Plenty of complaints could be made. The fact that they are not being made through the code of practice suggest that it is flawed. That has to be changed.

We need an intermediary, such as a food trade inspector, who could analyse the complaints and drive some sense into the OFT. Will the Minister support that sort of mechanism to allow the regulation of the market to be properly addressed in a way that has not taken place so far? His colleague in the Lords and the DEFRA team have expressed some sympathy with this issue. Will

[Norman Baker]

the Minister tell me what he is going to do by way of an inquiry into the power of the supermarkets, which is generally of concern not only to us in this House and to the farming industry, but to consumers, who are writing to me in increasing numbers? What will he do to ensure that the whole issue of supermarket power is addressed? A complex monopoly of four big chains now controls a huge amount of the food market and distorts it as a consequence. That must be addressed as a general issue and I do not see it being addressed.

Farmers are going out of business every week. In Wales alone, 32 per cent. of the farmers have left the diary industry in the past 10 years. There are now only 15,000 dairy farmers in England and Wales, according to the National Farmers Union. This is a serious matter and I hope that, given today's high attendance and the strong views expressed by Members of all parties, the Minister will accept that we now need action from his Department and, most of all, from the DTI and the OFT.

3.39 pm

Mr. Owen Paterson (North Shropshire) (Con): May I begin by drawing attention to my declaration in the Register of Members' Interests that relates to income from agricultural rents, which, happily in this case, mainly comes from dairy farming? This has been a splendid debate, and I congratulate my hon. Friend the Member for Preseli Pembrokeshire (Mr. Crabb). I have never seen this Chamber so full; there are Tory MPs sitting right around the corner, so that they almost touch the lonely and lone Labour Member.

Mr. Hoyle: I think it ought to be put on the record that more than one Labour Member is present. This subject is too important for us to score political points.

Mr. Paterson: The hon. Member for Ynys Môn (Albert Owen) left the Chamber, although I see that he has now returned.

My point is that although a big debate on terrorism is taking place in the main Chamber, this issue has attracted great attention. It is right that it has done so; we have the climate, the livestock and the husbandry and yet, although this industry should be prospering, it is in dire trouble, with prices well below the break-even price of approximately 20p.

The reason for that is partly a historical problem, caused by the old Milk Marketing Board, and the incentives given to farmers to produce a commodity—liquid milk—which they were told would then be taken away. I can remember that in respect of my own family in the 1960s; there was never a worry about where the milk might go. However, the problem is that during that period our competitors in Ireland and on the continent—in particular France—were forging ahead with farmers' co-operatives, and were focusing on added value.

We must differentiate between milk, which is a commodity, and products that the consumer wants to buy. We have become efficient producers of a commodity, but our farmers are detached from the end market. That problem is compounded by a strong and well organised retail sector, which has driven prices down, so that farmers are being driven out of business. The solution is to add value. We must get our farmers near to the end consumer; they must get into brands and finished products that consumers want to buy.

Let me offer a couple of examples from my constituency, which, along with that of my constituency neighbour, my hon. Friend the Member for Eddisbury (Mr. O'Brien), is part of the largest milk field in western Europe. Processing is about four times more efficient in France than it is here. We produce 11 per cent. of the EU's milk, but only 4 per cent. of its cheese. France produces 18 per cent. of the EU's milk, and 22.5 per cent. of the cheese. We are suffering from a ghastly hangover going back to the years of the MMB, when we did not invest in efficient processing plant.

However, there are exceptions. Müller, a private German company, has, from zero to 12 years, gone from producing nothing to producing nearly 2 billion pots of yoghurt in a state-of-the-art, world-class plant near Market Drayton in my constituency. I talked to Mr. Robert Cope of Adderley yesterday; he is going to increase the size of his herd of cows from 300 to 600 to supply Müller. Another nearby family business is going in the opposite direction. Justin Beckett has stopped milking cows, and has gone into specialised cheese production. He is supplying the multiples and all the supermarkets, and he is buying from a large number of small processors. He wants fat in his milk, 4 per cent. fat, so he is encouraging the use of Jersey and Shorthorn cows. That is just the sort of thing that my hon. Friend the Member for North Wiltshire (Mr. Gray) was touching on.

There are solutions to this problem; they are to add value, to get near the customer, and to use the supermarkets. When I went to see Herr Müller in Germany, he said he could never have grown his business at the speed that he has done without the extraordinary efficiency of the UK distribution sector. We need to get products into that sector.

Albert Owen: I apologise for leaving the debate. I had to take an important telephone call. The hon. Gentleman should not make party political points about attendance, and the high attendance by Members of all parties who represent Welsh constituencies is to be applauded. He talked about added value. As the hon. Member for North Wiltshire mentioned, the problem in that regard is that the margins are so small that nobody can invest and diversify in the way that is being outlined. The options for farmers to do that are limited. It helps when they get opportunities from larger companies, but it is impossible for small family farms to reinvest in the new machinery that is needed to make the added-value products.

Mr. Paterson: The hon. Gentleman is right. The Government make it difficult to get into that. However, I cited the example of a small, family business which has prospered by adding value and getting near the consumer. The hon. Member for Chorley (Mr. Hoyle) talked about the supermarkets. The problem in that respect is that the Chancellor will do nothing about them, because, as the hon. Member for Brecon and

Radnorshire (Mr. Williams) said, taking action will create inflation, and the Chancellor will not want supermarket prices to go up.

Mr. Hoyle: Will the hon. Gentleman give way?

Mr. Paterson: I am sorry, but I have given way once, and I must now press on.

In respect of liquid milk, we can add value by way of a variety of additions, such as omega 3 fish oil. We could also have vending machines in schools, as my hon. Friend the Member for Isle of Wight (Mr. Turner) said. There are new probiotic products, too. Treating milk as a commodity is a complete loser; we have to get into adding value, because the situation will get worse. Polish production has increased by 11 per cent. this year, pushing EU production up by 1 per cent. Poland is coming along with western efficiency, and Hungary will follow. We must add value and get near the consumer, and the Government have to get out of the industry's hair in terms of farm regulation, putting up new units and factory regulation. Leon Downey fought a wonderful battle down in Pembrokeshire, in the constituency of my hon. Friend the Member for Preseli Pembrokeshire, to stop being put out of business by Government regulations.

Mr. Hoyle: Will the hon. Gentleman give way?

Mr. Paterson: I do apologise, but I have only a short time left.

There are further problems with regulations on, for instance, farm shops—they are another way of getting near the consumer—and getting planning for retail outlets. There was an interesting case this week in which the European Commission ruled on feta. I would like the Government's line on that. The Government must stand up for the ability to make named cheeses in other geographical areas. Take our area; the majority of Cheshire cheese used to be made in Shropshire. It would be a real problem if there were pressure from the Commission on named cheese.

The Government could do a lot more on cross-compliance. EU directives such as the nitrate vulnerable zones directive and the water framework directive all mean costs on top of the other rising costs that hon. Members present have mentioned, one of which was fuel. There is a lot that the Government could do to make life easier for those who need to branch out and expand. I agree that it is extremely difficult to get into those added-value activities.

Above all is the issue of the OFT. It was an absolute disgrace that the right hon. Member for North Tyneside (Mr. Byers)—the then Secretary of State for Trade and Industry—overruled and went against the Monopolies and Mergers Commission report. At the time, Milk Marque had 38 per cent. of the domestic market, and Arla was allowed in with 98 per cent. of its market. It is ludicrous to treat the markets that we are talking about as little, isolated national markets; they are not. The case last week, in which Robert Wiseman Dairies was not allowed to buy a business that had only 2 per cent. of the Scottish liquid milk market, was ludicrous.

I was talking to a very successful executive of a big milk co-op this morning. He said, "You can't breathe without the risk of OFT intervention." All Members in this Chamber have talked about that. We have to allow larger groupings, and we need larger farmers' co-operatives, processors and distributors. With them, we will get research into the products that I mentioned, efficiencies of production to get us up to continental levels and, above all, the clout to stand up to the supermarkets.

I simply do not understand the extraordinary, narrow definition that the OFT seems to put on the market in the country. My hon. Friend the Member for Eddisbury is right; the OFT looks only at supply. It does not look at sales—I do not think that it has a way of getting at them. We have a massive problem here. We are talking about a product that is not just European—I have mentioned Poland, and huge imports come from Ireland, too—but global. Milk powder can come from New Zealand or the west coast of America. It is absolutely incorrect that the OFT and Government direction should be allowed to interfere in such a prejudiced manner with the suppliers of milk.

Also, as numerous hon. Members have said, the OFT is not attacking the problem of the buyers. Those buyers are in an extraordinarily privileged position, because there is an oversupply of a commodity and a small number of buyers, who have massive power. If there is time, I would like the Minister to give the Government's position on that, and to say what the Government are going to do about it, because there is unanimity on the issue across this Chamber.

Quotas have collapsed in value. We are under quota in this country, but there are massive payments of super-levies in Italy. What is the Government's line on sale of quota across borders? On by-products, it is frankly disgusting that black-and-white calves are being shot the moment that they are born. At a rough calculation, if we achieved the same price for black-and-white bull calves that one can get in France this afternoon, that would add £100 million to dairy farmers' incomes. What will the Government do about that?

Finally, I come to TB. I do not have time to go through the 600-plus parliamentary questions that I have tabled on TB. This disease is out of control; it is an epidemic, according to one of the replies that I received. Its not being cured will cost this country £2 billion over the next 10 years. When will the Government take action?

3.50 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jim Knight): I welcome the debate. It has been useful and I pay tribute to the hon. Member for Preseli Pembrokeshire (Mr. Crabb) for raising the issue, which is important to my constituency of South Dorset. We probably would not have a railway line if it were not for the need back in the days of Thomas Hardy to have a way in which to get the milk from Dorset to London to serve the market. When I was on holiday earlier in the year, I visited the hon. Gentleman's constituency and enjoyed the perilous pursuit of coasteering with my family. I might not repeat that activity, but it might have been a less perilous occupation than answering today's debate.

I agree with the hon. Gentleman about the serious challenges that are faced by the dairy industry. When visiting agricultural shows over the summer, I, too,

[Jim Knight]

heard the frustration and sometimes anger that has been expressed on behalf of dairy farmers in my constituency. I must qualify my statement by saying that I firmly believe that there is a bright future for a modern, profitable and efficient United Kingdom dairy sector in the long term. We have a climatic advantage, a flexible milk quota regime, some first-rate producers and processors, and affluent customers.

Our farm size, efficiency and costs of production relative to our European partners are good. We are further ahead in preparing for the lower prices and trade liberalisation than most other European Union countries. We heard about value-added production from the hon. Member for North Shropshire (Mr. Paterson). That and branded products are increasing, and specific or niche markets are being developed all the time. We can have a successful dairy sector in the UK and we are in a good position to ensure that we do.

That said, I am not complacent. I appreciate that the short to mid-term is challenging for the sector. It is clear that the problems facing the dairy industry are complex and that there is no simple solution to them. The Government's response has been to obtain more transparency and clarity in respect of such issues by establishing the dairy supply chain forum, chaired by my noble Friend Lord Bach, so that we can play our part in helping industry to help itself. I wholeheartedly agree with what the hon. Member for North Shropshire said about value-added production. We are aware of the problems in the UK dairy industry. We export low-value commodity products and we import high-value products. The industry needs to move away from that. The forum is funding a major study into barriers to innovation.

Mr. Hoyle: Will my hon. Friend give way?

Jim Knight: I say to all hon. Members that I have a series of points to make, but limited time in which to do so. If a Member wants to make a genuinely new point, I am willing to hear it. However, that will mean that I shall have less time in which to deal with the issues that have already been made.

Mr. Hoyle: I thank the Minister for giving way. He is a little more generous than members of the Opposition. An important part of the issue concerns import. Imports can come into this country under easier rules. We expect high welfare standards from our farmers, but the same welfare standards are not placed on farm imports into this country. Can there be a level playing field in respect of welfare standards?

Jim Knight: We need a level playing field. Compliance is the responsibility of the Commission and it must ensure that we achieve it.

The hon. Member for North Shropshire referred to named cheeses. It is a difficult matter. We are making an effort to encourage the creation of brands that are protected by the EU, such as the Cumberland sausage or the Melton Mowbray pork pie, to add value to our industry. However, by saying that we want to be able to protect our brands and products, but we shall not allow others in Europe to protect theirs, we will be in a difficult position. A balance must be struck.

Mr. Geoffrey Cox (Torridge and West Devon) (Con): Will the Minister give way?

Jim Knight: Is it a new point?

Mr. Cox: Yes. I am extremely impressed by the Minister's bright vision of a long-term future. However, it is the little things that depress the farmers at present. Devon has the largest permanent milk quota in the country. In my constituency, we are 30 vets short in the state veterinary service. TB testing is now grinding to a halt because private vets are withdrawing and there are no private vets available to carry out the testing. It is that sort of thing that tells dairy farmers that the Government are not interested, and long-term bright visions of jam tomorrow are not going to sustain an industry that is dying now.

Jim Knight: I want to dwell on the points that are crucial to the matter, such as those relating to supermarkets and so on, but the Department is very focused on the issue of bovine TB. We are exploring various options in order to address that. We shall be making announcements before too long in order to address this particular problem.

The forum has brought together all sectors of the dairy industry to find collaborative solutions to common problems. The forum has played a pivotal role by providing a framework for constructive debate and giving leadership for the dairy sector through this challenging time; I have referred to some of the things that it has commissioned. In response to the hon. Member for Kettering (Mr. Hollobone), it is certainly building more transparency. There is still further to go to properly identify the 18p per litre that the hon. Member for Eddisbury (Mr. O'Brien) talked about, but the forum is doing some very important work in that area.

We recognise that farm gate prices, although broadly similar this year to last and higher than they have been recently, are too low for many to be able to sustain their businesses. In response to the hon. Member for Preseli Pembrokeshire, I am concerned about the number of farmers leaving the industry. There was a report by Professor Coleman on the changes in dairy farming in England and Wales since 2002–03, which suggests that there might have been a more significant downturn in production than previously projected as a result. Although milk production is low this year, it is too early to tell whether there is a definite trend, but we are watching that carefully and we are concerned about it. UK production at the moment is roughly at the same level as it was in 1998–99.

We also recognise that costs have increased for all in the supply chain, putting a squeeze on profitability for some. However, in terms of profitability, farm gate prices are only one part of the story. Producers have to play their part too by reducing costs and becoming more efficient. As the NFU has noted in its impressive document, "A Vision for the Dairy Industry", profit comes from a combination of cutting costs and achieving a fair return from the market. The 25 per cent. of farmers with the lowest production costs were producing milk for, on average, 12p per litre less than the 25 per cent. with the highest costs. That difference is not sustainable. In response to my hon. Friend the Member for Ynys Môn (Albert Owen), that is one of the reasons why it is very difficult for us to introduce a regulator. How can a fair price be set when there is such a difference in cost?

Mr. Gray: Will the Minister give way?

Jim Knight: I really must use these last two minutes to deal with the points made. There are many points I would like to make, but I should move on to the central issue of supermarkets and their code of practice, which was spoken about with such passion by my hon. Friend the Member for Chorley (Mr. Hoyle) and many other Members during the debate.

Recently the Competition Appeal Tribunal has instructed the Office of Fair Trading to review its decision not to refer the grocery market to the Competition Commission for a market investigation. Competition issues are regularly cited as having a detrimental impact on the dairy sector. I have discussed my concerns and those of my constituents, and those concerns to which I referred at the beginning of my comments, about the operation of the supermarket code of practice with the Under-Secretary of State for Trade and Industry, my hon. Friend the Member for Bradford, South (Mr. Sutcliffe), and my noble friend Lord Bach and I will continue those discussions. We have meetings scheduled and I will certainly pass on to my hon. Friend the views that have been expressed with such passion in this debate.

I am pleased that the Office of Fair Trading announced that it will be more proactive in monitoring supermarkets' code compliance procedures. It also confirmed that trade associations could take—*[Interruption.]* I note from the sedentary comment of the hon. Member for North Wiltshire (Mr. Gray) that he is unwilling to listen to a word I am saying.

Mr. Gray: Will the Minister give way?

Jim Knight: I will not give way because I have only one minute.

Mr. Gray: On a point of order, Mr. Benton. The Minister is making the worst ministerial reply I have ever heard. He named me as making a sedentary comment and now he will not take my intervention. The point is that he is not replying adequately to an impassioned, one-and-a-half hour debate—

Mr. Joe Benton (in the Chair): Order. That is not a point of order. The Minister has a few seconds left.

Jim Knight: We have had a good debate. The OFT confirmed that trade associations could take group action—

Mr. Joe Benton (in the Chair): Order. Time is up.

Mr. Hoyle: On a point of order, Mr. Benton. I do not believe that it was deliberate, but the hon. Member for North Shropshire suggested that Conservatives were sitting all round the Chamber, but there were also Members from other political parties here. He went on to suggest that I believed that the Chancellor of the Exchequer should increase the price to people who shop in supermarkets. Far from it; I suggested that the profit should come from the supermarkets and go to farmers.

Mr. Joe Benton (in the Chair): With respect to the hon. Gentleman, that is not a point of order.

Costa Rica/Nicaragua

4.1 pm

Norman Baker (Lewes) (LD): I shall make a swift change from the dairy sector to the different subject of Costa Rica and Nicaragua. I am delighted to have secured this Adjournment debate, having been on an Inter-Parliamentary Union visit there in September. It was a well organised visit and there was a good deal of unanimity of views across all three parties represented. Had it not been for the important debate in the House, the hon. Members for Liverpool, Walton (Mr. Kilfoyle) and for Aldridge-Brownhills (Mr. Shepherd) and others would have been here to add their views and I hope that my comments will represent their views as well as mine.

It was interesting to be there with both countries having elections next year. I want to put on the record that, having not been to central America previously, I found them attractive and welcoming countries. Costa Rica seems to be particularly well organised and developed environmentally—that is close to my heart—with huge reliance on hydropower, which was pleasing to see. Its National Biodiversity Institute—INBio—promotes and safeguards the country's unique environment. I am pleased that it has had some British funding to help it to do so. Nicaragua is an extremely attractive country and wears its heart on its sleeve. Both countries are preparing for elections next year: Costa Rica in February 2006 and Nicaragua in November 2006.

In Costa Rica the front runner is the former president and Nobel peace prize winner, Oscar Arias. It was an interesting time to be there because two former presidents are under house arrest awaiting charges for alleged corruption during their time in office. What is interesting is that there is obviously an issue of possible corruption, but the country seems to be able to deal with that and is not frightened of taking forward issues relating to high-profile individuals. That is welcome.

Costa Rica has a diversified economy and a good stable regime for investment, although it would be welcome if it ratified the Central America Free Trade Agreement sooner rather than later.

In this debate I want to discuss what we are doing to maximise UK influence in those countries, to help Costa Rica and Nicaragua as countries, and to ensure that we engage with them productively for our own country. Having spent some time there and having done some reading, I have discovered that relations between our countries have always been good and that is useful. However, it is clear that our resources over there are stretched, to say the least.

I want to put on record that we have an exceedingly effective ambassador in Georgina Butler who now covers both countries. I found it extremely refreshing to see the way in which she was able to undertake her duties in both countries. She was refreshingly unstuffy compared with some in the Foreign Office—I am not referring to the Minister—and the more ambassadors we have like her, the better. She does a great deal to enhance Britain's reputation in those countries.

However, Georgina Butler is now covering both countries and we recently closed the embassy in Nicaragua. She has only two diplomatic staff to help her and 13 people who are native to Costa Rica or Nicaragua. We have now got to the stage at which the engine is running so slowly that it is in danger of stalling. A little more investment from the UK would repay itself many times over in terms of the benefits to the UK that would flow from it. The people I met in Costa Rica felt a good deal of good will towards the UK. Many have been here, some have studied here and they are very well disposed towards us. Frankly, we are not maximising our opportunity to put across our values, nor are we maximising trade opportunities.

UK Trade and Investment operating in Costa Rica has now been downgraded to a response service only. We met the UK Trade and Investment people. They were quite clearly capable of actively going out there, identifying markets for UK businesses and securing them with little difficulty, given the stable nature of Costa Rica and the fact that the country is growing successfully and is well disposed towards the UK. However, only a response service is in operation and I understand that that was almost withdrawn and was saved at the last minute only after a huge fuss was kicked up.

Why are we neglecting trade opportunities in the country? The Minister will probably say that there is a finite budget for these matters, priorities have to be allocated as the new countries enter the European Union, and we have had had to reconsider our role across the globe. I understand all that. However, has a cost-benefit analysis been carried out to find out whether, if we had more personnel there—whether from the Foreign Office or UK Trade and Investment—they might pay for themselves in terms of the money that we would recoup from their presence?

We met business people from UK companies in Costa Rica. The Minister will know that many UK companies operate there. Frankly, some of us were embarrassed by the lack of support that we appear to be giving to those companies, which want to expand, to the benefit of both Costa Rica and Britain. There is no British Council presence in the country any more. There have been two annual Chevening scholarships, but there was some suggestion that they might be withdrawn. Perhaps the Minister can confirm whether that is the case. In general, we are underperforming. Investment would more than repay itself. Thanks to the ambassador and her staff, who are excellent, we are punching above our weight, but there is only so much that can be done with the resources available.

When we went on to visit Nicaragua, the story was similar. The visit was interesting. There are elections coming up and there is a real possibility that Daniel Ortega, whom we met, will return. It was an interesting experience meeting him. We learned that one has to interrupt him in order to get a word in. He sort of expected that. If we did not interrupt him, he carried on indefinitely, like some throwback to the 1970s. He is very much influencing what is going on. There is a difficult constitutional situation, as the Minister will doubtless be aware. There is some sort of unusual pact—I would not quite say devil's pact—between the Sandinistas and the supporters of former President Alemán, who, of course, has been charged with money laundering and embezzlement. The situation is far from stable at present.

The power of the Executive has also been increasingly curtailed by the legislative branch in a way that is not entirely helpful in the sense that there now appears to be an unfortunate degree of political involvement in, for example, the nomination of Supreme Court judges and the members of the electoral tribunal. However, we might not be in a position to exert as much influence as we would like, given the paucity of our resources in the sense that, from our point of view, Nicaragua is now essentially administered from Costa Rica.

I should say that the Department for International Development is clearly doing some good work in Nicaragua. We went to see a couple of the projects that it has been supporting, including the association for people living with AIDS. DFID is doing some good, cutting-edge stuff there, but I am concerned that, to some degree, it is operating as a kind of surrogate embassy and almost undertaking Foreign Office functions because of the lack of an embassy in the country. Again, sadly the position that we saw was, to some degree, one of retrenchment and withdrawal from the country on the part of the UK, rather than of taking the opportunities that exist to boost the UK's position.

It is also important from the EU perspective that the EU's voice is heard. The American voice is certainly heard in Nicaragua, and the louder the US voice, the less its influence. America may wish to reflect on how it undertakes its foreign policy. I am sure that the Minister will not comment on that observation.

DFID's programmes undoubtedly seek to improve the economic opportunities for poor people and strengthen the effect of planning and policy making. The programmes go some way towards doing that. I welcome the fact that the UK cancelled its multilateral debt with Nicaragua in 2004. It is a welcome and sensible move, which has gone down well in that country.

We have good trade opportunities. Companies such as GlaxoSmithKline, Shell, Securicor and Land Rover are well established in the country, but they do not get the support that they ought to from the Government as an entity. The issue is more for the Department of Trade and Industry than the Foreign and Commonwealth Office, but it is relevant to the debate.

We have historical ties to the Atlantic coast of Nicaragua as a consequence of British landings in the 17th and 18th centuries. There is a large English-speaking population who still feel close ties to this country. We met some of them, and they had attractive and warm personalities. We all wanted to return from that country in order to help. I know that the hon. Member for Liverpool, Walton has organised a meeting with the Minister at DFID, and we are grateful for that and we shall attend on a cross-party basis.

What is happening on the Atlantic coast is sad. There is little investment stretching from Managua to the Atlantic coast. There is no road to the town of Bluefields, which has a population of 60,000. The road stops some way west of the town. When we raised that with the people from the Atlantic coast, their view was that the horse always set off from Managua and always died half way across the field, never quite reaching Bluefields nor the eastern seaboard. It is a pity for Nicaragua that it cannot or has not developed the Atlantic coast. Its geographical position is useful in terms of trade, with openings to the Pacific and the Atlantic. It seems that the Atlantic coast is entirely ignored.

I raised the question of funding via a written question to DFID. It is clear that DFID takes an interest in how the funds are allocated, although it seems to be adopting a funding policy in common with other countries' general programmes. Although that may make some sense, it has lessened the ability to determine how the money is spent. There is an issue about how well our money is being spent.

It is true that there are budget headings in the Nicaraguan Government account to show that money is being spent on the Atlantic coast. However, the Atlantic coast people to whom we spoke said that it is simply not spent. The money stays in the budget or is redirected. We cannot unfortunately rely on the budget heads and the published accounts from the Government to see what is happening. We must do something else to ensure that money is spent in those areas.

DFID's spending ought to be dependent on a proven assurance that money is spent on those areas of the country that need it most. The Atlantic coast is one of those. It is to the benefit of Nicaragua to have the money spent in that area.

My other point is about the San Juan river dispute, which was of concern to both countries when we were in Nicaragua. It is an unfortunate dispute about who can do what on the river. Everyone accepts that the river belongs to Nicaragua, which possesses sovereignty over it, and everyone accepts also that Costa Rica has rights of passage on the river. That curious debate has reached epic proportions about whether Costa Rican police carrying arms can operate on the river. Costa Rica does not even have an army; it spends its money on the health service, education and other matters. I do not say that we should adopt that policy ourselves, but money spent on health and education is probably more warmly welcomed by the population than that spent on some of our overseas jaunts. However, I digress.

I am concerned that the stability of both countries should not end up compromised by what appears to be a very small dispute, and that valuable resources that ought to be spent on improving the lot of the population at large should not be spent on military matters. If the Government could help in any way—perhaps they can, having been involved historically in the region—that would be very welcome.

4.15 pm

The Minister for Europe (Mr. Douglas Alexander): I am most grateful to the hon. Member for Lewes (Norman Baker) for securing this debate. His contribution is eloquent testimony to the importance of Inter-Parliamentary Union groups visiting and seeing for themselves the kind of initiatives that he was able to describe in such detail following his recent trip to Nicaragua and Costa Rica. I also place on record my personal gratitude for his generous words about Ambassador Georgina Butler, whom he described as "unstuffy". I shall ensure that his kind and generous remarks are relayed directly.

The hon. Gentleman made comments about Daniel Ortega's style of conducting meetings; propriety and diplomatic convention oblige me to resist

[Mr. Douglas Alexander]

commenting on that. Suffice it to say that my own limited experience of diplomacy—first as Minister for Trade and then as Minister for Europe—convinces me that Mr. Ortega is not alone in approaching meetings in that style. I have faced similar challenges on how to ensure that the British Government's point of view is communicated in various meetings during the past couple of years.

The hon. Gentleman asked a number of questions about Foreign and Commonwealth Office policy towards Costa Rica and Nicaragua, and I shall direct myself to some of those concerns. The background was set out in the December 2003 White Paper "UK International Priorities: a Strategy for the FCO". That set out the Government's international priorities for the next 10 years and the Foreign and Commonwealth Office's strategy for delivering them.

It was clear that we needed to evaluate our network of overseas representation to respond to inevitably changing priorities. We have, in the past seven years or so, opened 28 new posts, including major new missions in Baghdad, Basra, Kabul and Pyongyang. Twenty-six posts have been closed over the same period, and Managua in Nicaragua is one of those. None of those decisions has been taken lightly, but it is essential that we align our resources to our overall priorities and have the ability to respond to change.

I assure the House and the hon. Gentleman that we are not—categorically not—abandoning countries. As he knows, and recognised before our deliberations today, our ambassador to Costa Rica is now also accredited to Nicaragua and is responsible for taking forward the Foreign and Commonwealth Office's strategic priorities for both those countries. The Department for International Development's central America office is in Managua, as was acknowledged in the hon. Gentleman's contribution. The head of the Department for International Development office, whom I know the hon. Gentleman met on his visit, is also accredited to the British embassy in Costa Rica. We also have an excellent honorary consul in Managua.

A key priority for the Foreign and Commonwealth Office in both Costa Rica and Nicaragua is to promote the rule of law and sustainable development, underpinned by democracy, good governance and human rights. We continue to seek opportunities to develop our cultural relations with the region, including through the Chevening programme. The hon. Gentleman said that he had heard rumours that the Chevening programme would be withdrawn from Nicaragua and Costa Rica; I assure him that that is not the case. Two of the presidential and one of the vice-presidential candidates in the forthcoming election in Costa Rica are former Chevening scholars. By any measure, that shows the importance of the Chevening scholars programme and its effectiveness in identifying those who will be figures of influence in Costa Rica and the region in the future.

The Department for International Development's work in Latin America is based on a regional approach to help the multilateral agencies. The hon. Gentleman raised that point in talking about the effectiveness and efficacy of using our money as part of a multilateral effort, rather than the Department for International Development determining priorities in isolation. That is notably the case in relation to the World Bank and the Inter-American Development Bank. The general policy context in which such individual decisions are made has received detailed Government consideration and is based on a judgment that, in many circumstances, pooling money across multilateral agencies is a more effective means of securing value for money and effectiveness of output than when each international development agency from a range of different countries chooses to set up its own mechanisms and deploy its resources unilaterally. In addition, the Department for International Development provides bilateral assistance to Latin America through United Kingdom non-governmental organisations. DFID maintains a bilateral programme of support for Nicaragua, the only remaining low-income country in the region other than Haiti, and has increased its annual budget for Nicaragua from £3.7 million to £4 million for 2006–07.

This is the first year that DFID will provide budget support to Nicaragua. Given our concerns about the party polarisation of central state powers and the fact that donor support to the Government's fight against corruption is hampered by political control of state powers, including the judiciary, the audit authority and the electoral circumstances, DFID Ministers decided, this year, to provide budget support direct to local municipal governments. DFID is also providing £1.5 million of additional technical assistance over three years to help strengthen the transparent auditing of municipal institutions. I hope that that commitment to transparency in audit goes some way to addressing the concerns about the public accounts.

DFID, the FCO and the Ministry of Defence have worked closely on emergency preparedness action in the region. As a result, HMS Cumberland stood ready to provide humanitarian relief in the wake of hurricane Beta, which hit the Atlantic coast of Nicaragua on 30 October. President Bolanos of Nicaragua and the United Nations were grateful to the Government for this offer. I understand that HMS Cumberland went on to seize two tonnes of cocaine in international waters about 100 miles off Nicaragua, for which we should all feel rightly proud.

The hon. Gentleman also raised specific concerns about the Atlantic coast region of Nicaragua. Since taking over responsibility for Nicaragua, the ambassador in San Jose has paid four visits to the Atlantic coast region and has made a point of raising a number of the concerns with the Nicaraguan authorities in Managua, reinforcing the message of the Under-Secretary of State for International Development, my hon. Friend the Member for Harrow, West (Mr. Thomas), who visited that region in March 2004. DFID's work to improve the auditing mechanisms of Nicaragua's central and local government expenditure should enable it to identify better in future the extent to which the national budget has benefited the Atlantic coast. DFID is also funding a countrywide programme to help local government and NGOs to provide basic care for people living with HIV/AIDS, again including those on the Atlantic coast. I am grateful for the hon. Gentleman's generous acknowledgment of the work that DFID is doing in that regard.

DFID has also been supporting the United Nations Development Programme's 2005 national census in the coastal region. The census now covers a wider area and takes better account of local ethnic sensitivities. It has also helped the Government to identify more clearly the areas of poverty on that coast, it has increased their awareness of communities not previously registered and it has highlighted weaknesses in the electoral register in the coastal region.

Two weeks ago, with the assistance of *La Prensa*, the biggest Nicaraguan daily newspaper, the embassy launched a book of short stories about life on the Atlantic coast, written by children from Bluefields and Pearl Lagoon. It is hoped that this initiative will help raise awareness of the region and boost pride and self-esteem in the community.

The hon. Gentleman also touched on and expressed concern about the level of our commercial resources in Nicaragua and Costa Rica. UK Trade and Investment offers support both to companies in the UK trading internationally and to overseas companies seeking to locate in the UK. As some hon. Members will be aware, UKTI's 2004 spending review settlement included a £20 million cost reduction in its global overseas network. Following that decision, a fundamental review of the network was carried out to identify and prioritise business needs. Although it can no longer offer the full range of market services in Costa Rica and Nicaragua, UKTI is focusing its commercial resources on responding to the needs of UK businesses. The level of commercial staffing at the British embassy in Costa Rica reflects this demand, and I assure the hon. Gentleman that we will continue to monitor it carefully.

The hon. Gentleman also referred to the internal political situation in Costa Rica and Nicaragua.

Norman Baker: I, for one, very much regret the cuts that have been made, because I believe they are self-defeating. Does the Minister agree that it would be sensible to have a cost-benefit analysis carried out to discover whether any increase in posts in these countries, and perhaps more widely, might pay for itself in terms of benefit to the British economy?

Mr. Alexander: I assure the hon. Gentleman that, as part of the spending review process, careful consideration was given to the relative return, on the basis of the commitment of resource to UKTI, and to a need for UKTI to be a customer-led organisation.

An important dialogue is not simply a dialogue with the country post where historically, on the basis of legacy, there has been representation, but a candid and clear conversation with organisations such as the CBI as to where they wish resources to be deployed. Frankly, given the changing nature of the international business environment, a measure of the effectiveness of the UKTI, albeit inevitably involving difficult decisions, is that periodically there are reviews of the relative resource allocations. I assure the hon. Gentleman that, within UKTI and in UKTI's discussions with the Treasury, careful consideration is given to the impact that UKTI staff in post can have both in securing inward investment into the United Kingdom and in promoting British exports within those markets. We will keep that matter under review, not just in terms of our own judgments in these situations, but also by careful and sustained dialogue with organisations such as the CBI.

In the time available, let me return to the internal political situation in Costa Rica and Nicaragua. President Pacheco is committed to the fight against corruption and is working to reduce poverty in Costa Rica. We support Costa Rica's commitment to arms control and non-proliferation. We will work with the Costa Rican Government and other supportive countries in the region to establish an arms trade treaty.

We encourage the Costa Rican Government to continue its proactive environmental policies, protection of biodiversity and the innovative ways of combating and even reversing deforestation within its borders. The provision of over 90 per cent. of Costa Rica's energy needs from renewable, often hydroelectric, sources, as the hon. Gentleman identified, is also admirable. I hope that there will be opportunities for other countries to learn from the experience garnered from the initiatives being taken within Costa Rica.

We hope to continue to enjoy the good relationship that the hon. Gentleman was kind enough to acknowledge with whatever Government the people of Costa Rica choose next year.

In Nicaragua, political stability is a prerequisite for the economic development and greater social cohesion needed to combat the poverty and inequality that have afflicted that country for too long. We welcome the recent developments that have helped reduce tension between the executive and legislative branches of government in Nicaragua, and also the progress on financial and other reforms, which are essential to unlock the IMF programme and release funds from international donors.

As the hon. Gentleman knows, the Foreign and Commonwealth Office's resources are inevitably stretched in many areas. He generously recognised that reality at the outset of his remarks. We cannot, therefore, answer every demand placed upon us. The Government need to be ready to shift resources where they best meet our international priorities. I hope that, on the basis of my remarks, the hon. Gentleman is convinced that the important process of prioritisation categorically does not mean the abandonment of central America or any individual country therein. Careful prioritisation and hard decisions are required. On that basis we continue to make policy.

Regeneration (North Staffordshire)

4.28 pm

Paul Farrelly (Newcastle-under-Lyme) (Lab): I welcome my hon. Friend the Minister—he is a friend—for taking the time to come, listen and respond to the short debate about regeneration in north Staffordshire.

Despite the title, I do not want to be parochial. I hope that the issues raised have relevance elsewhere. The reason for requesting the debate now is that the next phase of the revision process of the regional spatial strategy by the West Midlands regional assembly was launched on Monday.

One would be forgiven for nodding off at this point, because most people have no idea that regional assemblies exist, let alone do anything. The tiny few in my area who have even heard of the assembly think of it as yet another committee, inconveniently situated in Birmingham and remote in more senses than one. That overlooks one point of great significance, namely the assembly's role in producing the regional development plan and in holding the regional development agency, Advantage West Midlands, to account for our region's economic development strategy. These documents are crucial. If we do not influence them, in planning terms they can simply override every policy that we strive to produce locally, as the Minister well knows.

The regional development agencies were set up in 1999. I became an MP not long afterwards, in 2001. In my area, it is fair to say that regeneration has proceeded in fits and starts, and—more often than not—false starts. The history of regeneration in north Staffordshire can be told through the sheaves of consultants' reports that are stacked in our offices. We have certainly been good at regenerating the consultancy industry although, sadly, none of that is indigenous to north Staffordshire. As my borough's latest draft development plan points out politely, north Staffordshire has seen many strategies come and go over the past several years.

The difference now, is that, because of the Government's commitment, we finally have serious money to spend in north Staffordshire. Our regeneration zone is up and running, and the housing market renewal pathfinder is already starting to make a real difference to the future of our area. Two very good people have been recruited to drive the process forward locally—Aktar Choudhury, the director of the regeneration zone, and Hardial Boghul, the head of Renew, the housing market pathfinder. Our job as Members of Parliament is not only to support them and to make sure that the money is spent, but to make sure that public money is well spent for the future of north Staffordshire.

My area has been hit hard by the triple whammy of massive job losses in the coal, steel and pottery industries. It has cried out for investment to create jobs. Above all, however, to break out of the vicious circle of low aspirations, poor educational achievement, low skills and low pay, we require people with a vision, imagination and a commitment to bring in a mix of jobs and skills to our area. Sadly, during the summer, after what seemed ages of privately urging officials to consider the quality of jobs as well as quantity, I had to criticise publicly the direction that much of the economic regeneration has taken to date. If the Minister were to drive through Stoke-on-Trent and my constituency, Newcastle-under-Lyme, one thing might strike him most of all: the proliferation of huge warehouses and massive distribution sheds in garish green and grey. They have certainly brought many jobs to the area, but many of them are low-skilled, low-paid, picking and packing, humping and heaving so-called logistics jobs.

Of course, we have had great successes, one of which is the development of Keele university science park in Newcastle-under-Lyme. I hope that, together with English Partnerships, the development at Silverdale colliery, the last mine to close in our area, will be another. So it is certainly not all doom and gloom, and I want to set the right tone. My criticism is that north Staffordshire is becoming dominated by sheds and warehouses. The failure of imagination simply replicates the same old formula of targeting distribution companies. Public money is used to prepare the sites and therefore subsidises what many people consider to be a blight.

In a nutshell, my criticism is of the approach to regeneration by regional and county agencies. All too often, that seems to be a box-ticking exercise, which involves the number of jobs that are created, the number of hectares of brownfield land that are regenerated, the number of unsophisticated targets that are met and the number of crude outputs that are fulfilled, never mind the quality. I stress that it is not my intention to criticise individuals. Everyone in regeneration in my area works extremely hard. However, if we are not careful, the system can lead to lowest common denominator outcomes.

I might be accused fairly of being the loudest, but I am certainly not the only person in north Staffordshire to voice such concerns. During the summer, the planning committee in Newcastle-under-Lyme also decided to say, "Enough is enough". It turned down the latest warehouse to be foisted on the borough, which was another 280,000 sq ft monstrosity. For the committee, it was a shed too far. Elsewhere at Trentham lakes in Stoke-on-Trent, the site of another former colliery, InStaffs (UK) Ltd., the county's inward investment agency, and the North Staffordshire chamber of commerce joined MPs and councillors to voice concerns over yet another 400,000 sq ft warehouse. All that is happening on precious, developable land—a scarce resource and one that will rapidly run out.

This year, the regeneration zone commissioned a new integrated economic development strategy for the north Staffordshire conurbation. It explicitly recognised such concerns and stated:

> "There is a need to move beyond the low density, low value nature of current logistics operations if the economy in North Staffordshire is to develop."

That work was funded, through the regeneration zone, by the regional development agency and Renew. It has been adopted by Newcastle-under-Lyme, Stoke-on-Trent and the other local partners. Yet, it is not being followed through in practice, as plans proceed for shed after shed after shed at Trentham lakes in Stoke and at Chatterley valley to the north of my constituency, in particular. It seems that we are being used—in the words of a highly respected figure at the North Staffordshire chamber of commerce—as a "dumping ground" for distribution in the west midlands.

With regard to the shed that we refused in Newcastle, Staffordshire county council is the public sector partner. At Chatterley valley, it is the county again and Advantage West Midlands. At Trentham lakes, it is AWM and English Partnerships who are pursuing separate coalfields projects outwith the regeneration zone programme. There we have it: the regeneration zone sets the strategy, the regional development agency funds it, then all the outside agencies simply ignore it. I hope that the Minister agrees that that is hardly joined-up thinking; it certainly is not joined-up regeneration. I shall certainly raise these issues at a meeting with English Partnerships. I have already done so with AWM.

This is where the regional spatial strategy comes in. In the last plan, which was adopted in June last year, north Staffordshire is cited as a possible site for a regional logistics site. People scratch their heads and think, "Yet more of these sheds." I stress, however, the word used was "possible". Now, with the revision, we have the chance to stand our ground. That process, which was launched on Monday, seeks among other things to

> "re-examine regional and sub-regional employment land needs and requirements".

We have until 31 December to give our views. I understand that local authorities in north Staffordshire have already told consultants who are preparing a logistics survey that we do not wish to be singled out for a regional logistics site, thank you very much.

The response from our RDA has hardly been sympathetic. In a recent letter to me, it said:

> "Advantage West Midlands . . . does believe it is necessary to adhere to the aspirations of the sub-region, but also to align that with the regional strategy".

It goes on to say:

> "The Regional Spatial Strategy for the West Midlands is still being progressed but current work suggests that North Staffs will be identified as a Regional Logistics location".

All that is before the consultation has even started. One can hear the hackles being raised. As so often with our RDA, we simply do not know, locally, whether we are dealing with friend or foe.

Will the Minister join me in calling for joined-up thinking? Is it not time that the regional strategy was updated to align with the local strategies that the RDA paid a small fortune to produce? Will the Minister ensure, through the Government office for the west midlands, that meaningful consultation will take place on the revision of the spatial strategy, and that voices throughout the region will be listened to, not just a few decision makers based in Birmingham?

Before I conclude, I shall raise another often-neglected issue that is key to regeneration, be it economic or social: the importance of good design. I have the privilege of being the patron of Urban Vision North Staffordshire, the architecture and urban design centre that grew, three years ago, out of a small group of committed people's determination that our area and the core of Stoke-on-Trent should enjoy a renaissance like that in cities such as Birmingham, Manchester and Liverpool. The project was generously supported from the start by the Commission for Architecture and the Built Environment and, crucially, has also been funded by our regeneration zone.

Urban Vision is charged with promoting good urban design in our area and has established a design review panel that advises on major planning applications, which is chaired by an architect of national renown. It is adding to regeneration capacity by acting as a source of expertise, which is often sadly lacking these days in local authorities. We are often criticised by our RDA for our lack of capacity on the ground.

The story, or even struggle, of Urban Vision, is an example in microcosm of how difficult organisations find it to deal with the regeneration process. On 23 December 2003, Advantage West Midlands offered Urban Vision funding through the regeneration zone for three years, for which we were, of course, very grateful. Sadly, it was 11 months later, on 11 November 2004, that AWM finally delivered the signed contract, which allowed money to be drawn down to pay Urban Vision's staff. That slowness off the blocks meant that all of the money for 2003–04—

4.39 pm

Sitting suspended for a Division in the House.

4.57 pm

On resuming—

Three Members not being present, THE CHAIRMAN *adjourned the sitting, without Question put.*

Adjourned accordingly at three minutes to Five o'clock.

Westminster Hall

Thursday 10 November 2005

[SIR JOHN BUTTERFILL *in the Chair*]

Maximising Women's Skills (UK Economy)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Dhanda.]*

2.30 pm

The Parliamentary Under-Secretary of State for Trade and Industry (Meg Munn): I am delighted to discuss the very important issue of maximising women's skills in the economy.

The Government have put productivity at the centre of the economic agenda, and the No. 1 public service agreement target of the Department of Trade and Industry is to narrow the productivity gap between us and our key competitors.

Using the preferred measure of gross domestic product per hours worked, the productivity gap between us and each of our peers remains substantial. The gap between us and Germany is 12 per cent. It is also 14 per cent. between us and the United States, and 29 per cent. between us and France. Improving productivity will allow us to produce greater output, which will allow us to support higher wages and profits, and to have better public services and a higher standard of living.

Today is a good day on which to hold the debate, as the up-to-date pay gap statistics have just been released and show that the pay gap is now 13.2 per cent.—its lowest level for 30 years—as measured by the median, and 17.2 per cent. as measured by the mean. Hon. Members have discussed the question of measuring the pay gap by the median, but we are following the advice of the Office for National Statistics in excluding the highest earning people, as including them distorts the overall picture relating to most people. That is why we use the median.

The pay gap also shows, however, that we need to go further and faster to reach the stage at which gender does not determine how much someone receives an hour. Closing those gaps would raise levels of prosperity in the United Kingdom, and reducing skills shortages would be a key driver of that. Significant occupational segregation is one of the main reasons for the current pay gap. Women are over-represented in certain types of low-paid jobs, and under-represented in other sectors, such as science and information technology. If there was no segregation between men and women in certain occupations, GDP could increase by between £2 billion and £9 billion a year, assuming that workers from higher-skilled occupations were not displaced.

Greater equality of treatment could attract more women into the labour force, and could encourage some part-time workers to work full-time.

Mrs. Eleanor Laing (Epping Forest) (Con): The Minister's second point was interesting; will she repeat it? The difference between the previous statistic and the current statistic is striking.

Meg Munn: Is the hon. Lady asking about GDP or the pay gap?

Mrs. Laing: GDP.

Meg Munn: I am very happy to repeat what I said, because I want to highlight these issues today. If there was no segregation of men and women in certain occupations, GDP could increase by between £2 billion and £9 billion, assuming that there was no displacement of workers. Obviously much of this information is worked out according to hypothesis, but it is very important for us to recognise the cost of not paying women better.

David Taylor (North-West Leicestershire) (Lab/Co-op): I recruited graduates into the ICT sector for 20 years before I entered this place in 1997. Early on, there was little difference between the proportion of graduates wanting to work in IT who were female and the proportion who were male. Over the years, that picture has become skewed in favour of men, and the proportion of men has remained high since then. Will the Minister say what steps the Government should be taking to encourage more young females not to abandon areas of education that are likely to lead them into the hugely important area of ICT later in their lives?

Meg Munn: I thank my hon. Friend for making that point. That is certainly an important issue, and I shall discuss it in a little more detail when I talk about information technology. Although I may not cover all my hon. Friend's points in my opening speech, I can tell him that the Government have considered the subject. I recently visited the Intellect board, which involves leading people in the IT world. What is not in my speech is in the many documents on the Table, and I can return to relevant matters in my closing remarks if I do not satisfy my hon. Friend's curiosity before then.

In relation to segregation, greater equality of treatment could attract more women to the labour force, and encourage some part-time workers to work full-time. That is based on research showing that 25 per cent. of women who work part-time would be prepared to work full-time if better pay and more flexible working conditions were on offer. There would be additional GDP benefits of between £14 billion and £20 billion and those figures added together could amount to 3 per cent. of GDP. That is a significant figure and it is important to understand the work situation that means that we miss out on such a benefit to the economy.

Girls do well in education today and more young women than young men are likely to gain degrees. However, that level of attainment is not carried through into work. Instead, many women continue to work in lower-skilled, lower-paid jobs, and the economy continues to operate below its productivity potential. Encouraging women into higher-skilled, higher-paid jobs would help us to reduce the current skill shortages and ensure that women had the opportunity to reach their potential.

[Meg Munn]

Research by the university of Manchester found that women returning to work from caring or maternity leave experience, on average, a 16 per cent. drop in wages, owing to being over-qualified for the part-time job that they then take. We commissioned research with the London School of Economics that showed that in the context of qualifications higher skills raise productivity and lead to higher wages for individuals. Also, organisations with a greater proportion of female and part-time workers had lower productivity and wages, partly because part-time workers were being paid less than their contribution merited.

Further recent research by the Equal Opportunities Commission and Sheffield Hallam university found that more than 50 per cent. of women in part-time work are working below their skill level. That is a shocking statistic. Many of their managers are unaware that that is so. A further 30 per cent. of women in part-time work felt that, given training, they could increase their skill levels.

Skill shortages are higher in sectors with gender dominance. There is currently an annual estimated shortfall of 29,000 plumbers, with an extra 10,000 needed for engineering apprenticeships. Flexibility at all levels of the career ladder is important if women are to retain skills, particularly since those at the higher end of the scale are the greatest contributors to the productivity gains for companies and the economy. The Work and Families Bill, which the Government published on 19 October 2005, will extend the scope of flexible working law to carers of adults.

The women and work commission will issue its report on the gender pay gap in January and, from my regular discussions with Baroness Prosser, the chair of the commission, I know that it is considering practical ways to make a difference to women's working lives. The commission's key task is to consider closing the pay gap within a generation, but I hope that we shall see significant progress sooner.

Information technology is at the heart of the UK economy and is a key source of business competitiveness. It currently accounts for almost 5 per cent. of the UK economy and is set to increase. Employment in the IT industry, too, is set to grow at five to eight times the UK average in the next decade. What my hon. Friend the Member for North-West Leicestershire (David Taylor) was saying earlier is, indeed, correct.

David Taylor: Of course, it goes wider than employment in the narrowly defined IT industry of software development and allied areas. So many of our economy's highly paid, highly skilled and higher-status jobs depend heavily on IT skills, experience and qualifications, even though they may not be IT jobs in the narrowly defined sense.

Does the Minister recognise that the main area for advancement lies there? I hope that she will respond with something positive, even though I am the only male MP of the eight MPs present. I am perhaps an honorary member of the group because I have a large family of daughters.

Meg Munn: I thank my hon. Friend for his intervention and for the extremely important points that he makes. I was about to say that the IT sector is at a disadvantage when only 20 per cent. of its work force are women, compared with just under half of the UK's national work force.

My hon. Friend is right to say that it is not only in the IT industry that we need IT skills. There are very few occupations now where some IT skills are not an important part of the job. It is predicted that women will make up the majority of the working population by 2018, so to get more women into the IT sector is "a must" for the work force, business profitability and growth, and the economy.

BlackBerry and the women's networking group Aurora hosted the women and technology awards in October. I was pleased to be invited to present one of the prizes and to speak about the event's importance. Award ceremonies such as those—organised by industry—recognise and celebrate women's achievements. They raise awareness that women have talents to offer. The overall winner at the women and technology awards was Jackie Edwards from De Montfort university. She has helped women who have been out of the workplace for several years to learn IT by talking to them and showing them how things work. She has done a great deal to build their confidence not only to re-enter the workplace but to re-enter the information technology sector using the skills that they have learned. I was delighted that BlackBerry recognised her contribution to making a real difference at grass-roots level.

I shall move on now to talk about women with science, engineering and technology qualifications. We need more women with those skills. It is a concern that 70 per cent. who have science, engineering and technology qualifications are not working in sectors that use those skills.

Last year the Government set up the UK resource centre for women in science, engineering and technology. I visited it in early September—it is just up the road from me, in Bradford—to see the work that is done there. I met women there whom the centre had supported. They had learned how to use their knowledge of and skills in science and technology in their work. Through talking to women who were looking to return from a career break, it was clear that the work that they were doing at the centre was enabling them to return to the areas in which they were qualified. It had previously been difficult for those women to do that.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): My hon. Friend will know that I have also visited the women's resource centre in Bradford. I take this opportunity to congratulate the Government on establishing the resource centre, which had been desperately needed for years.

The centre has within its grasp a collection of outstanding women who have been working in the field of science, engineering and technology for decades but who have done so poles apart. That facility brings those women together. Can the Minister reassure me that the Government will continue to support the centre to deliver its objectives, which are commendable and desperately needed?

Meg Munn: The Government have invested in that area because we must act to prevent a loss of skills to our economy in an area that is important to future growth. The UK resource centre is developing, not just in science, engineering and technology, but more widely in its links to universities and the construction industry. The centre performs a vital role in attempting to reverse the current situation.

At the centre, I met employers from the region, some of whom were from the construction industry. We know that too few women go into construction and, too often, those who do face prejudice and discrimination. As I am from Yorkshire, I can say that one employer, in true, blunt Yorkshire style, told me that, in his experience, women in construction jobs were often more capable than men, but were often assumed to be less so. He had had conversations with others in the construction industry who had shared that experience. As a result of that experience, they were beginning to change employers' minds.

Fortunately, we also have significant allies in the business world who take occupational segregation seriously. In July, cosmetics firm L'Oréal and the UK resource centre announced a programme to address some of the issues faced by female scientists when returning to work after a career break.

Mrs. Curtis-Thomas: It would be pertinent at this moment to make my hon. Friend aware of a conversation that I had with the chief executive of one of the leading house builders in this country. He told me that he did not think that the construction industry was a place for women because he would never advocate that his wife worked in it. I consider that an incredible statement in today's society, but that was his position. That is why it was essential for the Government to introduce requirements for construction companies to recruit people from the workplace. I hope that we shall see stringent enforcement on that matter. While that chief executive might not wish to employ his wife in his own business, there are women around the country who would relish the opportunity of working in construction, and who need the assistance of the Government to do so.

Meg Munn: I thank my hon. Friend for her contribution on the experience of talking to people in the construction industry. As I said, my conversations were beneficial in highlighting that the experience of employing women was changing minds. We cannot do too much to share positive experiences and good practice. That is why the work of L'Oréal and the UK resource centre is important. Their programme provides three cash bursaries of £10,000 each, which are jointly funded by the partners, and granted to women scientists each year. They are putting money and investment into this area, as, indeed, are the Government. For those who are not familiar with the UK resource centre, I invite them to visit its website to see the range of its activities.

I am sure that hon. Members were delighted that London secured the 2012 Olympics. Hon. Members will wish to see the games act as a springboard for women in science, engineering and technology. It is an excellent time for women to get involved not only as athletes, but in senior roles and in all aspects of making the games happen, not least in the construction industry, which will play a vital part in developing the facilities. It is striking that, while female entrepreneurship in the US stands at 89 per cent. of the level of male entrepreneurship, in this country that figure is only 46 per cent. If we had the same rate of female-owned start-ups as that of the US, we would have 750,000 more businesses. The case for doing all that we can to boost women's enterprise in the UK is, therefore, clear. It is not a matter only of equality of opportunity, but an economic imperative if we are to capitalise on the potential that women have to offer. The Small Business Service and Ministers are consistently working to raise the profile of women's enterprise, following a dedicated women's enterprise public relations campaign. That arises from the recommendations of the strategic framework for women's enterprise and the women's enterprise content of the innovation report.

In June, we successfully held the women's enterprise online summit, to which more than 5,000 people logged on. The internet does not tell us whether they were men or women, but all are welcome. The summit was designed to motivate more women to start their own businesses and to tap into an exciting community of networking, support, useful resources and targeted services. It was a worthwhile opportunity for women to obtain answers to such questions as, "How can I speak to like-minded women?" "Who can I speak to about my business idea?" "Who can help me to start and grow my business?" and "What resources are available to support me on that journey?" As many hon. Members will appreciate, being able to get such advice and information from someone who is already running their own business is invaluable, particularly when it is another woman who is acting as a positive role model.

The campaign is additional to the range of activities in the women's enterprise programme throughout 2005. I am sure that hon. Members are aware that next week is enterprise week. We have a dedicated day for women in enterprise, which is next Wednesday.

The next few months will see the roll-out of phase two of the case for women's enterprise. That initiative will be principally aimed at mainstream business support providers. They may have limited experience of providing targeted services for women and may not previously have considered segmenting their client needs using a gender perspective. The Government have a strong commitment to increasing the number of women starting and growing businesses and to ensuring that Government-funded business support services are accessible and appropriate to their needs. The Government are committed to maximising the skills of women in the economy and we shall continue to work to improve the chances of women in the labour market.

I could say a great deal more about the position of women in the economy and what the Government are doing, but I know that many hon. Members want to speak. I hope that I can provide the information that they want when I sum up the debate later.

2.52 pm

Alison Seabeck (Plymouth, Devonport) (Lab): Many of our key industries face skill shortages, yet too many women do not see themselves as part of the solution, in part because for centuries women have been actively discouraged from moving into certain fields of work.

[Alison Seabeck]

Shortages exist in construction and engineering and, as my hon. Friend the Minister emphasised, in science and information technology. Those industries are vital not only to our country's future success but, more specifically, to Plymouth's success. We need apprentices to work in the dockyard on everything from joinery to electronics. We need skilled workers to support our planned growth in housing and in the commercial sector, as part of the Plymouth vision, and to support our thriving scientific and medical research fields, which are burgeoning in the local economy but in which there are shortages.

We must tackle the relatively low skills base across both genders in Plymouth. There are issues not only about skill shortages but about the level of skill. Some excellent organisations are working in my constituency to address that deficit and to upskill our population. I recently attended an event run by Plymouth college of further education designed to encourage women into construction. My local chamber of commerce is working hard in that respect, too.

Mrs. Curtis-Thomas: I know the Plymouth dockyard incredibly well because I did some of my apprenticeship there, and it is a marvellous place, full of huge opportunities for women. However, I have always been concerned about the Ministry of Defence—defence in more ways than one. Does my hon. Friend know whether the MOD is doing anything to attract women into the dockyard and into defence-related roles that involve the science, engineering and technology sectors?

Alison Seabeck: I welcome my hon. Friend's intervention on that point. The Ministry of Defence could be doing more, but there are genuine signs that it is looking at improving the gender balance, particularly in relation to entrants at the lower levels and apprentices. I recently attended an awards ceremony at DML—the management company that runs the dockyard—at which most of the apprentices were young men, but which included two young women who had done extraordinarily well. That is encouraging, because in previous years there had been no young women at all. It is slow progress, but it is some progress. The MOD could do better, and I am sure that my hon. Friend and I will stay on its case.

To return to the event at the Plymouth further education college, those who had been invited to attend were mainly young women who were about to leave school. Interestingly, in the group that I first spoke to, there were two or three who had interests in construction. One was very keen to become a bricklayer and could not wait to get her hands in the cement. Having done that as a young woman myself—my grandfather was a builder, so I laid a few bricks in my summer holidays—I can understand why she should want to do that. There was also an interesting young woman who wanted to be a motor engineer, but who thought she would come along to see what construction had to offer, and there were a few who were interested in decorating—painting and plastering.

However, after I had talked to those young women for a while I asked, "Do you actually see yourself developing this as a career?" and most of them said, "Oh no, my Mum or Dad do not think it is a very good idea." That is part of the problem that we face. One goes to events at schools and listens to parents, and they all say, "We are in favour of our daughter breaking down some of the gender barriers", but if one asks them, "Do you see your daughter going into construction?" they respond rather like the chief executive that my hon. Friend the Member for Crosby (Mrs. Curtis-Thomas) mentioned earlier, who did not see his wife working in construction.

There are interesting barriers to break down. We need to keep raising the positive aspects. There are real positives about women going into construction. A lot of single mothers in Plymouth run their own homes, and do the electrics, the plumbing and the decorating. They have a lot of the basic skills, but they do not see themselves as earning a living in that field. Yet there is a lot of flexibility to be found in such jobs as plumbing or being an electrician—they could combine a successful career with managing their child care.

Mrs. Curtis-Thomas: I am delighted to hear my hon. Friend referring to the activities of young mothers in her area. However, does she not agree with me that we are missing a trick at present with the apprenticeship programme because it is age limited? Many young women leave school and then have young children early in life, so they may be in their 30s before they turn to themselves and their own development. We ought to give those women the right to join such apprenticeship schemes if they wish. That is good for us and good for them.

Alison Seabeck: I am again grateful for my hon. Friend's intervention, partly because she has just told me something of which I was not aware. I had not realised that the scheme had an age limit as low as 26. That would be an issue for some of the mums in my area. I know that a lot of them are accessing other courses, but an option to do an apprenticeship would make a significant difference. Perhaps that is something that I can look into at a later date.

I have talked about some of the positive aspects as well as some of the barriers. I welcomed the comments made by my hon. Friend the Minister, in which she set out some of the measures that have already been taken by the Government—as well as those that are in the pipeline—to address some of the difficulties faced by women in accessing and seeking to access certain industries in the UK.

In closing, I should like to ask the Minister to comment, in her closing remarks, on issues related to gender segregation in the modern apprenticeship scheme. The EOC research suggests that

> "the gender breakdown for MA participation in key sectors where one sex greatly outnumbers the other shows that segregation is currently equal to or greater than segregation in the workforce."

For example, in engineering, 6 per cent. of those taking foundation modern apprenticeships were women, while 8 per cent. of those working in engineering jobs were women. I would welcome the Minister's comments on that.

I should like to know what the Government are doing to encourage wider participation by women in modern apprenticeships. As I implied at the start, those skills are vital to the development not only of the south-west, but of Plymouth.

3 pm

Sarah McCarthy-Fry (Portsmouth, North) (Lab): I am a member of the all-party group on women in science, engineering and design, so I have an interest in maximising women's skills in those fields and, in particular, in manufacturing.

I worked in the manufacturing industry for 20 years, and employers, economists and the Government all acknowledge the importance to the British economy of manufacturing, which accounts for a fifth of the UK's total output and 60 per cent. of its exports. The Department of Trade and Industry-commissioned Porter report "UK Competitiveness: moving to the next stage" argues that the UK needs to make the transition from competing on the relatively low cost of doing business to competing on unique value and innovation. We are not going to compete with China, India and the Pacific Rim countries on cost, and Porter makes it clear that we can go no further along the road of deregulation and cost-cutting. Management strategies will therefore have to change and focus on innovation, high skills and high value.

I recently visited a Ministry of Defence research establishment in my constituency and I was told that there is no shortage of science graduates who want to work there. However, they are not from the UK, but from places such as China and India, and they stay a couple of years before taking the skills that they have acquired home with them.

Mrs. Curtis-Thomas: Does my hon. Friend agree that although it is perfectly commendable for us to invite people from abroad to help us with our skill deficiencies, it is a far better longer-term plan to recruit more people from this country, particularly women? In that regard, is she pleased about what the Government have done through their apprenticeship programme to address the shortages in the manufacturing sector?

Sarah McCarthy-Fry: I thank my hon. Friend for her intervention and I am particularly pleased with the work that the Government have done on the modern apprenticeship scheme. In my previous employment, I was grateful to the Government for giving my company a grant, which enabled it to increase its research and to restart its apprenticeship programme, which had stopped a few years before.

Let me return to the point about science graduates. When we consider that China is churning out 4 million graduates a year to 250,000 in the UK, 125,000 computer science graduates to 18,000 in the UK and 270,000 engineering science graduates to 100,000 in the UK, we see the scale of the problem facing us. If we are to raise the skills level so that we have a competitive edge in the high-skills, high-tech market, we will have to persuade young people to choose the science, maths and engineering route. That means improving the image of manufacturing occupations by giving school leavers better advice and, most importantly, by ensuring that we tap into the talents of women, who are, I might add, not a minority group, but 52 per cent. of the population.

Many young people are choosing careers that are popular with their peers or that appear on television, but such careers might not be suited to their skills and talents. Girls in particular often look for careers in a caring profession and are drawn to nursing or social work, for example, but many professions in the fields of science and engineering are immensely caring. Of course, nurses save lives, but what about opening up to young people the possibility of saving lives in other ways? What about developing baby incubators, researching new medicines or developing computer systems to make surgery safer?

Many young people want to improve our world. We have seen the success of the Make Poverty History campaign and the fair trade movement, but how many young people have thought of helping people in the developing world by building machinery to help them to grow food or to rebuild vital bridges and transport systems?

Careers in the media sound really exciting to young people, but have they thought about designing, developing and manufacturing the DVD players and televisions on which we listen to music and watch films and TV?

Last year, when he was Secretary of State for Education and Skills, the Secretary of State for the Home Department, my right hon. Friend the Member for Norwich, South (Mr. Clarke), said:

> "In particular, it is essential that girls do not miss out on the varied and well-paid career paths that become available to them when they pursue study options . . . or vocational courses"

in science, engineering and technology. Failing to encourage girls into science, engineering and technology means that the UK is missing out on that skills potential. Baroness Greenfield, director at the Royal Institution, said:

> "We are now beyond the token woman scientist or engineer; it is far more important that we have a balanced workforce in science engineering and technology. The essential first step is to attract women as the norm, rather than as the exception."

An approach by a major employer in my constituency, EADS Astrium, has been to sponsor the City of Portsmouth girls' school in its bid to become a specialist school—specialising in science and maths. EADS Astrium is the UK's biggest space company, employing about 1,000 people in my constituency in highly skilled jobs, but at its three sites in the UK, only about 15 per cent. of the work force are women, although they are predominantly involved in engineering and/or science, including project management, design, manufacturing and integration.

EADS acknowledges that 15 per cent. is insufficient and its support to the City of Portsmouth girls' school is one way it has identified to address that problem. Its support consists of the girls making visits to its manufacturing facility; it has graduates in the role of science engineering ambassadors who mentor the girls to help them to achieve higher grades in maths and science. They are given presentations by staff at EADS Astrium and work experience visits, and there are extended work placements for older students. For EADS, that support is a key element of its corporate responsibility policy, showing its commitment to promoting science in the future, and a conscious effort to shift the traditional image of scientists as predominantly male.

As an employer, EADS recognises that it needs to look beyond the existing range of students opting for science and engineering and to reach out to new groups, including women. It sees that support as helping to

[Sarah McCarthy-Fry]

create the right kind of highly skilled, high-quality, home-grown work force who my constituency will need in the future.

The head teacher of the school is very enthusiastic about the project; she said that attaining specialist status in science will give the girls in her school a unique opportunity to acquire the technical, transferable skills that they need to thrive in the 21st century. However, that raises a fundamental issue: the City of Portsmouth girls' school is just that—an all-girls school. Are girls more likely to choose science and engineering as a career option if they are taught in single-sex classes?

I do not advocate the wholesale segregation of the sexes, but is there a case for science and maths to be taught in single-sex classes? From the early 1990s onwards, girls have been increasingly successful in subjects that many of them previously found difficult or which they disliked, such as maths, science, design and technology. Girls need additional support if they are to achieve their full potential and be in a position to choose science and engineering as a career. There is a danger that the needs of girls could be sidelined as the under-achievement of boys gains increasing attention.

Some co-educational schools recognise that problem and have introduced science teaching in single-sex classes, with some positive outcomes. In 2002, the Wise Campaign—Women into Science and Engineering—commissioned a report called "Singularly Successful", which investigated whether teaching science in single-sex classes could enhance the achievement of girls without disadvantaging boys and improve the female take-up of post-16 science, design and technology courses.

The conclusions of the report, which looked at several case studies, were very interesting: girls developed confidence and competence, and displayed a more positive attitude to science, technology, engineering and maths. It was noticed that in mixed-sex classes boys monopolised equipment, dominated hands-on activities and tended to show off. Many girls and quite a lot of the boys preferred being taught in single-sex classes, and parents, particularly those of girls, were generally in favour of single-sex teaching.

The report also focused on how science could be taught in a more girl-friendly way—for example, using everyday situations as starting points; emphasising the human application of science, including stories about male and female scientists; providing opportunities to explain and discuss opinions on science and technology related to social issues; and ensuring that there is no gender bias in resources and illustrations, although it was noted that that became much improved in later years.

A couple of issues were raised during the study that could be explored through further research, and I will be grateful if the Minister and her colleagues in the Department for Education and Skills take note of that. We should examine the different learning styles of girls and boys, specifically with regard to science, design, technology and maths. We should also examine whether the science and maths curriculum content is right for girls—for example, does it also meet the demands of the world of work and the needs of employers?

If the UK is to retain its manufacturing base and competitive edge in the global economy, we need to ensure that employers have access to a labour market in which people have the right skills to support their business objectives, and that our young people are encouraged, in their education, on to the right pathways to get the groundwork qualifications in science and maths that they need to get those skills. We cannot leave it all to the boys; we need to ensure that the girls get to play with the boys' toys too.

3.10 pm

Vera Baird (Redcar) (Lab): We can get an angle on what is happening in the work force, and on their gender nature, if we consider some figures from Tees valley, where my constituency is. The work force are about 50:50 male to female, but socio-economic statistics show that, for people aged 16 to 74, about 23 per cent. of men are in the professional and managerial classes, compared with about 4.3 per cent. of women. In comparison, lower supervisory and technical jobs are occupied by 13.3 per cent. of men and 4.1 per cent of women, and semi-routine occupations—shock horror, what a surprise—are held by 9.5 per cent. of men and almost 17 per cent. of women.

The average pay levels in Tees valley are as follows: for males, £466.70 a week, and for females £247.60 a week. In my constituency, in which there is a steel industry, which is well paid and wholly male-dominated, and a chemical industry—ditto—the situation is even worse. There, the average male wage is £513 a week and the average female wage is £250 or less—half as much. If one takes a closer look one sees that in the Tees valley 48.5 per cent. of men are employed full-time and 3.5 per cent. part-time, but of women, 23.9 per cent. are employed full-time and 22.4 per cent. part-time. So, it is pretty much half and half for women regarding full-time and part-time employment, while men are overwhelmingly in full-time employment. Of course, that is highly relevant, not only to pay, but—the Minister touched on this—to the quality of jobs available.

It may be obvious, but there is no shortage of women's skills in the Tees valley; there is no shortage of damn good women. Almost all the activities in the community in my constituency are run by women: all the volunteering is spearheaded by women; good mothers are involved in many of the sports activities, particularly for girls; and, closer to home, the Redcar Labour women's forum is streets ahead of the Redcar constituency Labour perty—it is not so preoccupied with standing orders, has very interesting meetings, and is pretty big in number. I make that point lest anyone should think that women in Tees valley get poor jobs and pay because they have no skills. That is not the case.

Mrs. Curtis-Thomas: Yesterday, I attended a fantastic function held by Siemens in which it rewards young people who have done outstandingly well in engineering. I glanced, on the internet, at the composition of the board before I went, and I asked the chairman, "Was the woman on your board on holiday when the photograph was taken?" Does my hon. and learned Friend agree that the absence of women at senior level has a profound effect on whether women achieve their potential in society? Does she agree that we are in a pretty lamentable state 30 years after the Equal Pay Act 1970 came into force? Has she any ideas about how we can spread the good will of the Labour women's movement in Redcar to infiltrate the male bastions that still exist there?

Vera Baird: Those were three sharp questions, to which I shall give three short answers as I do not want to occupy the whole afternoon.—*[Interruption.]* Does the hon. Member for Epping Forest (Mrs. Laing) want to intervene?

Mrs. Laing: I did not intend to interrupt the hon. and learned Lady, but I fear that my whisper was too loud. I was simply saying that she was making a very interesting speech, and developing good points, and we have plenty of time this afternoon so I hope that she will not be too brief.

Vera Baird: Well, what an invitation, Sir John! How can a barrister by training resist? *[Interruption.]* Just settle down and go to sleep, girls; I shall be on for a while now. My hon. Friend the Member for Crosby (Mrs. Curtis-Thomas) is right that role models are very important. I shall talk in a while about my own legal profession and the shortage of role models at the top of that. The shortage of role models in the judiciary is a major feature that deters young women from sticking at the job long enough to be able to get into it.

The Redcar women's forum could tell the world at large that we work really well together, but the real point is that it is a good organisation because it is mutually supportive, and encourages people to go on and do such things as little training courses to become a chair or a secretary. Then people feel that they have the self-confidence to make moves forward. That is the strength of communal groups, and why volunteering is often dominated by women, because they are prepared to be that mutual and to press each other on.

There was a middle question, but I have completely forgotten it. Oh yes, why are we in such a terrible state 30 years after the Equal Pay Act and the founding of the Equal Opportunities Commission? That is a deep question and I do not have an answer for my hon. Friend, but clearly we are making a bit of progress, as the Minister said.

May I come back to part-time work and the questions of pay and wasted skills? We are talking about skills here, and women's skills in the community. The Minister mentioned a figure of around 5.6 million part-time workers, which is four out of five of Britain's 7 million part-time workers, the bulk of whom are women. The statistics in the Tees valley are pretty well replicated nationwide. So four out of five of our 7 million part-time workers are working in jobs that do not use their full potential. According to the results of a year-long investigation by the EOC, to which I am indebted, 3.5 million of those had higher qualifications and skills, and used them, and did more supervision of management of staff in previous full-time jobs, and a further 2 million were satisfied that they could easily work at a higher level, even though they had not done so before. That is a major problem.

Sarah McCarthy-Fry: It is interesting that my hon. and learned Friend is talking about women working part-time. Very often, women work part-time after they have brought up their families.

Vera Baird *indicated assent.*

Sarah McCarthy-Fry: Picking up the point about the women of the Redcar women's forum working well together, does my hon. and learned Friend feel that there could be a way in which we could get women who have given up work or who are in part-time work to focus on getting back into full-time employment? When my children were young, I used to go to mother and toddler clubs. It is about giving people the confidence; women often lose their confidence when they are out of the workplace. Does my hon. and learned Friend agree that that is something that we could take forward?

Vera Baird: I very much agree with that. It is quite possible that as children's centres develop on the model of Sure Start, there ought to be more co-operation with employment, recruitment and training. I am sure that the intention is to educate and support children and their parents. That must be a way forward.

The report to which I am referring is called "Britain's hidden brain drain", published by the EOC. It highlights the nonsense of old-fashioned thinking about work, which leads to men, who mostly work full-time, working among the longest hours in Europe, and women, over two-fifths of whom work part-time, ending up in low-paid jobs with no prospects. Women part-time workers earn about 40 per cent. less per hour than men working full-time, which is about the same pay gap as 30 years ago. Let me turn to that, because the Minister rightly mentioned that it has improved, but it has improved only a little. Some material published on 10 November—today—by the Fawcett Society, of which I am pleased to be an active member, says:

> "Figures released by the Office for National Statistics today show that the mean hourly pay gender gap for full-time work has narrowed by just 0.6 per cent. over the last 12 months to 17.2 per cent."—

the figure given by the Minister. That is the mean hourly pay gender gap. The mean gender part-time pay gap—female hourly part-time pay compared with male hourly full-time pay—has closed by 1.1 per cent. during the past 12 months. It now stands at 38.5 per cent.

Mrs. Curtis-Thomas: Will my hon. and learned Friend give way?

Vera Baird: I shall finish the statistics first, as I am prone to muddle them.

The figure to which the Minister referred means that the pay gap for full-time work, which at the time of the Equal Pay Act was 29 per cent., is now 17.2 per cent.—a somewhat significant improvement—but the gap for part-time work was 42 per cent. 30 years ago and is now 38.5 per cent., which is not much of an improvement.

Mrs. Curtis-Thomas: I am sure that my hon. and learned Friend will take comfort from the fact that there is a positive differential pay gap in the engineering community. Women in senior engineering positions are

[Mrs. Curtis-Thomas]

paid 19 per cent. more than their male equivalents. The sad fact is that there are only five such women; however, it is an important development. I have spoken to most of those women, and in order to achieve that preferential pay position they have had to move. They have not been promoted within their companies because they experienced a glass ceiling. To avoid that, they had to go elsewhere, to wherever their skills were needed. That is a sad reflection on the company structures that we have today.

Vera Baird: I agree with my hon. Friend. I am impressed by what she says about her industry, but if women have to be flexible and move from job to job, which often means uprooting the family, it will obviously limit the potential for them to achieve those higher pay rates.

Although that exception must be included in the average figures, the general rate of reduction in the pay gap means that it will take 80 years at the current rate of progress to close the hourly full-time pay gap, and it will take more than a century to close the part-time pay gap. Whenever I visit Bydales school, Redcar community college, Eston Park, St. Peter's and the other schools in my constituency, I have to tell the girls not only that they will have lower pay than men but that so will their daughters, granddaughters and great-granddaughters. And their great-great-granddaughters will be lucky to have achieved the same levels of pay as men by 2085 or 2105; not until then will they be able to save, invest and enjoy life, and have the same independence as men have had for the past 30 years—or at least since the Equal Pay Act.

Tonight, as I am sure many Members are aware, the EOC and the Fawcett Society are celebrating 30 years of the Equal Pay Act with a reception. That is good, and I shall be there—I hope everyone else will be there, too—but there is plenty of partying still to go because, at the present rate of progress, we will clearly need the Equal Pay Act for another 100 years.

We have overwork and high levels of stress among full-timers and men—the DTI estimates that stress at work costs £3.7 billion a year—but I suggest that stress is building up among women who are under-employed and under-satisfied, which is just as stressful. I know of a number of examples, but I was struck by one in the EOC survey. A women named Joanna said:

> "I was a divisional manager in an education institution before having a baby . . . I had to undergo a whole day of interviewing in order to return to my old job, only for it to be given to a junior colleague because I had expressed a preference for reduced hours. The only flexible option offered was for me to become a PA, even though I had a good degree".

Sarah McCarthy-Fry: Very often, it is simply a question of changing attitudes and making people think about things in different ways. I mentioned before that I worked in manufacturing. I was asked to arbitrate in a situation in which a young woman had returned to work and had asked for part-time hours—she wanted to work three days a week. She worked in the stores, but no one had ever worked part-time in the entire history of the stores, so they said no without even considering it.

When we sat down and talked about it, the stores manager said that he was very concerned about losing her skills. He said that she was a superb worker and he did not want to train anyone else. We said, "Hang on; we are a large company. If we cannot be flexible, how do we expect smaller companies to be?" We then suggested five mornings, instead of three days a week, which the young women said she could do. Does my hon. and learned Friend agree that we can secure job satisfaction for the employee and ensure that the employer does not lose the skills if we start to consider more flexible ways of working and stop being rigid?

Vera Baird: Absolutely. Such flexibility and interaction between employer and employee builds up a very strong and good relationship, which means that the employer derives more benefit from the skills of their employee because of commitment that he or she has shown, which the employee shows in return. That is clearly a way forward, not only for equality but for productivity. Joanna, the young woman for whom the only available job with flexible hours was that of PA, had a good degree and 10 years' management experience, and had handled million-pound budgets, but all they could offer her was the job of PA.

There are some quite interesting things about part-time work that are highly relevant to the way in which we progress into better pay and higher calibre jobs. Hon. Members will not be surprised to hear that 25 per cent. of women part-time workers are shop assistants, carers, assistants or cleaners, and that only 4 per cent. are managers or senior officials. Nor will they be surprised to hear that even short periods of part-time work can be damaging. Women who have worked for 15 years and who move to full-time employment after only one year in part-time employment tend to earn 10 per cent. less an hour than those who have worked full-time for the total 15 years, so even a short period in part-time employment has a great impact.

There are a couple of interesting pointers to progress. First, in the past 20 years men have accounted for almost half the increase in part-time working. There are now an extra 1 million male part-timers. My guess is that that is a significant pointer towards the working conditions and pay rates of part-timers emerging as a more important item on the national agenda.

Secondly, we are frequently told that we are an ageing population. Again, the Equal Opportunities Commission makes it clear that many older workers would like more choice in their working patterns in the run-up to state pension age, and the option to carry on working after then. The experience of those over 55 is not being tapped. The EOC's report says that about 1.25 million of those over 55 are working at below their potential in part-time jobs. That is exactly the strand of people whom we want to make a more major contribution than they do now, so that we can deal with the demographic problem of there being more pensioners and fewer workers, and particularly with the band of people over 55 who are not working to capacity. The demand for part-time work has increased.

Mrs. Curtis-Thomas: There is a class war in access to education. If I had not been to university but I was a woman with A-levels and I wanted to go—I believe that I am still young enough—I could do a degree in medicine, become a qualified doctor in seven years and reap a good reward. If, however, I was a woman with significant skills and a desire to use my hands and develop a career in trade, I could not do so because the apprenticeship that would legitimise my position would be closed to me. It seems that people with brains can go to university and benefit as a result, but that the wonderful people in this country who are immensely creative and vocational get barred, do not receive financial assistance and are not assisted in the workplace. Does my hon. and learned Friend believe that we should not tolerate that situation in the longer term, as it denies women the opportunity to achieve their potential?

Vera Baird: I could not fail to agree. The argument was put extremely cogently and my hon. Friend is right about class imbalance, although that does not affect the whole proposition. What one can take from the EOC's report, "Britain's hidden brain drain", is the understanding that there is an increasing demand for part-time work, and the hope that that should result in improved quality in such jobs.

Let us consider women specifically. Many women's lives are characterised by part-time work for much of the time. People may well train and work full-time for a while, and then stop to have children. They may look after their children full-time and later, as has been said, do part-time work—a little at first, because of the need to take children to school and fetch them home, and perhaps more as they are better able to cope.

Those women may still, however, want a job that allows them to be in the home in the morning and afternoon. Often, transitional periods for children, between infants and junior schools, and junior and secondary schools, are difficult. Women often either stop work or reduce their hours to cope with that. The children then reach the examination stage, when they need support at home while they are put to the test. Mothers often cut their hours, or continue to work just part-time through that stage.

Finally, the women in question get their children off to work. They may then be able to work full-time, but whether or not they can move to full-time work, many return to part-time work because they begin caring for elders. The burden of doing that still falls predominantly on women. A pattern exists by which, if part-time work remains poorly paid and of low quality, women's lives will be significantly less than men's, and we shall not bring women, whose life patterns still tend to favour part-time work, into the skills arena in a significant way. Caring brings little reward and so does part-time work.

Part-time work is currently abysmally dealt with. Part-time workers are expected to have no career advancement and no ambition. They are rarely offered self-development or training opportunities. They are not regarded as a full part of a team and tend to be seen as a little replaceable cog that fits into a machine. That means that part-time workers live in poverty and do not get life satisfaction or the independence that they are entitled to.

Fawcett, which published figures on pay today, has some strong recommendations on dealing with the pay gap. Those include compulsory pay audits—we are all familiar with the need for those—for all organisations; well-enforced laws to ensure fair treatment of part-time work; full sign-up to the working time directive; and better quality flexible working, to allow men and women better to share responsibility. The Government have made huge steps in that direction, but it is plain from the figures that much still needs to be done.

What is the problem with most jobs being available part-time? Is our thinking on the subject fresh enough? I was in conversation with the eminent journalist Polly Toynbee, who suggested that there should be a rule to make all jobs available part-time unless there was a sound reason against that. If we started to think in that way we might, as my hon. Friend the Member for Crosby said, arrive at a fresh approach that could break the problem down. Trying to break it down from the ghettos that women now occupy as part-time workers, where they are rarely unionised, have little economic clout and are replaceable is not the way to go about things. Fresh thinking from a different angle is needed.

Why should we not examine the assumption that all jobs are full-time unless they are subordinate? Why should we not assume that they can all be part-time? That seems to me an important thought. I have important thoughts only about once every six years, so I hope that hon. Members will value it.

I want to consider the skills gap in the criminal justice system, in which I spent my life. I should declare an interest because I am a criminal Queen's counsel by training. I also have the pleasure and privilege of chairing the Fawcett commission on women and the criminal justice system. During the two years that we spent on our original report—we are now into our third, follow-up year—we looked at women as defendants, victims and witnesses, and workers in the criminal justice system to see how they fared. We have an excellent body of commissioners, who are drawn from across the criminal justice system, including men, women, ethnic minority representatives and others at senior levels.

Our opening session was on workers, and the Equal Opportunities Commission, the Commission for Judicial Appointments and the British Association for Women in Policing all came. We looked at issues right across the board, including the appointing of judges, sexual harassment, and protective clothing for female police officers. We distributed a lot of questionnaires and we got feedback from the Prison Service, where there is huge discrimination, the police service, where there is a plan to overcome discrimination, and the probation service, where there is somewhat less of a problem, but a problem none the less. We also looked at the legal profession.

I shall not go through every year, but we started at 1922—the year that first saw women admitted to the legal profession after the rules against their joining it were removed by statute. Women now make up 40 per cent. of our 90,000 solicitors and 30 per cent. of our 11,000 barristers, and more women than men now study law as a first degree. None the less, the Law Society, which is the solicitors' professional group, has found that women leaving university and starting a training contract at a law firm—the training contract is their apprenticeship, as it were—are paid 7 per cent. less on average than men at the same stage. As of 2004, when the commission looked at the issue, the gap was widening.

That trend continues throughout women's careers, and female assistant solicitors earn £12,500 less on average than men. That is quite probably because of the size of firm where they work and the law that they practise, because, as in other sectors of the economy, women dominate in the specialisms that are presumed to

[Vera Baird]

be most appropriate to their caring nature, such as family law, but are unrepresented in highly paid areas such as patent law and intellectual property law.

Women lawyers still find it hard to get through the glass ceiling. Of solicitors with between 10 and 19 years' experience, more than 80 per cent. of men are partners but only 55 per cent. of women are, so women are staying at lower levels for longer. Not surprisingly, there is concern that women solicitors with that profile are leaving the profession in their 30s, and their skills are being lost to the legal economy just at the time when those women would, if they were men, become partners. There is a similar exodus at the Bar.

Mrs. Curtis-Thomas: In the engineering community, we have a marvellous scheme called the Daphne Jackson award. Daphne was one of the founders of Women into Science and Engineering, to which some of my hon. Friends have referred. The programme is aimed at highly educated, highly qualified women returners, who have done what they need to do in terms of their caring duties, but who want to go back to work, regain the position that they occupied before and make a contribution. Does my hon. and learned Friend know of any legal equivalent? If there is none, why does one not exist? Why have the institutions and organisations representing the law industry not recognised that the profession loses an enormous amount of quality and experience when it loses women?

Vera Baird: I am not aware of any similar plans in the legal profession. Of course, the situation there has a knock-on effect on the judiciary, and the imbalance is important more broadly. There is a similar exodus at the Bar of women in their 30s who are looking to start families. There are particular problems for women barristers because they are self-employed and do not receive maternity pay. Sometimes, if someone wishes to retain their tenancy during maternity leave, they must continue to pay rent to keep their place open, despite being off work. The Bar Council is working on that matter, but it moves at a snail's pace. If it took 100 years to secure equal pay, I have no idea how long it will take to sort that out.

Some 1,100 barristers, including me, have taken silk as a QC. That means that one can take on larger and more complex cases, and charge higher fees. It is an extraordinary system because, as a junior person, one may be doing the same work as a QC. I was leading on serious cases, which is what QCs do, for 12 years before I took silk. As soon as I received a small envelope, put on a new jacket with finely embroidered sleeves and strolled into the Old Bailey as a QC, I got paid 25 per cent. more, which was wonderful but inexplicable. I was doing more or less the same job, albeit with a slight hangover as a consequence of the celebration we held the previous night. That is the only time I have been hungover. I wish to place that on the record for the benefit of my constituents in Redcar.

Only 8 per cent. of QCs are women, and the process for their appointment has historically represented something of a prize. The process has changed, but one had to apply to the Lord Chancellor's Department, which operated a system of consultees whereby the applicant would submit a couple of references, as one would expect, when applying for promotion. The consultees would then ask for the opinion of everyone in the judiciary who might know the applicant. The Commission for Judicial Appointments does not make appointments, but it has scrutinised how the Lord Chancellor's Department has done so. It is made up predominantly of male, upper middle-class, public school educated men. In its first report in 2003, in what I regard as a moderate tone, it stated that

> "some consultees' comments appeared to be influenced by a perception of a "Silk mould" i.e. that applicants needed to conform to expectations as to appearance, dress, educational or social background and other irrelevant factors".

I can tell hon. Members that that view is accurate. Since that report, the CJA has examined the case of a woman, whom I know well, who was refused silk. One consultee described her professional performance in moderate but adequate language, but condemned her for having poor dress sense and for not being a "leader of the profession". Heaven only knows what that means; presumably she does not go to the right cocktail parties. Another person, whom I know well, found that one consultee had expressed his disapproval of an affair that she allegedly had 20 years previously, which was a source of scandal at the time, but did not stop the man in question getting silk.

Another unfair comment was made about a woman's performance in the Court of Appeal. However, she should have been given silk for her skill in cross-examining the feedback interviewer, from whom she extracted information that should not be disclosed—namely, the name of the judge who made the comment. She wrote to that judge, who backed off as fast as a train going through a tunnel, and said how highly he had always regarded her ability. He accepted that the problem he mentioned had been put in language that was rather too strong. Those are examples of problems that the Government's own institution, the CJA, found to be occurring and has reported on. There have been a number of allegations of sex discrimination; almost all of them were upheld.

Sandra Gidley (Romsey) (LD): Is the hon. and learned Lady aware of a recent case of a woman who claimed to have been unlawfully dismissed because she was pregnant? She made the point that there was no deterrent to the law firm getting rid of her because the amount it would have to pay in compensation was so low that it represented only a fraction of her salary. Is the hon. and learned Lady aware of any other examples of such discrimination?

Vera Baird: No, but I accept that that appears to be the case. The EOC has done a good deal of work recently on pregnancy discrimination. The legislative framework that has been in place for quite a long time does not appear to have tackled that discrimination adequately.

As well as the discrimination implicit in what I have said, judges are drawn from silks, by and large. Therefore, discrimination that stops women becoming silks stops them joining the judiciary, as I shall explain. A woman's chance of becoming a judge is hugely cut as a result of keeping her out of silk.

The judiciary performs a key function in any legal system. Some 96 per cent. of criminal cases are heard in the magistrates court, but district judges, recorders, circuit judges, Crown court judges and High Court judges hear the rest of what are increasingly serious cases. There are the two layers of appellate court on top: the Court of Appeal and the House of Lords, which is soon to be called the supreme court.

If one starts at the top—instead of at the bottom, as I did—and works down, one finds that, out of 12 Law Lords, 8 per cent. are women. The keen mathematicians among us—I suspect that my hon. Friend the Member for Crosby is one—will immediately work out that there is only one woman among 12 judges in the highest court.

There are 37 lord justices of appeal, of whom 8 per cent. are women. That means that there are three female lord justices of appeal. Of 107 High Court judges, 7 per cent. are women, which means that about seven women are High Court judges. Women make up 11 per cent. of circuit judges and 12 per cent. of recorders, which is a slightly lower rank. Down at the bottom, 28 per cent. of district judges are women.

Not surprisingly, as one moves from top to bottom, the proportion of women rises strongly. Of 11,000 barristers, 30 per cent. are women, and of 90,000 solicitors, 40 per cent. are women. Judges are drawn from a mixture of those two professions, so should not women make up 35 per cent. all the way through the judiciary?

Those figures indicate exactly how strong the discrimination is. The legal profession often argues that there are not sufficient women at senior level, so there is a need for trickle-up. We have been admitted to the Bar and been solicitors since 1922. How old do we have to be before we have equal access to the higher echelons of the profession?

This is just a snapshot. The Government have taken action because they are aware of the problem in the profession. The profession will now determine who becomes a QC. It is yet to be decided whether those who became QCs under the old system will have to reapply for their jobs—I shall wait and see. My fees might go down, if I ever work as a QC again.

People will fill out a self-assessment form, so that they can put themselves forward. That is fine, but it is fairly well known that women tend to understate their abilities, skills and qualifications in self-assessment forms. There is a famous story that if a job is advertised in the press and a woman thinks that she has five out of the six qualifications for it, she will hesitate before applying, whereas a man with two of the qualifications will apply straight away. One worries that there may be an imbalance in the self-assessment process. However, the process is being undertaken by people with enormous human resources experience, which can only mean progress.

What will present a difficulty is the fact that the new panel for the appointment of QCs is entitled only to interview applicants. They are very good people, but they can only appraise self-assessment forms and conduct the interviews that follow. The panel will not be able to do anything about the structure of the profession, which is where the imbalance lies. Women do not receive sufficient support when they are in their 30s and having their families, yet that will not be dealt with to broaden the range of applicants.

That continues to be a worry, but we must see how the new system fares. As everyone knows, there is to be a judicial appointments commission, which will have stronger powers to run the appointments system properly. It must attempt to widen the range of applicants for silk, as the interviewing panel cannot. The judiciary is dependent on silks, so the panel will have to include academics, solicitors and so on. It must take advantage of the Act that set it up, which states that it should "have regard to diversity". It should reach deep into the profession and advise it—indeed, drive it—to deal with the high drop-out rate among women, their lower pay and all the other factors that stand in their way. Frankly, it will have to consider such things as not appointing men from a set of chambers that self-evidently has discriminatory practices—perhaps because of its outcomes in terms of women's advancement—unless it puts its house in order and ensures that there is a fair and flat playing field for everyone.

It is a great delight to me that Baroness Prashar has been appointed to head the judicial appointments commission. She was first civil service commissioner and I had the privilege of serving with her on the Joint Committee on Human Rights; she is just the person for the job. Apart from changing the silks system indirectly, which I think the group will have to do, it could follow the experience of the police, who found it hard to recruit women and people from ethnic minority backgrounds because they did not have the confidence to think they could be police officers.

However, those people can be recruited as community support officers because they think they can do that job, and once they are on the first tier they realise that the job of policing would not be so much more difficult. That strategy has worked very well in the police force and has increased the number of black and women recruits to officer level. The judges probably will not like the analogy, but it follows that the recruitment we are discussing should start from tribunal chairs and the lowest level of district judge and continue to the higher levels of the profession.

In my beloved Redcar, and in my criminal justice profession, there are clearly difficulties in losing women's skills to the economy. I compliment the Government on the steps that they have taken, especially in my profession, to drive things forward. I look forward to the enactment of the Equality Bill, which will place a duty on public authorities to promote gender equality, although I do not know how it will play out and whether people really appreciate what a driver it can be in terms of contract compliance in the private sector. Bearing in mind the time scales that I quoted, we will have to work these new tools well, and speedily, otherwise we will not get access to equal pay and equal access to good work while any of the people in this Chamber are alive.

3.53 pm

Mrs. Claire Curtis-Thomas (Crosby) (Lab): I enjoyed the speeches of my hon. and learned Friend the Member for Redcar (Vera Baird) and my hon. Friend the Member for Portsmouth, North (Sarah McCarthy-Fry). I am so indoctrinated in the world of science, engineering and design that I hardly get time to put my head over the parapet, but having heard what my hon.

[Mrs. Claire Curtis-Thomas]

and learned Friend said, it seems that the situation for women in the legal profession is far more difficult than that for women in science, engineering and design, because our world is changing.

Before I continue, I should declare some interests: I sit as a member of the Engineering Technology Board, which governs and regulates the engineering profession throughout the UK. We cover more than 232,000 people—by and large chartered engineers. I have been president of the Institution of Engineering Designers for the last two years. I was its first female fellow, and I remain the only one, which is sad, given that we have a membership of 5,000. I am a fellow of the Institution of Mechanical Engineers and I sit on the board of that institution. I am also a fellow of the Institution of Electrical Engineers.

I am also chair of the all-party group on women in science, engineering and design, and it is great that some members of that group are present. I also chair the all-party group on construction skills and training. I am a construction industry adviser and I also advise any of my engineering colleagues who seek advice on the retention and recruitment of women in science, engineering and technology.

My history in engineering goes back a long way. I started my career in engineering as an apprentice fitter on the docks in Portsmouth, so I have a great love of ships and also of Portsmouth docks, because that is where I started my involvement in the most wonderful profession that one could hope to be in.

I regard my current profession as interim—politicians are elected by others and we can be quick in and quick out—whereas I think that I was born an engineer, and I am grateful to say that I shall die one. No one can take that away from me. I suspect that my hon. and learned Friend the Member for Redcar feels the same about her profession. Sometimes we are genetically pre-programmed to be one thing, and I was genetically pre-programmed to be an engineer. The engineering world is extraordinary, but it is acutely short of women, and we greatly miss the contribution that they can make.

It caused me great sorrow recently to read another Equal Opportunities Commission report—a fantastic report that fed my worst prejudices. It gives an up-to-date platform from which to assess the progress we are making and lays down challenges for us in the future. As my hon. and learned Friend asked, what is 100 years in the development of women on this planet? It is a short time, and if we did not think so, we should be depressed. However, it is a salutary fact that our great great great-grandchildren might know some degree of equal opportunities in their lives. Oh, that we were so rich that we could tolerate that gap, but that is how it is.

The Equal Opportunities Commission report to which I refer is called "Plugging the Skills Gap: Challenging Gender Segregation in Training and Work". Colleagues have referred to it; I shall refer to some of its key points. First, there is a clear link between skills-shortage sectors such as plumbing, construction and engineering and the under-representation of women. Secondly, sectors experiencing some of the most severe skills shortages are also among those in which men make up the majority of the work force. Thirdly, widening recruitment pools to include more women most certainly offers a solution to this acute skills shortage. There are acute shortages in plumbing, construction and engineering.

Earlier, I forgot to refer to my work with women plumbers. The Institute of Plumbing and Heating Engineering is a marvellous organisation—chock full of men at the top, of course, but women drive the administration like mad. One part of that administration is a great woman called Carol Cannavan, who several years ago decided that the institute would offer a facility for women plumbers. There were not many at the time, and there are not many now, but the institute has provided a home for women in plumbing—there are quite a number now in London—and somewhere they can meet and support each other while they undertake training and work experience before going on to work on their own. I commend the institute, although it represents a small token.

I have not yet met anyone who has had a woman plumber attend their home, because the industry is by and large still dominated by men—99 per cent. The same is true of all other construction sectors. Unfortunately, the proportion of women working in trades and in the construction industry is still only 1 per cent. That is lamentably small, but the Construction Industry Training Board, which is a skills sector in its own right and which funds a huge amount of training for apprenticeships, is making special efforts with women and with people from ethnic communities.

How do we get women into apprenticeships? It is exceptionally difficult. When I started my apprenticeship, it was not by design but completely by accident. I went along to a jobcentre with some O-levels—GCSEs now—and somebody said to me, "What is it that you would like to do?" I said that I liked mathematics and working with my hands, and the man said, "Perhaps you would like to pop along to this place this afternoon and do a bit of a test." I did not like to ask him where I was going; it seemed rude, given that he was giving me a work opportunity. When I got there, it seemed even more rude to ask, "Why am I here, and what is it that you do?" However, I sat the test and at the end of the afternoon I was told that I had done exceptionally well and beaten all the boys. I was then asked whether I would like to come along on Monday. I went home that evening having passed the test, but not sure about what I was to do on Monday. I turned up, and the money was £19 a week. I was issued with a boiler suit, a pair of Totectors, a hard hat and goggles. Most of my male colleagues immediately abandoned the hard hat and goggles—safety has never been pre-eminent in the industry—but I hung on to mine. Four years later, I walked away with my deeds as a mechanical fitter. I was one woman among 3,000 men.

From forays that I have made into training schools recently, some of which I shall tell hon. Members about, I know that the situation has not changed. The four years of my apprenticeship were incredibly difficult. Half the men thought that I should not be there and should be at home. I did not have a family at the time, but they did not think that that was any reason to keep me in the workplace. The other half were delighted that I was there, but unfortunately for the wrong reasons. They wanted to go out with me, and that included most of the married men who worked at the dock.

Pursuing and enduring an apprenticeship in so isolated a position is incredibly difficult. Two young women came after me, but unfortunately they did not have the capacity to cope. There was no mentoring and no organisation to which I could look to support me in that environment. I just had to get on with it. That is immensely unfortunate: unless we change the environment that young women have to work in when they are significantly outnumbered by men, the attrition rate will be huge.

My route into an apprenticeship was ad hoc. Things seem to have been similarly ad hoc for the young women I spoke to today, but there is significant hope. Under this Government, we have seen the introduction of specialist schools. We do not have many single-sex schools left, so the specialist schools—particularly those with specialisms in engineering, mathematics and computing—are mixed, and plenty of effort is going into developing young people in those areas. That is leading to a larger number of women considering careers relating to science and engineering-based subjects. That is fantastic, because it gets rid of some problems in other schools, where the careers teachers, God bless them, do not have much experience of the engineering community: sexual stereotyping of such roles still predominates in the advice they offer to the young women and men in their care. If that was not the case, far more young women would have involved themselves in science, engineering and technology in the past 30, 40 or 50 years.

School specialism is making a difference, both because it focuses the school on a particular area and because it involves employers. Employers are crucial for women seeking apprenticeships, because being able to pick up the document that can mean a fantastic livelihood and financial independence for a woman means having work experience. Apprenticeships have changed. People can do college-based training, but that must be supplemented by work in the workplace with an employer. More women are entering apprenticeships, because schools have awakened their ambitions and provided them with steers. In addition, employers are interested in what schools are doing, because their businesses have skill shortages.

Women who are going into apprenticeships might have an opportunity to work with those employers. If they do not get such an opportunity, the discrimination that they, as opposed to their male counterparts, will face in trying to get work-based training remains significant. It may be possible to place a young man in work-based training, but a young woman, unless there is a family relationship or she has been sold positively by facilitators, will have a far greater problem finishing her apprenticeship. It does not really matter how good she is at the job. According to many of the companies that I have visited, a young woman is likely to get pregnant and go off to have children. Small companies in particular will go for the racing certainty of a young male over a young female, fearing that any investment in time and energy they make in a young woman will be lost when she leaves the workplace.

However, legions of companies in the construction sector are equally reluctant to take on a male apprentice because the industry—particularly small to medium-sized enterprises—absolutely refuses to put its hand in its pocket to train young people. It does not do that and tells me that it will not. Why should it, when the trained person will leave a company and go and work for somebody else?

Companies will not train people if they feel that they are going to lose that investment to another company, which is why we have a chronic shortage of suitably trained people in the construction industry. The industry wants images of perfection to fetch up on its doorstep every Monday, rather than put its hand in its pocket and train them itself.

Apprenticeships are a difficult field for young women to enter. I have recently been to one great training school, which I really liked. In fact, I would have liked to stay there rather than come here. It was wonderfully equipped, and was launched on the back of the Learning and Skills Council, working in conjunction with sector skills councils, which are both innovations of this Government.

I shall digress briefly. Sector skills councils are made up of representatives from industry, working with the further education sector through the learning and skills councils. They are directing those councils where money must be delivered in college-based training to satisfy the needs of industry. That is something that we desperately wanted in this country, and we now have it. The LSC is consequently funding thousands and thousands of places in construction to satisfy the demand of the sector, because—I say this on a party political basis—since 1997 there has been massive investment in construction. The previous 20 or 30 years saw nothing to compare with that huge investment. However, we are 88,000 people short of delivering the potential capital investment in the construction programme year on year. How we shall achieve the Olympics I shall never know.

Sarah McCarthy-Fry: That is a point I want to make. We have the building better schools for the future initiative and building better homes; now we have the Olympics. I am sure my hon. Friend agrees that if we are to get enough construction workers, we need to start now so as to ensure that they have the skills. We must put more emphasis on vocational skills and on encouraging people to take up such professions.

Mrs. Curtis-Thomas: We must—that is absolutely right. Jobs for life was something that our parents had, but we have been told that we could never expect it. We expect six or 18 months here and maybe two years there, but that is not true in engineering. Nor is it true for British Gas, which is saying, "Because of the contract we have to re-lay all the pipework in this country, we can offer you a job for life." That is fantastic. The starting salary is about £23,000, which is great money for people in disadvantaged communities. It will enable us to utilise a repository of individuals who were marginalised prior to this huge investment in public sector and utility infrastructure.

I agree with my hon. Friend: we have an enormous deficit of trained and well-equipped people in the construction sector, and we must start to address that now. We are making the investment that is needed to provide money for academic training. However, to repeat the point that I made earlier, academic training is fine, but it means nothing to the industry without being complemented by experience on the job.

[Mrs. Curtis-Thomas]

Women have great difficulties getting experience on the job for the reasons I have cited, but the Government can do something about that. We already have section 106s for public sector contracts. I doubt whether many people here will know anything about section 106s, but I, unfortunately, know everything—I am a bit of a 106 anorak, because I see their use as a pathway to a better door. They are a fantastic facility.

Local authorities attach section 106s to public sector contracts so that contractors who win work are obliged to employ local people on those projects. That sounds great; it is just what we need. I could say to all the women I see—or rather the few women I see—in apprenticeship workshops, "There is your route to a working opportunity: a section 106," but very few are enforced.

Mrs. Laing: I thank the hon. Lady for giving way. I, too, know quite a bit about section 106, having worked in the construction industry as a lawyer. I entirely agree with her. I have noticed time and again that local authorities and other public bodies that award contracts do not derive sufficient benefit from the opportunities provided by section 106. It can mean not only that local people are employed, but that local amenities such as extra roads, playgrounds and village halls are provided if that fits in with the purpose for which the contract was awarded. I rise merely to emphasise the hon. Lady's point. She is absolutely right, and I hope that somebody, somewhere, pays attention to what we say this afternoon.

Mrs. Curtis-Thomas: It is excellent that two of us have that knowledge. That is reassuring is it not? It is a pity that we do not represent all the chief executive officers of local authorities in the UK.

Section 106 is a fantastic vehicle. There is already a requirement for local authorities to engage local people. It is only a small jump to say, "By the way, of the proportion of local people who you involve, we must see a concerted effort to recruit women and people from black and ethnic minorities." That is absolutely crucial. Where else are women who are disadvantaged in terms of going into small companies going to get that vital work experience? I go into many schools to encourage young girls to undertake apprenticeships, because that is one of the best things that they can do in life, as it means that they would be able to be self-employed—for ever, in today's world—with hours to suit them. But I cannot do that knowing that they will not get the work experience that they need to complete an apprenticeship. It is a false hope.

The Learning and Skills Council desperately wants to ensure that its courses present that positive employment opportunity, but more often than not colleges completely fail to provide that opportunity. I do not know whether hon. Members read *Construction News*—my bedtime reading—but there is an excellent article in it this week about a training company in London, funded by the LSC, that has been recruiting so-called apprentices for the past 18 months. The LSC announced in today's *Construction News* that it is pulling out its funding immediately, and City and Guilds has also withdrawn its endorsement programmes, because the company, which is an unfortunate blot on the training landscape, has offered training contracts knowing full well that it cannot deliver the training element. Hundreds of the young people whom we desperately need in construction have started those apprenticeships and been badly let down. That is a source of great frustration to me, and to organisations such as the Construction Industry Training Board that are desperately trying to address the skills gap.

I have talked about women doing apprenticeships and the barriers that they face, and about the training centres that I have been to, including the one that I visited recently at which there were no women. I was told by the chief executive there that one was coming in a fortnight—the only one in the 300 trainees that would be on the programme this year. I felt really sorry for her—a young girl of 17 who would be on that programme with 150 17-year-old blokes. It may sound like paradise, but it would be really awful. It would be really difficult for her if she was just a normal, regular girl. She would be a subject of great interest, and that degree of interest is not helpful.

Such young women need access to other young women in their position. It is not that women lack the skills, nor that young girls do not want to be involved in that world, but when they are there, they need to reach out and be in contact with other young girls in the same position, not old women like me—I have a different cohort of colleagues to support. They need to know other young women of the same age doing the same thing. Organisations such as Wise—Women into Science and Engineering—and the Women's Engineering Society and now, importantly, the UK Resource Centre in Bradford, can play a role in providing that mentoring service.

There are not many women doing apprenticeships in the UK, but the numbers are growing, and there is a network of women and other people in similar positions whom they can turn to. The Government should be supportive of that; they have a significant role to play. I have already referred to that role in terms of offering work opportunities through public sector contracts, which is something that we must do. However, the Government should continue to support Government-backed women's organisations and require those organisations to bear in mind the fact that there are young women working in the UK who need their support, and that they should play a role in bringing them together. If they do not, women leave. The attrition rate for women is far greater than it is for young men. They leave because they do not have the wherewithal and the confidence to sustain a position on an apprenticeship.

What about women going on to higher education? They have a far better chance. Some people today have talked about science, engineering and technology, and about starting at the bottom and working one's way up. I loathe that expression. I am a chartered engineer—a professional engineer—but the thing that I am most proud of is that I am an apprenticed fitter. I am a fitter by trade. If I were asked whether I had made my greatest contribution as a chartered engineer or as a fitter, I would reply that it was as a fitter. As a society we need to recognise, as we are doing in part, that the contribution made by craftspeople in the UK to our economy and quality of life is equal to anything that professional individuals have made. Historically, in the engineering community, we have had the devil's own job recruiting young people into trades. That is because of people's perception of the value of a trade in our society.

Things are changing. We have seen that in relation to plumbing. Thank goodness that it became publicly known that plumbers earn—or could earn—£70,000 a year. Suddenly there was a mass rush to further education colleges for plumbing certificates. The bad news is that we will be totally overrun with plumbers in about five years' time, so their cost per hour will plummet. That is a good thing for the rest of us, but a bad thing for the plumbing sector, because there will not be adequately trained plumbers. The type of training that plumbers are getting now is not what traditional plumbers, or I, would consider adequate.

Some stereotypical views of tradespeople have changed, and that can only be of benefit to women. As I mentioned earlier, there is an organisation for women plumbers although unfortunately, there is nothing comparable for women electricians. That is because there have been no "Newsnight" items on television to say that electricians can earn £70,000 a year—although a competent electrician could probably earn more than £70,000 a year. By the way, there are no significant training courses in electrical systems, which means that there will be an acute shortage of electricians; anyone with a wiring problem at home needs to get an electrician soon, because in about five years we will not be able to get them for gold dust.

I am digressing slightly, and I shall return to the subject of women in higher education. It is fairly straightforward to go to university; one needs a good suite of A levels or GNVQs of a certain level. Absolutely super—no problem. We know that women invariably achieve better GCSE results than their male counterparts. That is proven year on year, particularly in mathematics and engineering. Indeed, I attended an award celebration yesterday, when Ellin Barklund was presented with the Sir William Siemens medal. That young woman is described as outstanding, and she is working in the field of renewable energy. However, she is not exceptional. I sat my degree in engineering with five other women, and two of them gained first-class engineering degrees; we were among a cohort of 35 men. It is not unusual for us to do well.

Unfortunately, we do not translate that achievement into our careers. We get good degrees and are offered good jobs, but we eventually reach a glass ceiling. We reach that ceiling for many reasons. Those of us who choose to have children once we have entered our professional careers invariably suffer. I do not want to dwell too much on that, as my hon. and learned Friend said a great deal on the subject. The problems associated with child care and the frustration of career development seem to be as problematic in the legal profession as they are in the science, engineering and technology professions.

We may have spent years obtaining qualifications and professional experience, but all that can be lost to British industry as and when a woman chooses to have children. It is a great shame, because we cost an absolute fortune. Engineers cost almost as much to train as doctors, but that national investment is entirely lost. I commend the Government for changing the law, making it easier for women to return to work and protecting their rights, but that is only a start. More needs to be done.

Shortage has always driven changes in company practice, but the acute shortage of staff in some areas of science, engineering and technology will force companies to take a far more tolerant attitude with regard to employing women.

Some sectors to which I referred earlier, including the construction sector, find it difficult to recruit even professional women. Some companies in the electronic sector find it incredibly difficult to recruit women, not because they do not exist but because those companies simply do not accommodate women—or they do not have an infrastructure or a history of working that promotes the advancement of women. The space industry, however, is an exception. Representation of women there is exceptionally good, and women do exceptionally well there. It attracts and retains women for an extraordinary time. Some jobs are for life, and jobs in the space industry are such jobs. It is an immensely attractive proposition.

Careers in science, engineering and technology are immensely attractive propositions for women, because whether one achieves employment in those sectors through an apprenticeship or through professional qualification, one can expect many of the benefits that are not to be found in other industries. The pay is higher relative to other groups or to other forms of work. Those with an apprenticeship who work on their own also have flexibility.

Flexibility is an equally valued attribute for the phalanx of men. Many of my male colleagues who work in the plumbing or electrical businesses fit their entire week around golf. Should you receive a call from a plumber who says, "I can't come to you this morning," please look out of the window. If the skies are blue, he is probably off to the golf links. People stand a much better chance of getting somebody to come and see them if it is raining, because then it is not possible to go to the golf links. Things are rather different with women working in those sectors, who will see customers between 9 and 3, but who then have to hop home for the kids. Moreover, they always carry with them a nice vacuum cleaner and a pair of Handy Andy Marigold gloves.

Mrs. Laing: I cannot allow the hon. Lady to give the impression that women do not play golf, too, because we do.

Mrs. Curtis-Thomas: Fantastic. That is very encouraging, is it not? Let us hope that more women scientists, engineers and technologists fill up those golf links.

Sarah McCarthy-Fry: While we are extolling the virtues of female plumbers, does my hon. Friend agree that elderly people might be frightened of having someone in their house these days, and that single elderly women, in particular, might feel much better and safer if they had a fellow woman in the house?

Mrs. Curtis-Thomas: That is a good point, and the women plumbers whom I mentioned are never short of

[Mrs. Curtis-Thomas]

work, for that very reason. When women living on their own hear that they could call a woman plumber to their homes, they will do so; they do not feel so threatened and intimidated. In some religious orders, of course, it is not possible to have men on the premises without a chaperone, so women plumbers are just the thing.

Personally, I prefer to have women working in my property. That is because of some of the sexist stuff that I just mentioned, such as the fact that women happen to be much cleaner, which matters a lot. They bring with them a suite of characteristics that some of my male counterparts do not have. On the face of it, they are far more efficient and administer their work far more effectively. Those who have dealings, as I do, with women who work in traditional trades know that they will get a quote in writing when they ask for one, as well as the follow-up documentation and certificates. Although I have not worked with that many women, I know that that behaviour is absolutely characteristic. I have worked with a great many men, however, and I am still waiting for the quotes even now.

I have discussed in some detail the difficulties that women experience getting apprenticeships, and what the Government should do to help them. I have commended the Government on the work that they have done so far, and I thank God for it. I have also discussed the role of women in the professional structures and the barriers that they face, although those are significantly fewer than the barriers faced by young women in apprenticeships.

I shall finish by returning to the EOC report. The commission was helped by some outstanding people, one of whom is here today, and I simply want to mention their names. It is important for us to know that the commission's work was substantiated by people who were conversant with the subject matter on which they were deliberating. Pat Langford is the director of the unit responsible for promoting women in science and technology at the DTI's Office of Science and Technology, and I am delighted that Pat was part of the team. In addition, we had Jeremy Crook, the chief executive of the Black Training and Enterprise Group, and Peter Lobban, the chief executive of the Construction Industry Training Board. Another, very important individual was Rob MacPherson, the Connexions 14–19 policy plus team leader. That is a very broad spectrum of individuals, which was complemented by people from the private sector, including Centrica, and by Rosamund McNeil, the principal officer on gender segregation for the National Union of Teachers. So there was a good mix of private and public policy developers working on the report.

Vera Baird: I hope that my hon. Friend will not overlook the fact that the chair was EOC commissioner Jeannie Drake, who is also on the Turner commission on pensions. She is principally responsible for the fact that there will be a chapter on women and pensions in the report when it comes out, and she well understands how the limits on women's work and on women receiving good pay, particularly for part-time work, continue to play on, so that women who have been poor in their earlier lives are also poor when they are pensioners.

Mrs. Curtis-Thomas: That is so true. I do not know a great deal about fiscal policy, but the changes in pension rules next year, which I have just read about, will favour people on the 40 per cent. income tax rate. That will automatically favour people in highly paid jobs, the vast majority of whom are men. Again, the disadvantage to women will be very evident, and I hope that together we can do something about that.

I return to what the EOC is calling on the Government to do. As I said, members of the panel, who are civil servants and represent the Government, want a national strategy to be developed to tackle gender segregation in training and work, which I applaud. The strategy should

> "incorporate targets to make change happen and provide incentives and information for young people and employers in skill shortage areas to make it easier for them to make non-traditional choices."

I have referred today to many of the Government's outstanding initiatives, but I have not dwelt, as I should, on the contributions that the various institutions have made, because they are all doing their bit. I know intimately all 38 engineering institutions in the UK, and they are all trying desperately to reach out to women and young people, but some are succeeding better than others. I shall single out the Construction Industry Training Board, which has been doing a great deal in this area because it is the area of greatest need. Along with the Government, however, it has not made a huge impact—I suspect because there is no joined-up thinking that brings all the players together.

Careers information is changing, but we need to do far more. We have portals for careers information—indeed, they are ubiquitous—but the industry does not agree on who will do what. If we search, we will probably find a million references to careers for women, but that does not help the person who is seeking advice. I know that Lord Sainsbury, the Minister with responsibility for science and technology, is keen for careers advice to be contracted for and developed to give young people a better opportunity to find the job that they want.

The report also recommends:

> "an overhaul of the Modern Apprenticeships programme plans to remove the barriers faced by young people who want to train in a job usually done by the opposite sex."

That goes back to what I said earlier—that specialist schools are getting more women into apprenticeships, but that the number is still tiny. The recommendation draws attention to the existence of the modern apprenticeships programme and to the fact that it is fantastic, it will be there for years and years, and it is a Government-backed initiative. Why, therefore, cannot we do more with it to realise the potential of women in engineering, science and technology?

I am not remotely depressed, but I wish that there were more women mechanical engineers, because they could have done much for society and for the quality of people's lives. I have been able to achieve very little. Some of the women with whom I went to school had such big brains, but they have ended up working in, say, a cake shop. There is nothing wrong with working in a cake shop, but we as a society have lost that potential, and we cannot afford to do so.

We cannot, as my hon. and learned Friend the Member for Redcar said, pay the bills associated with people being stressed out of their minds, not because they are working themselves to death but because they have never realised their potential. That applies to so many women who reach 50 and say, "Oh—if only." This Government have tried to eradicate that mentality. They have removed so many barriers and provided so much support, and given that we have made that commitment to women, I want us to do more with the resources available to us so that we can continue to get more women into the professions about which I care dearly.

4.35 pm

Sandra Gidley (Romsey) (LD): I welcome the chance to debate this subject today. It is a shame that more hon. Members have not taken part, but I found the comments of those who did attend very interesting. It is a sad reflection on our society that although more women than ever work, as has been pointed out, a huge number of them do not work in jobs that make full use of their skills.

I identified with the comments of the hon. and learned Member for Redcar (Vera Baird) about part-time work. She outlined a situation that many women, of our generation in particular, can identify with—the pattern of part-time work. She did not say, but I hope that she would agree, that many couples or families tend to make the decision that one partner will be the major wage-earner, and that is usually the male, because he is usually earning a higher wage, so it is often an easier arrangement. The woman will often decide to work part-time for a while and will often compromise in what she wants to do, because of that.

However, I meet quite a few men these days who would love to work four days a week, or some other shorter working week, but feel that to do so would give their employers a signal that they were not interested in career progression. Part of the solution seems to me to be closer working with industry to get rid of the attitude that a person is interested in their career, and can do a good job, only if they work full-time—or even more. Many professions today have a very macho work-heavy culture, whereby a person is not seen to be doing their job unless they put in so many hours overtime. There is also networking. Perhaps the employees go off to the golf club, or the pub, and that can be a back way up the career ladder.

It would be useful to persuade employers that encouraging part-time work for all people will improve the skills mix in the long term. Some employers have realised it—perhaps those with a more proportionate mix of men and women in the workplace—and have introduced the relevant policies. However, there is more to be done. I am against forcing employers to act, but more remains to be done to persuade them in the right direction.

Women appear to find it much more difficult to obtain financial and practical support when they set up a new business, and that is the aspect of women's working that I want to begin with. The statistics are not very good in this area of women's work. In 2004–05 only 26.1 per cent. of self-employed people were female. As has already been pointed out by the hon. Member for Crosby (Mrs. Curtis-Thomas), there are numerous opportunities—particularly in some skills areas—for women to develop their own businesses. More disappointingly, the figure of 26.1 per cent. represents a decrease since 2002–03.

Figures for 2003 show that only 12.3 per cent. of small businesses are managed by women or have women as a majority of directors, although the figure increased to 14 per cent. in the past year. According to the London Business School report, "Global Entrepreneurship Monitor UK", only 7 per cent. of women own their own business, compared with 16 per cent. of men. It has been pointed out in various quarters that if women started businesses at the same rate as men, the economy would benefit from 150,000 extra new firms each year.

Some might say that all is well simply because we have some targets. In May 2003, the Government launched their strategic framework for women's enterprise, which announced four areas for action: improving business support services; access to finance; caring and child care; and the management of transition from benefits to self-employment. I cannot argue with any of those.

That is all very well-meaning, but the Government have also set targets for 2006. The first was that women should account for 40 per cent. of customers using Government-sponsored business support services, or business link networks. That is quite a difficult statistic to monitor, because a number of different agencies are involved and increasingly some of that work is being taken over by regional development agencies. A national advocacy network called Prowess did some work to try to find out what the percentage might be. It surveyed various bodies that would give such support and concluded that only 20 per cent. of Government-sponsored business support services users were female. That is some way off the 40 per cent. target.

It would be helpful if the Minister would enlighten us on how the figures are being monitored. That is increasingly important, because we are moving towards involving regional development agencies and many of them do not disaggregate their statistics by gender—there is no compulsion for them to do so—so it is difficult to get a clear picture of what is going on and what support is being given. I gather that only five regional development agencies have appointed an officer specifically to deal with this policy aspect. It is possible that more of those officers will soon be on the way; I do not know. I would be interested in receiving an update.

The second target is for 20 per cent. of UK businesses to be women-owned; a longer-term objective is to try to match the USA figure of about 30 per cent. I would love the Government to succeed in that—and I am happy to say so, even as someone from an Opposition party. Currently, it is difficult to see how the target will be met, because, as has been mentioned, only 15 per cent. of small firms are owned by women. According to the Association of Chartered Certified Accountants, that figure has not changed much during the past 13 years.

The situation in the United States is rather better, and it is worth examining some of the things that have been done there. Since 1979, the number of women who own businesses has quadrupled. The US ensured that gender was added to the business census in 1977. That might sound like a bit of a token effort, but the data from that,

[Sandra Gidley]

and the statistics that were produced, provided an evidence base, so that the progress could be closely monitored. The Office of Women's Business Ownership in the United States Small Business Administration was established in 1978. Then the Women's Business Ownership Act of 1988 put in place long-term infrastructure to support women's enterprise development. Various other Acts were also introduced.

What attention has been paid to the success story in the United States? What are we doing to emulate it? One thing that has worked well is a women's enterprise commission, which has real teeth. I will discuss that point a little later.

I have talked about women who are trying to set up their own businesses. It strikes me that we could do a lot more in schools and colleges to provide skills for men and women so that they had the self-confidence to set up their own businesses. Such things are not often learned routinely, and trying to find the help can be a bit of a maze.

The big concern, raised by a number of hon. Members today, is occupational segregation. As has been said, the Equal Opportunities Commission has done a lot of work on that subject. Seven out of 10 employers in the survey agreed that recruiting more young people of the "non-traditional" sex, to use the jargon, would improve their business as a whole. We have seen the statistics: only 8 per cent. of engineers are female, and the situation in the construction industry is appalling.

However, that also works the other way round: only 2 per cent. of workers in the child care industry are male. I pay tribute to the Sure Start website, which is obviously a Government website. It is amazing; every male carer in the country must be on there, because in depicting carers it shows a good picture of ethnic and gender diversity. If engineering firms could take it as an example, that might be helpful. As I was looking at many of the engineering and recruitment bodies' websites, I realised that there were very few pictures. I was half expecting lots of men in hard hats, and there were a few of those, but those websites were very boring and unsexy, and would not encourage anybody, male or female, into the sector unless they were already committed.

Unfortunately, most women work in occupations referred to as the five Cs: cleaning, catering, caring, cashiering and clerical work. Clearly we know our place, girls! Such jobs are traditionally badly paid, and our concern about that is shared by the Government. The Secretary of State for Education spoke at the launch event and pointed out that

> "Occupations with a high number of vacancies very often have gender imbalances. For example, six per cent of all skill shortage vacancies are in skilled construction occupations—where 99 per cent. of the workforce is male. Conversely, seven per cent. of skill shortage vacancies are in personal service occupations within health and social work—where 90 per cent. of the workforce is female."

Clearly, it is in employers' interests to widen the pool from which they recruit.

The "14–19 Education and Skills" White Paper contained proposals to improve the quality and range of information, advice and guidance available to teenagers. However, I have to ask whether that is a bit too late, and whether it is happening on the ground. Gender stereotyping starts early, and can affect young people's work placements. There is a lot of evidence to show that girls would quite like to try a job in a non-traditional area—to taste it, as it were—but they are not encouraged to do so. A lot of schools find work placements a bit of a drag anyway, and that seems a very negative attitude.

I was interested in the comments made by the hon. Member for Portsmouth, North (Sarah McCarthy-Fry) about single-sex education and science. It was slightly different for me in my day. I insisted on doing physics because that meant that I could go to the boys school; a slightly different motivation was involved, and perhaps that is another way of looking at the problem. I thought that I would be with a few nice sixth form boys, but had not appreciated that I would have to run the gauntlet of every pre-pubescent boy in the school. That was a daunting experience for a shy 16-year-old, but I stuck with it.

The lack of role models does not help. Where are the sexy female scientists? I concede that we could also ask, "Where are the sexy male scientists?" A lot of young people are attracted to the softer, slightly trendy aspects of work, and we do not do enough to make them realise the contribution that they could make in other areas. There are some very good role models, whom we should promote a lot more.

Mrs. Curtis-Thomas: I should say to the hon. Lady that the Institute of Physics—under the guidance of Julia King, who is now doing something important at Imperial college, London—has done a huge amount to recruit mentors from the world of physics, particularly women mentors, to go out into schools. That programme is complemented by the Government-funded science and engineering ambassador scheme programme, which is run under the auspices of the science, engineering, technology and mathematics network, SETNET, and the Engineering and Technology Board. Some 10,000 young people—I emphasise the fact that they are young—working in science, engineering and technology belong to the programme and are available if teachers need to know about a particular area. They are just a telephone call away, via their local government office.

Sandra Gidley: I am aware that there are a huge number of worthy and worthwhile initiatives. Where are the scientists in the media? We live in a media-oriented society, and they could make young people say, "Yes, that's what I want to do." The hon. Lady is involved with the organisation Wise—Women into Science and Engineering. Unfortunately, my daughter did not become a scientist. Probably the fact that she has two scientific parents put her completely off that sector. She had experience of Wise, and one sad aspect was that the school chose the brighter pupils to go on the Wise bus—a reflection more on the school than on Wise. The earlier point about encouraging technologists and people to take up trades that involve using their hands was well made. We need to make sure that we reach all young girls in school, rather than just those who are regarded as high flyers.

Many girls do not know what problems are involved. They do not realise that they will be earning much less than others when they choose to enter a female-oriented profession. The equation is simple: the more men in a sector, the higher the wages. The message is not that difficult to get across. Had they been aware of the pay levels, 67 per cent. of young women would have considered a wider range of career options. A lot of good company initiatives are taken up by schools. IBM holds a week-long event to which it encourages schools to send groups of teenage girls. It does not concentrate on pure science. It encourages women into that industry in a range of roles. Such initiatives are worthy. Other firms could be encouraged to consider the examples that have been cited already today.

The EOC highlighted the fact that many mothers and carers work part-time for low pay. Reference has been made to the pay gap. Those women cannot find high-productivity work that can be combined with family responsibilities, and many are working below their potential. That may be a pragmatic decision in many cases for such women, but the fact that they are paid less is a problem, as is the fact that they are not trained. They fall further behind, and when they want to re-adapt to full-time work, they often have lost confidence. We need to find ways of improving things for those with softer skills.

Let us consider the acute problem in the information technology and electronic communication sectors. Throughout the industry, 23 per cent. of employees are women, of which 9 per cent. are at the higher level. It is a fast-growing area, but in 10 years' time there will be a big increase in job vacancies not only in that industry, but in related industries that need such skills. Women are well placed to fill the positions, but the number of them in the sector has decreased over recent years, which is a real problem. The drain of women over a certain age is a particular problem. The more we can do to reverse the trend, the better.

I want to draw attention to an initiative called Equalitec, sponsored by the European Union and the Department of Trade and Industry. It works with the university of Bath and engineering organisations to help women overcome the barriers to re-entry into employment after a career break by creating opportunities for professional and job-based training. The number of women involved is small, but we should encourage that initiative. If the Minister can outline further developments in that direction, it would be useful.

All the evidence shows that girls perform much better at schools and universities, but as soon as they start work—even a couple of years after graduating—they face a pay gap of about 4 per cent. We are clearly not making the most of women's skills. I sincerely wish the Government every success in trying to reverse that trend. Thirty years ago, the Equal Pay Act 1970 came into force, and I did not think then that my daughter would be facing some of the same problems as I faced years ago. Sadly, she is—but we need to make sure that our granddaughters, at least, do not face the same problems too.

4.55 pm

Mrs. Eleanor Laing (Epping Forest) (Con): Hon. Members present in the Chamber today all take it for granted that maximising women's skills in the UK economy is important—indeed, essential. Sadly, it is not taken for granted in the business world and the economic world generally, nor, entirely, within the political world. Today we have had an opportunity to prove that it is necessary to maximise women's skills in the UK economy, and the excellent speeches made by various speakers have done that. Not only is it right in altruistic terms that women should have equal opportunities, equal job satisfaction, equal pay and lifestyles equal in interest to men's—I could add to that list—but, more importantly, there is an economic imperative to maximise women's skills in the economy. I am therefore glad to have this opportunity to highlight some of the problems—and the solutions—in this area of our national life.

Soon, we shall debate the Equality Bill, which passed all its stages in the House of Lords yesterday and which will go some way to creating the correct climate and legislative framework for equal employment practices. There has been much emphasis today on encouraging women to become involved in traditional male jobs and professions. It was particularly interesting to hear what the hon. Member for Crosby (Mrs. Curtis-Thomas) said about construction and engineering. All her remarks were valid and I entirely agree with her, having had some experience myself of the construction industry. I have also had experience of the legal profession—I am a lapsed solicitor—and perhaps it was my time as a solicitor in the construction industry that finally finished me off so that I ended up here, but it is probably not right to extrapolate from the personal to the general.

Although it has been interesting to explore one particular aspect of the topic—women being excluded for one reason or another from traditionally male jobs and professions—there is a far more general point to be considered. We need women in the economy, because without women using their skills to the limit of their potential our economy does not function as it should. The Minister illustrated that well in her opening remarks with certain stunning statistics, particularly the ones relating to GDP.

As legislators we must take three essential elements into account. First, it is necessary to provide equality of opportunity in education and training for women and girls. Secondly, it is necessary to provide incentives to work, as opposed to incentives not to work. Thirdly, it is essential to remove the barriers that prevent or restrict women's participation in economic activity. The Government have taken some good measures—again, we have consensus. In debates such as this I try to bring in a little political disagreement because that is the spice of life in Parliament, but increasingly I find myself in agreement with the hon. Member for Romsey (Sandra Gidley) and with the Minister, because we are all doing our best to get a good end result in legislation and the legislative framework. However, as I always do, I warn the Government that if they go too far in introducing conditions and restrictions on employment, employers will not employ women in the first place—they will find some reason not to employ them. If there are three good candidates for a job and one is a woman who might have a child, the woman will not get the job if the employer feels that they cannot cope with increased conditions of employment around, for example, maternity leave.

I am not saying that we should not have the sort of conditions that we have been discussing recently and those that currently apply—of course we must. There

[Mrs. Eleanor Laing]

must be protection of the employee, as well as incentives for employers to employ women and for women to work, but we must be careful not to let the pendulum swing too far. I think in particular of the recent much publicised cases of women who worked for large, wealthy corporations in the financial services sector in the City and who earned considerable amounts of money. Their unfair dismissal cases were clearly valid: large compensation payments have been awarded and if the court said that such payments were right in those cases, they were right. However, the result of those cases may well be that other women find it more difficult to get the opportunity to take on jobs at that level. I can think of relevant anecdotes but shall not repeat them, because anecdotes do not make good statistics and are not reliable, but we all know of promotion boards or employers that will not take on a woman in case they become involved in an expensive sex discrimination case. I am not saying that we should not go on fighting the battle. I am merely saying that we must be careful that the benefits, support, encouragement and legal rights that we give to women in the work force do not go so far that opportunities for women in the work force are diminished.

The first of my essential elements is education and training. The hon. Members for Plymouth, Devonport (Alison Seabeck), for Portsmouth, North (Sarah McCarthy-Fry) and for Crosby discussed the subject extremely well, particularly the hon. Member for Portsmouth, North, who spoke about single-sex teaching and the hon. Member for Crosby, who spoke about specialist schools. Much can be done and in recent years a great deal of progress has been made toward achieving equality of opportunity in education for young men and women, but we all know that when they get into their early 20s and go past training into mainstream employment, the equality that they might have experienced until then diminishes considerably.

The second essential element is an incentive to work. The greatest incentive to work is a proper rate of pay for the job that is being done, and that of course means equal pay. We are indebted to the Fawcett Society and the Equal Opportunities Commission for the work that they have done on this subject. Some of the figures that have come out recently are shocking. We have become a bit complacent—we assumed that the Equal Pay Act has worked and is working, but as the hon. and learned Member for Redcar (Vera Baird) said, we will need an Equal Pay Act for many years to come to safeguard the position of women in employment. Her examples from the legal profession were absolutely fascinating. I found it difficult to believe what the hon. and learned Lady was saying about the pay gap between male and female solicitors until I realised that the statistics reflect the fact that far more men work in the so-called prestigious, high-powered jobs, notably in large City law firms where salaries are far higher than, for example, in firms of solicitors practising family law, conveyancing or probate law in the provinces. There is a considerable earnings gap, and it deserves to be taken into account.

I cannot leave the subject without mentioning the Minister's pay, or lack thereof. I mean that in the most positive way possible—I am not criticising the hon. Lady. However, it makes me angry that the Prime Minister has decided that the one job in Government on which a Minister must work so hard in such a difficult role and in such a hard-working Department without receiving a salary is that of Minister for Women and Equality. It is so hypocritical it hardly bears repeating. I had better not praise the hon. Lady too much, because it might be counter-productive. I know how hard she works as a Minister because I am usually there to challenge her on what she does. Hon. Members on the Government Benches will not criticise their Prime Minister, so I shall do it for them. They cannot possibly think it right that all other Ministers are paid a salary but the Minister for Women and Equality is not. I hope that the Prime Minister will change that one day, but I realise that if I say much more about it, it will be an incentive for him not to do so.

Mrs. Curtis-Thomas: I for one shall not be reticent. It is quite appalling, but I thank God that the Labour party has professed to be a body never of perfection but of work in progress. I hope that it will progress to the point where it acknowledges the right of this fantastic woman to be paid for the job that she does.

Mrs. Laing: The hon. Lady makes a good point. I hope that the Prime Minister is listening, although I very much doubt that he is.

Mrs. Curtis-Thomas: I shall send him a copy of *Hansard.*

Mrs. Laing: To return to my speech, the second important incentive is pensions. The pensions system is an utter scandal, as even the Secretary of State for Work and Pensions has admitted, and successive Governments have failed to deal with women's pensions. It is a scandal that one in four women pensioners in Britain live in poverty. They do so because the system simply does not work. It could be made to work, but does not because it does not take into consideration the different work patterns of women and men. Women have to build into their lives the bearing of children, whereas men do not. I do not see why we do not keep emphasising that fact. The production of the next generation is just as important a job as any other undertaken by any person in our society, yet it has been given scant consideration. Women of my mother's generation, who gave up work to look after their homes and families and who were dependent on their husbands, can find themselves with almost no income at all when they are widowed or divorced. It is utterly scandalous. I give the Government credit for considering that issue and I hope that the Turner commission will produce sensible proposals that we can put into action as soon as possible.

The third of my essential elements is the removal of barriers to employment and to promotion for women in the work force. Employees need flexibility. Flexibility in employment and accounting for the work-life balance must apply not only to women, but throughout the work force. A large proportion of people have caring responsibilities. It is not only babies and children who have to be cared for, but elderly and sick relatives and non-relatives—people's caring duties are not confined to caring for members of their own family. A lot of people have caring duties that we as a society require them to undertake. It is essential that employers sometimes be required and always be encouraged to take that into account, not only because that is right in altruistic terms in a decent, caring society, but because the work force require it. If an employer has taken someone on and trained them to do a job to the upper limit of their skills and that person has responsibilities outside the workplace that we, as a decent society, want them to undertake because it is the right thing to do, the employer must be encouraged to take that into consideration, whether the employee is a man or woman, a mother, father, child, daughter or carer of another kind. Otherwise, they will lose the employee's services and that is bad for the economy. The Minister said that the economy is operating below its productivity potential simply because women are not contributing to their full potential. It is not rocket science—the hon. Member for Crosby might tell me that it is rocket science or some other kind of science—to work out that if all employers were encouraged to do what good employers already do, good employees would be able to give more back.

That brings me to the appalling discrimination regarding part-time workers' pay, which shows that we as a society do not value people who work part-time and that we think that they are not committed. There is this macho thing about commitment to the job, but commitment is not always about the number of hours put in; it can be about the amount of work done within the hours of work.

Alison Seabeck: Does the hon. Lady agree that women who work part-time often struggle to make it to work in circumstances in which their full-time colleagues might say, "I'm not feeling very well; I'll take a day off," because they feel obliged to be there?

Mrs. Laing: Yes I do. The hon. Lady is absolutely correct. Although the difficulties related to part-time work such as the need for flexibility affect all workers, they affect women disproportionately, so that issue is wholly relevant to our debate.

Sarah McCarthy-Fry: Picking up on the point made by my hon. Friend the Member for Plymouth, Devonport (Alison Seabeck), does the hon. Lady agree that many women who work part-time are doing full-time jobs in part-time hours?

Mrs. Laing: I certainly do. That is a point well made.

The time has passed in which the economy was satisfied by women either having a child or going out to work. That was the norm 50 years ago, in the post-war years when our economy was not strong and did not develop as it should and when it was accepted that women who worked would stop working if they had children. We see a hangover from that in the present attitudes of society and some employers. Having a child is not an add-on luxury for women, it is necessary for the future of our society and economy. To return to the pensions issue, we have a demographic time bomb waiting to go off. By the time that most of the people who are in the Room this afternoon are of pensionable age, there will not be enough young people working to provide pensions. At the moment, the balance is correct, but by then it will not be. Women today have to produce the next generation, have proper jobs and have the chance to work to their full potential.

I am pleased that we will soon be considering the Equality Bill. I am sure that during the consideration of that Bill we will revisit some of the issues that we have discussed today. I have not mentioned child care—strangely, it has not been much talked about in this afternoon's debate—but removing barriers to employment and advancement in employment requires the establishment of a structure of affordable child care at all levels of employment. Efficient health care, too, is essential. All those structures are necessary to ensure that we have a work force who achieve their full potential.

Yesterday, the Conservative party held a women's conference in which we discussed serious issues, such as those that we have discussed this afternoon and drugs. We had extremely good speakers from the Equal Opportunities Commission, the Fawcett Society and even from the England cricket team—an excellent lady called Clare Connor who was captain of the successful women's cricket team that brought back the Ashes. Did you, Sir John, read about any of that discussion in the newspapers this morning? No. The media chose to report that Conservative women discussed the underwear of the two leadership candidates. That, I assure the Chamber, was not the case—it was a 10-second jokey throwaway on Radio 4. When we discuss important issues relating to women in the economy, in the work force and in our society, we have a right to be taken seriously.

5.17 pm

Meg Munn: This has been an excellent, illuminating and interesting debate. I hope that hon. Members will forgive me for indicating that I will not take interventions because I have a great number of notes from which I want to respond to the extremely interesting and wide range of points that have been made. I shall already have to go at something of a gallop to get through them all.

The hon. Member for Epping Forest (Mrs. Laing) should not apologise for so much consensus, because women can make common cause across political parties on these enormously important issues.

The issues raised by my hon. Friend the Member for Plymouth, Devonport (Alison Seabeck) about training and education are enormously important. Barriers that women face must be broken down, and one way in which that can be done is by ensuring that young girls have access to the right skills, such as those who I have seen at the Turves Green girls school and technology college in Birmingham, which I first visited three years ago when I was on the Select Committee on Education and Skills. That college actively seeks to encourage its pupils to engage with technology, design and the science curriculum and also to take their designs on into enterprise. I was so impressed—it is probably the best work that I have seen in a school anywhere—that when we held our EU gender conference in Birmingham earlier this week, I had no hesitation in making that college one of the projects to which we took the EU Ministers to see what can be done and how girls can be inspired.

[Meg Munn]

My hon. Friend the Member for Portsmouth, North (Sarah McCarthy-Fry) asked whether we should teach girls in single-sex classes in those subjects. I think that the best approach is to make the teaching of science, engineering and technology much more relevant to all pupils. The new science curriculum, which will come in from 2006, aims to do just that.

My hon. Friend the Member for North-West Leicestershire (David Taylor), who has since had to leave the Chamber, raised IT issues. We know that in many traditional areas the culture can be oppressively male, but I hope he did not leave because he felt that the culture in the Room was oppressively female. However, I am assured by his note that that was not the reason. For his benefit, I can put it on record that the e-skills Sector Skills Council for IT has recently rolled out nationally it pilots of computer clubs for girls, which offer fun and educational activities. The council has been successful in getting girls aged 10 to 14 interested in IT. Initial research suggests that 66 per cent. of participants are now considering careers in IT.

My hon. Friend the Member for Portsmouth, North rightly identified the global competition that we face. As a result of competitive pressures, new entrants into IT must become more productive more quickly than in the past. The DTI is aware of the issues facing the IT industry and has published reports about women in IT, which have discussed the importance of the business case for diversity and how to retain women in that sphere.

On the crucial issue of skills and qualifications, up to a fifth of the productivity gap between the United Kingdom and its main competitors can be explained by the UK having a lower stock of human capital, especially at NVQ level. We are having some success attracting women on to foundation degree courses. The skills White Paper was also aimed at allowing women to acquire level 2 qualifications, because we know that 45 per cent. of women who are not working do not have a level 2 qualification. We are also giving priority support to level 3.

The Government have taken steps in response to the EOC's recommendations on apprenticeships. The Learning and Skills Council publishes annual data on apprenticeships by sector, gender, race and disability. An apprenticeship marketing campaign has been set up to promote non-traditional sectors of work. The Government are giving further thought to how we can provide a challenge on this issue, rather than replicate occupational segregation, as the EOC rightly identified.

Much of the debate focused on non-traditional work for women. My hon. Friend the Member for Portsmouth, North referred to the image of manufacturing. The DTI has established a body as part of the Engineering Forum to consider the image of manufacturing to make it more attractive to all young people, especially to girls and young women.

Last week, the Government announced the establishment of a manufacturing academy, where the industry will determine how it trains the people needed to fill the current 48,000 vacancies in manufacturing. There is a good business and economic case for the arguments that have been put forward today.

Role models are important in all jobs. I pay tribute to all the women present, as I am sure they have been role models in their previous careers. That is of great interest and pertinent to the debate. Role models are particularly important in non-traditional jobs. I am pleased that many companies are interested in what they can do and how they can use women to plug their skills gap. I have learned that a major civil engineering company, Ove Arup, is keen to recruit women and to increase the number of its women graduate employees. It has just produced its new 2006 calendar, with images of women in highly skilled roles, all of whom are fully clothed. British Gas is training female gas fitters, because that is often what their female customers want.

There is some good news on higher technical qualifications. The NHS employs 55,000 scientists—I am not talking about doctors and nurses—33,000 of whom are women. They work in highly skilled jobs, such as medical physics and the design of sophisticated equipment to help disabled people.

There are also some positive trends in some professions, even if not in that of my hon. and learned Friend the Member for Redcar (Vera Baird). Graduates in medicine and allied subjects, such as bioscience and veterinary science, are now 60 to 70 per cent. female. That is positive, but engineering and physical science remain harder nuts to crack.

Science, engineering and technology are very important, but we know that the overwhelming majority of people with high-level degrees in those subjects are male, especially those who have high-level degrees in subjects such as physics and IT, to which I have already referred. The picture is improving as more girls choose to study those subjects at university, but problems remain in subjects such as physics where progress has been slow, although I am not sure whether we should replicate the motivation of the hon. Member for Romsey (Sandra Gidley), who wanted to do physics in order to go to a boys' school.

The Government are promoting science, engineering and technology for women in schools, universities and after, through the UK Resource Centre and through schemes such as the science and engineering ambassadors programme, in which female participation is now about 35 per cent.

My hon. Friend the Member for Crosby (Mrs. Curtis-Thomas) rightly wanted to know about our funding of the excellent UK Resource Centre. The original contract would have ended in April 2007. Its total funding was £4.1 million, but it has been extended to the end of March 2008 and its total funding will now be £6.9 million.

My hon. Friend the Member for Portsmouth, North talked about the problems of women losing confidence outside the workplace. The UK Resource Centre has a programme of £1.5 million, ring-fenced for women returning to work, which includes the full funding of an Open university course to provide advice and information to women returners.

The Daphne Jackson Trust and its excellent work in getting well qualified women back into professional jobs were also mentioned. I am delighted to confirm that the DTI directly supports it and will continue to do so, certainly for the time being.

Hon. Members rightly spoke about the pay gap and the shocking statistics that show the difficulties of closing it. I pay tribute to my hon. and learned Friend the Member for Redcar whose illustrations and stories went beyond what I can do in the short time left to me.

The DTI has considered part-time working and has commissioned research called "The Part-Time Pay Penalty". The pay differential between women working full-time and women working part-time in occupations is very small. The occupation segregation of women working part-time and women working full-time explains most of the part-time pay penalty: that is, part-time jobs are in low-skill areas.

The hon. Member for Romsey highlighted the important issue of culture and how we can change it.Women in enterprise is an enormously important area, and the Government view the development of women's enterprise in the UK as an economic imperative. Women are hugely under-represented in enterprise and often offer a massive and largely untapped resource.

We talked about the regional development agencies and their role. They are key players, and I am delighted that some RDAs are taking the issue more seriously. The East Midlands Development Agency has appointed a women's champion, and Yorkshire Forward, which is in my own neck of the woods, has included diversity as a key priority in its recently revised regional economic strategy, on which I commented. Skills form an essential part of the approach, and RDAs will take action, such as encouraging more women into technology or craft-based careers, to promote qualifications and careers in key areas to non-traditional entrants.

The hon. Member for Epping Forest rightly expressed concern about restrictions and costs that might prevent employers from employing people. My argument is that protecting the investment in women employees makes sense, and that some companies, such as BT and Ford, already get many returners into employment by doing that.

Tackling occupational segregation and the gender pay gap is the right thing to do, not only because it is fair, but because it makes economic sense. Maximising women's skills in the economy could bring economic benefits worth up to 3 per cent. of GDP, which equates to the total value of UK exports to Germany. I leave that thought in Members' minds as we finish the debate.

Question put and agreed to.

Adjourned accordingly at twenty-nine minutes past Five o'clock.

Westminster Hall

Tuesday 15 November 2005

[SIR NICHOLAS WINTERTON *in the Chair*]

Secondary Education Reform

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Coaker.]*

9.30 am

Mr. Michael Foster (Worcester) (Lab): I welcome the opportunity to have this debate. No doubt there will be several debates over coming months on secondary education. I start by saying that the White Paper, "Higher Standards, Better Schools For All", is not a panacea for all the problems in secondary education, but it is an important tool that will create opportunities to tackle them. We must recognise that all communities are different and therefore all schools will be different. To treat them all the same would be to ignore the reality on the ground. I hope that the Government do not want all schools to be the same, because such an approach would simply fail, but they should aim for high standards in all our schools.

This morning, I shall explore how secondary education can be reformed using the tools available now and tools in the White Paper. I shall consider more closely the curriculum, the quality of teaching, leadership, parental involvement, the choice agenda and admissions policy, and the role of local education authorities.

One aspect that demands close attention is the curriculum in our schools. There is plenty of evidence that there is a dip in performance in the early years of secondary education. The difficulty faced by teachers is the wide range of pupil maturity at that age. That calls for specialist key stage 3 teachers, and perhaps a change in emphasis on how pupils learn in order to maintain their interest at that early stage. Any review that takes place should bear in mind the developing 14-to-19 agenda. Given that 75 per cent. of pupils achieve key stage 2 level 4 or above, but only 50 per cent. achieve the desired level at key stage 4, something is clearly going wrong.

Many educationists were disturbed by the dismissal of Mike Tomlinson's report. Many believe that the rot sets in here: the great British disease is the artificial distinction between academic and vocational qualifications. Generally, bright pupils study for the former and the less able for the latter. As a result, our whole post-16 qualifications system reflects our society's prejudice against vocational skills and crafts in favour of more academic routes of learning. Our society is crying out for more skilled tradespeople, but we do not want that career for our children; we want it for someone else's. Reform of the post-14 curriculum could help to solve that very British problem.

I am a firm believer in supporting members of the teaching profession. The Minister knows my background. I want to put it firmly on the record that no teacher ever goes into a classroom to deliver a bad lesson or deliberately not to control the class and create a healthy learning environment. Sometimes, however, lessons are not as good as they should be and teachers do not control the class so that every child can learn. It is the duty of the school to ensure that teachers are well prepared and operate effectively. Every teacher should undertake self-evaluation and review after every lesson. That is what we are trained to do, but school managers need to make it a reality.

To give parents confidence in a school, there should be regular visits by head teachers and heads of department to observe classroom teaching. That should not be the job of Ofsted. Ofsted should spend its time considering the management of the school, including how quality is maintained through self-evaluation. Its visits should be unannounced, so that it can see how schools really work day in, day out. Educational outcomes, not inspections, should be the measure of success. If schools adopted continuous improvement, got their processes right and worried less about external assessment, they would be following the more successful models of businesses that know that the consumer is ultimately the one in command.

The success of a school is more often than not determined by the quality of the head teacher and other school leaders. The Government are right to support heads through the training college. If there were a magic wand to improve secondary schools, it would lie with better heads and top-performing managers of our schools. They command parental support and pupil respect and create a culture in which learning takes place and they can set a direction to make a difference for every single child.

I am encouraged by the view taken in the White Paper that federated schools can help change those that are currently underperforming. However, I am also aware of how that might stretch even the very best of head teachers. I would also like the Minister to explore how the Government's plans for greater independence of secondary schools fit with a model of federation and co-operation.

School leadership is not just the remit of the head teacher. Senior managers also make a huge difference to schools. I accept that they have their own areas of interest, such as curriculum planning, discipline or quality evaluation, and it is vital that the Government provide resources for top-level training opportunities for those staff, because not only do they have an important role to play now, but they are the next generation of head teachers.

If, as a result of the White Paper, schools are to have even greater independence, specialist management support will be needed, such as the greater use of bursars or business managers. The Government should look at the private sector to learn lessons in that area—few private schools do not have their own bursars. Head teachers do not go into their career with the aim of managing a school's finances, so let us encourage the employment of bursars, provide extra training through the National College for School Leadership, and enable heads to spend more of their time on the quality and effectiveness of teaching. I know that that is not an issue that was raised in the White Paper, but it is one that can help to reform schools, without the need for fresh legislation.

[Mr. Michael Foster]

Parental involvement in schools offers real opportunities but I know that to some it poses real threats. I have heard many people say that we cannot have parents telling teachers what to do or how to run a school. At the same time, I have heard the view that parents typically cannot be bothered to get involved.

David Taylor (North-West Leicestershire) (Lab/Co-op): The White Paper anticipates a requirement that trust schools will appoint parent councils and hopes that non-trust schools will do something similar. My experience of 20 years as a school governor in two local secondary schools shows that it is immensely difficult to get parents involved in annual general meetings, annual report meetings and other types of administration if their own child is not directly involved. Does my hon. Friend agree?

Mr. Foster: I accept that, but I think that it varies from school to school. In my experience as a school governor, at times one was co-opting people on to the governing body, and at other times elections had to be held. That goes back to the point that I made earlier about every community and every school being different, and the need for the Government to recognise that in relation to the ideas that are put forward in the White Paper.

I do not accept the argument that parents do not want to get involved, nor do I accept the argument that they want to take over schools. As a parent, I have had the frustration of seeing something wrong in the running of a school but not having the right forum in which to express my concerns. However, I have also spent quite a lot of time as a teacher at parents evenings waiting to see the parents whom I really wanted to see about their child's progress.

I think that parent councils will work, although I would like to see a few of them in action to make a proper assessment. As my hon. Friend the Member for North-West Leicestershire (David Taylor) said, the White Paper implies that they will be used for independent school trusts, but I would like to see them in all schools. They should not have the formality of a governors meeting, but nor should they be like a parent-teacher association. I am convinced of the need for clear protocols on the relationship between parent councils, governing bodies and head teachers. Perhaps those protocols should be set out in legislation.

I welcome the plan to hold termly parents evenings, with proper reporting on pupils' achievements. I know how valuable those meetings can be in helping teachers to learn more about particular pupils—my own teaching was greatly improved as a result of spending time talking to parents. I also accept that, if done properly, that plan will result in the imposition of extra burdens on teaching staff—particularly part-time teaching staff. I therefore have no hesitation in supporting the equivalent of Baker days—we could call them Kelly days—whereby extra days' holiday were given, at the discretion of the head teacher, for attendance at a far greater number of parents' evenings.

I now turn to the choice agenda and the real political debate that is going on. Some say that all parents want is a good local school for their children; if only it were that simple. As Will Hutton pointed out in an excellent article in *The Observer* last week, some parents will go to extraordinary lengths to distinguish between schools to try to give their child the best possible chance to succeed. I know from my own experience that some parents choose the private route and pay thousands each year for the advantage that it brings their child. Others move house, incurring huge costs to get into the catchment area that maximises the chance of their child getting into a particular school. Some are known to lie about where they live; others find religion.

Choice is a reality and we should not pretend otherwise. Let us have an honest debate about this but let us also accept the brutally harsh fact that it is the better-off who exercise choice. Why? They do so simply because they can. Low incomes eliminate the private solution and living in social housing does not allow for the luxury of the marketplace in order to buy and sell property. A lack of transport and family-unfriendly working hours do not allow for school runs outside local catchment areas.

One high school in Worcester serves two diametrically opposed communities, one of which is the most wealthy community in Worcestershire where 16 per cent. of primary school pupils and 9 per cent. of secondary school pupils opt out of mainstream schools in the Worcester city pyramid. In the neighbouring ward, which is one of the most deprived in Worcestershire, only 1.5 per cent. of pupils opt out of the Worcester city pyramid of schools. That proves that the status quo is condemning less affluent families to schools that are underperforming.

Dr. John Pugh (Southport) (LD): The hon. Gentleman has indicated that a lot of people exercise choice in a variety of ways and that some people will go to great lengths to exercise their choices. Is he suggesting that the state should facilitate every conceivable choice—for example, the provision of grammar schools if people want them—or does he put a limit on that choice?

Mr. Foster: The hon. Gentleman poses an interesting question. Choice should be made available to parents. Clearly, it will be limited by the capacity of a school to deliver the options that parents want for their child. The system may not have the capacity to deliver a choice for a child with a specialism in a particular field. On the grammar school issue, I do not want to see a return to the unfairness of the selection process at age 11, which determined some pupils' success because they went to a fast-track grammar school, while many others were destined not to succeed because they went to the equivalent of a secondary modern.

Dr. Pugh: The hon. Gentleman has answered my question, "How much choice?" by saying that choice will always be limited by capacity—but the state can decide that capacity, so it has to make a prior decision as to how much choice it will offer. He has not really addressed that issue.

Mr. Foster: Clearly, if we take the most extreme example of one child with a particular specialism, there is no way that the state can cope with providing the perfect education for that child. There will clearly be a compromise, but it is a matter of what is in the best interests of the local community, and of giving parents a semblance of choice. We will have to accept that compromise.

Mr. Edward Davey (Kingston and Surbiton) (LD): Is the hon. Gentleman aware that the White Paper would stop parents, acting together, making a new school into a community school? Does the removal of the community school choice extend or narrow parental choice?

Mr. Foster: That is an intriguing question, in that it relates to one controversial aspect of the White Paper. If a new school is to be set up, the White Paper envisages it as being of an independent trust nature; it cannot be a community school. It will be a foundation as opposed to a community school. The Government need to examine that matter closely, but we must accept that not all local education authorities deliver perfect standards for the child through the community system. However, the hon. Gentleman makes an interesting point.

I want more detail on how the White Paper will support less affluent parents in making informed choices about secondary schools. If transport is a problem, bussing is, without doubt, a solution. I know that it conjures up fears about the 1960s racial divide in the United States, but bussing is a fact of life in rural and semi-rural areas. Pupils are bussed to my children's secondary school daily. If buses are used to transport the better-off as well, any social stigma attached to bussing will fail.

Local education authorities as commissioners, not providers, can deliver parental advice, but the choice issue is about more than just social class divides. Central to the whole debate is the question of whether choice helps deliver higher standards. I asked the Library for information on parental choice in the magnet school system in the United States, and it provided an excellent response. An academic review makes it clear that there are greater opportunities to involve parents in monitoring and driving up standards when they can choose secondary schools for academic reasons than would occur if only convenience or location of the school were their motivating factor. That is an obvious but important conclusion.

David Taylor: Does my hon. Friend think that the White Paper is right in marginalising the influence of county hall but strengthening the influence of Whitehall on education?

Mr. Foster: I am not certain that that is what the White Paper does. I know from discussions with my hon. Friend that he rates his LEA highly, but my experience with my LEA is not the same. We come at this from slightly different directions.

I said earlier that no teacher goes into a class to do a bad job.

David Lepper (Brighton, Pavilion) (Lab/Co-op) *rose—*

Paul Rowen (Rochdale) (LD) *rose—*

Mr. Foster: I did not think that what I said was that controversial.

David Lepper: My hon. Friend indicated that it is clear that some LEAs are better than others. Does he agree that an underlying problem with the White Paper is the stigmatisation of all LEAs as failing to provide incentives for parental involvement, innovation, success and so on, which many of us witness every day in schools in our own communities?

Mr. Foster: I do not think that the White Paper stigmatises all LEAs. There are examples of good practice in LEAs. Some are delivering many of the items contained in the White Paper. Such models encourage us to believe that some aspects of the White Paper can be achieved, as they are already being delivered by LEAs.

Paul Rowen: Can the hon. Gentleman explain how a choice-based system will improve inner-city schools? He mentions the magnet schools. I worked in an inner city for 15 years and saw the effects of a city technology college. CTCs weakened the surrounding schools, particularly when, as happened in the past, they were given extravagant funds that were not available to other schools.

Mr. Foster: I agree with the hon. Gentleman that the advantages that were given to some schools in the early 1990s worked to the detriment of many inner-city schools and areas of deprivation. I shall come to the very point that he raises in a minute or two, if he will be patient.

Parental interest and involvement in a school can encourage teachers and managers to improve what they do. I firmly believe that the basic catchment area admission policy serves merely to trap the poor and to liberate the better-off to move away from bad schools to good ones. Frankly, there is nothing socialist about such a policy. Indeed, it is the very antithesis of what the Labour party should support.

If choice is encouraged, that must be backed up by fair, simple and transparent admissions policies. We should not countenance any system that gives an in-built advantage to the middle classes. They know how to work the system now. Nor should we support types of school that favour only the middle classes. So, as the hon. Gentleman pointed out, any academy created should only be for schools that are significantly underperforming—not the coasting schools, but the ones that are failing the majority of their pupils. I want to make the new schools so good that they will act as a magnet for the middle classes to aspire to get their children into, but with positive admissions policies that will ensure that the less well-off are the ones that benefit the most.

Having worked in both the private and the public sector, I would urge caution on those who think along the lines of some character from *Animal Farm*, that all private is good and all public is bad. Simply, there are good managers, some in the private sector and some in the public. If we are going to get support and partners, the trick is just to pick the good partners. To reduce the fears of the public being short-changed in the long run, it would be prudent for an academy or trust to be run on a fixed-term contract. The contract might be for five years, obviously with a chance to renew, subject to the meeting of targets that were set for that trust or academy at the start.

We need to be vigilant in securing the best for all our pupils. The US, hardly a socialist utopia, has countless examples of admissions policies that protect the less

[Mr. Foster]

well-off and deter the creaming off of pupils, such as the quota or banding system that has been described in the White Paper. If middle-class or any other parents get involved in the running of schools, to drive up standards of achievement or just to improve behaviour, not just some but all the pupils benefit.

I am concerned about the way that admissions will be managed in a system of more independently run schools. The LEA has a key role to play. The White Paper, however, refers to a code of conduct of which schools should be mindful. I am not sure that that is strong enough language or would give the LEA the power to intervene if the system was not working or was being abused. Will the Government support having schools abide by, not just consider, local admissions policies? That would provide firm ground for those who have at heart the best interests of those parents who do not know how best to play the admissions system. If colleagues accept choice as a reality, equal opportunity for that choice to be exercised is essential.

The reality of the situation tells me that LEA-wide admissions policies may not always be most appropriate either, given the variety of local situations. In my county of Worcestershire, we have two-tier and three-tier systems for secondary education. Clearly, those systems are not wholly compatible within the county, and admissions policies are not wholly compatible. Perhaps there should be a district-wide or school-family-wide admissions policy, such as with Worcester city and Martley.

The local education authority is more likely to operate a fair admissions policy as a commissioner rather than a provider of schooling. Some colleagues are fiercely protective of the LEA role in education and see no need to change. Some fear the loss of democratic accountability, but bluntly, if the current role is working, why do the lowest socio-economic groups still suffer from the poorest outcomes? Why are the schools most likely to be underperforming more likely to be based in areas of the most deprivation? If LEAs had cracked this nut, I would be defending the status quo. They have not, and I will not. Indeed, some LEAs make the situation worse.

In Worcestershire, under a Labour-Liberal coalition, under a Tory minority-run administration and now under Tory majority rule, small schools received over-generous financial payments, at the expense of those schools with deprivation needs. Deprivation is a real issue in urban constituencies like mine. I quote Ted Wragg—from a new Labour MP, that must be a first for him—who said that

> "poverty kills educational chances by grinding the soul . . . a few thrive, despite the adversity, but most are submerged under the sheer weight of their deprivation".

My LEA singularly fails to respond, having other priorities. There is an argument for supporting small, rural schools, but not any small school. The LEA argues that head teachers support such a local funding formula, but four head teachers of 150-pupil primary schools, receiving a generous subsidy, will always out-vote one head teacher with a 600-pupil primary school.

With the widely welcomed initiative to fund personalised learning, I beg the Minister to break the armlock that local education authorities have on funding. Schools should be funded also by Government according to the school's local needs, not just those of their authority. Small pockets of urban deprivation are masked by relatively prosperous shires, and children in my constituency and those like it suffer. Not all schools in Birmingham are in poor areas, and not all schools in Worcestershire educate the relatively well-off. It is vital to scrap the outdated funding method for core funding and top-ups based on an LEA-level assessment.

In my research for the debate, I considered the magnet school situation and a report by an academic called B.R. Clark from the United States. He came out with an interesting quotation, and I beg to ask leave of the Chamber to read it:

> "When so much depends upon where you live, as in America, equal access is out, made impossible by the neighbourhood monopoly of each comprehensive public high school. To have students choose among distinctive schools, especially under broad district guidelines on student body composition, would certainly promote more genuine equality of opportunity, even as schools become dissimilar and ranked. Hence, charges of elitism made in the current debate against essential schools, magnet schools, charter schools, and other kinds of educational specialty shops have it all wrong. It is in the current structure that elitism runs rampant. Behind the bureaucratic pretense that comprehensive schools are equal schools lies the unquestionable fact that millions of students from poor and minority families living in poor neighbourhoods are held captive in schools that are nowhere near as good as those found in well-off neighbourhoods."

Unfortunately, that was written in 1989. It could have been written today.

Several hon. Members *rose—*

Sir Nicholas Winterton (in the Chair): Order. A long list of Members have written in, and clearly the Minister must have time to respond. May I make a very strong plea to Opposition spokesmen to speak at rather less length than they would normally be entitled to, to ensure that as many Back Benchers as possible can get into this very important debate?

9.57 am

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): On the face of it, the White Paper talks the talk. Unfortunately, it does not live up to its promises, and on close scrutiny it does not take long to find some of its flaws. It talks about trust schools being created with new freedoms and powers; however, that provision is already available—for foundation schools.

It is hard to see the difference between the existing provision for foundation schools and the proposals for trust schools. Will the Minister enlighten us and provide us with a list of perhaps five differences, so that when teachers and head teachers say, "We haven't chosen to go down the foundation school road, so why are trust schools different?" we can provide them with some practical differences? That would be helpful.

There are several major flaws in the White Paper. It pledges to reduce bureaucracy on the one hand, but proposes to provide guidance and assistance to schools on the other—in effect, to tell them how they should use their new-found freedoms. That will be done via the Training and Development Agency for Schools.

The White Paper talks about creating a new legal right to enable schools to provide discipline. That is much welcomed, but it is hard to see how that right will comply with the introduction of the national behaviour charter. Surely one contradicts the other.

The White Paper talks about giving parents new powers via parent councils, but as the hon. Member for Worcester (Mr. Foster) said, funding is firmly in the armlock of the LEA. There will be no real reduction in bureaucracy, and the White Paper in fact provides for increased centralisation.

Another major flaw is the fact that, as the White Paper says:

> "The National Curriculum, the assessment regime and the usual provisions on teachers' pay"

will remain the same. They will still apply, and what our children are taught, how and by whom will stay exactly the same. That is particularly disappointing. One would have hoped that the Government would use the opportunity of the White Paper to tackle some major issues facing secondary education.

One of the main problems facing education is that the global economic axis is tilting towards China, India and Brazil. Those countries produce engineers and scientists by the thousand every year. I do not know anyone who doubts that if this country is to compete nationally in a rapidly changing global marketplace we must educate our young people to the highest standards. We must be able to compete in highly knowledge-based and highly skilled industries. Can we do that? Does the education White Paper grasp the challenge?

One challenge is to look at the way in which science is taught in schools. In the majority of state schools science is taught as a dual science subject. In the independent system it is taught as a single science subject. Privately educated people can equip themselves with the skills needed to go to university to study biochemical engineering, medicine, drug research, engineering or a whole host of other courses to position themselves well in the skills marketplace and ensure that they become high earners. Those who go to state schools do not have the same options. Anyone who attends a state school anywhere in the United Kingdom will probably have the chance to study science only at dual level, which does not provide the depth of knowledge required to move on to university.

Nia Griffith (Llanelli) (Lab): Many, many state school pupils go on to have successful university careers and many students who start off by doing dual science end up doing separate science at A-level. The hon. Lady's blanket criticism is unnecessary.

Mrs. Dorries: Unfortunately, the figures do not back up the hon. Lady's statement. The overwhelming majority of children who go on to university to study science come from the independent sector, not the state sector. To bear that out, only two of the 27 new academies offer science as a single subject.

If children from the state system want to go on to study important subjects that we will need, such as medical innovation and research, they cannot. Why did the Government in their White Paper not grasp that challenge and offer heads the opportunity to change the curriculum in their schools or to adapt the curriculum so that they could offer those subjects? Why did the Government not use their most relevant and important White Paper to tackle some of the real issues of inequality in our education system today? Instead, the White Paper is full of politically correct words such as "pivotal reforms" and "removing barriers", which mean nothing. There are no real reforms behind the glossy words to back up the rhetoric and, unfortunately, it is largely a testament to spin. If the Government really believe that market-based reform is the way to improve schools, surely they would empower head teachers to prepare children to compete in the changing labour marketplace and allow them to change the curriculum. The nation needs those skills if it is to remain competitive.

The hon. Member for Worcester said that all schools were different and he was right, but all children are the same. Our young people are the message we send to the future. They are all aspirational. The message that the White Paper sends is that the Government got it wrong for eight years and when they tried to put it right they got it wrong again. They missed the best opportunity they had to make the necessary change in how our schools operate and they thought that media studies, not science, was the essential economy-enhancing subject of the future. One must ask what has been happening for eight years.

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): Will the hon. Lady acknowledge that the creative industries are a growth sector and that they are the fastest growing sector for employment? Subjects other than science are important.

Mrs. Dorries: I acknowledge that they are a growth sector, but they will not enable us to challenge China, India and Brazil, which are dominating the growth market at the moment. The creative industries may be a growth sector in the UK, but I doubt whether they are in the world economy.

The White Paper would not be on the table today if it had the teeth needed to meet our challenges for the future. I wish that the Government had embraced the needs of tomorrow and enabled schools to meet the challenges that they sometimes fail to meet. I wish that there was some real promise for children in schools who are aspirational and want to work in highly paid industries. I wish that it had offered them those challenges; I am afraid that it does not.

Several hon. Members *rose—*

Sir Nicholas Winterton (in the Chair): Order. If hon. Members restrict their comments to five minutes, all those who want to speak will be called.

10.5 am

Mr. David Chaytor (Bury, North) (Lab): I will be brief, Sir Nicholas. I simply want to make three main points. In spite of the difficulties with the presentation of the White Paper to many Labour Members and many of our colleagues in the country—Labour councillors, school governors and members of our party—we must draw a distinction between the political management of the White Paper and its content. First and foremost, it is important to say that 75, 80, or 85 per cent. of the content of the White Paper will be widely welcomed by parents, members of our party and the wider public. The sections that deal with freeing up the curriculum, school discipline, reform and improvements to the work force

[Mr. David Chaytor]

and parental involvement—although there are some problems there—are eminently sensible. My only regret is that we did not have a White Paper like this eight years ago so that we could have made even more improvements to our system in the time that we have been in office.

The White Paper contains an enormous amount that is good, welcome and long overdue. However, there is the question of structural change. I welcome the fact that the Government finally recognise that structures and standards are related. The issues involved in the structural change are hugely controversial. My fear is that, as the White Paper is written—with the new system of trusts—we could easily be led down a road that would mean that Britain had the most stratified and segregated system of secondary education in Europe. If schools are to be given greater autonomy and greater powers, if we are to have a greater range of providers in the system, and if competition is to be injected to a greater degree than before, it is critical that there are counterbalancing measures to ensure that the energy and innovation that are released are used and developed for the public good, for the good of the local community and in the national interest.

It is critical that there is clarity about what new powers are being given to local education authorities and particularly about how the schools commissioner is going to do his or her work. I want to dwell on that for a moment. There seems to be a big gap in the description of the trusts and how they might work. How do we prevent some schools—the most dynamic schools, the schools that happen to have energetic head teachers and supportive governing bodies—from simply acquiring the best and most influential trusts and therefore moving forward in a way that will simply widen the gap between schools that are already strong and schools that are less strong?

The White Paper makes some reference to the role of the schools commissioner and says that he will work, in particular, with schools in underprivileged and disadvantaged areas. However, it does not say that the trusts idea will be targeted specifically to give strength to the schools that need it most. We must include in the forthcoming education Bill something that makes it clear that we are about helping, supporting and building up the strength and status of schools that are currently in the weakest position.

It follows that the key to the success of a more autonomous school system is the admissions policy. The White Paper is clear about the need for a fair admissions policy. I welcome the fact that our election manifesto earlier this year also gave great prominence to the concept of fair admissions. Sadly, as things stand, we have not yet quite defined what a fair admissions policy is. I endorse the comments of my hon. Friend the Member for Worcester (Mr. Foster) about the need for the national code of practice on school admissions to be made mandatory—that is to say, for schools to have to comply with it rather than just have regard to it. However, that will work only if the content of the code is worth complying with and will lead to greater equality of opportunity.

Nia Griffith: Is my hon. Friend, like me, puzzled by the three-year limit on the admissions policy? It seems that the idea of having an admissions policy is washed away if, after three years, schools can do what they like. If some schools are scrabbling for the brightest pupils, that may leave other schools out in the cold. That would completely distort the balanced picture that the admissions policy is supposed to support.

Mr. Chaytor: I agree completely. The three-year limit is a recipe for further instability in the system, and it must go.

I am not sure whether I have earned an additional minute, Sir Nicholas, as a result of the intervention or whether the same rules apply in Westminster Hall as in the House. I shall bring my remarks to a close, however, because I know that other hon. Members wish to speak.

The White Paper refers to the use of banding. I am not sure that that is a panacea, as banding brings its own difficulties. However, if we genuinely believe in fair admissions and balanced intakes, the new code of practice must be clearer and more specific. Given that the Government have recently completed a consultation on the new draft code of practice, it would be absolutely inconsistent for the revised code to be published before the proposed education Bill goes through the House. I hope that the Minister will assure us that the revision of the code of practice on admissions will not be published until the House has fully scrutinised the Bill.

10.11 am

Paul Rowen (Rochdale) (LD): I thank the hon. Member for Worcester (Mr. Foster) for initiating the debate. The publication of the White Paper means that this is a timely opportunity to debate the reform of secondary education.

How will the White Paper raise standards in inner-city schools, which has been the key issue in my career so far? I ask that as someone who has been a teacher for 28 years, 25 of which have been spent at inner-city schools. I was a deputy headmaster at a large secondary school for 15 years.

The White Paper, by concentrating on structures, misses the point. The Government did much good work in their early years, when they concentrated on what was going on in the classroom, on the processes and on what they could do to improve what pupils are taught. I mention the early years strategy, the literacy hour, the numeracy hour, key stage 3, specialist schools and the leadership incentive grant, which was beneficial where I was working.

The Government have now moved away from that good work. The White Paper, in contrast, talks about self-governing schools, trusts and weakening the role of the LEAs. How will those measures improve what is happening in the classroom?

I worked for 15 years in Bradford. Choice is available for the few in the inner cities. It is okay for the rich, the middle class and those in the know, but the Government are offering choice as a panacea without doing anything to improve standards, and that is totally fallacious. I worked in south Bradford, where there are six secondary schools, of which one was a city technology college. Under a Conservative Government, we had to put up with the fact that that school was given exorbitant resources and a preferential admissions policy. The effect of that policy was to weaken the other five secondary schools in south Bradford. That is not the situation now. Those six schools have been working together for the past few years. Indeed, last year I was the improvement grant co-ordinator for those schools.

However, one of those six schools is a former CTC and three were in serious weakness or special measures last year. The problems that they faced—they faced them together because they were working as a federation—are common: the inability to recruit and retain the right staff, problems with the condition of the buildings, and so on. I read the White Paper and say, "What are you doing to improve standards?" I am afraid that I see precious little being done.

The role of the LEA is crucial in improving standards. The Government have an obsession with the private sector; I compare Bradford LEA, which is privatised, with the LEA in my constituency of Rochdale, both of which were put on special measures at the same time. Last year, Rochdale, which is still a genuine LEA, had the fastest-improving rate of key stage 4 results and this year its key stage 2 results had the fastest improvement in the country. There are no secondary schools in Rochdale in special measures and it is introducing the "Every Child Matters" agenda by bringing social services and education departments together in one body.

I compare Rochdale with Bradford LEA. It has academies, takes part in every experiment that the Government want and has made only modest progress. Last year, 11 secondary schools in Bradford had serious weaknesses or were in special measures. In terms of its progress, which is shown in the results table, it is in the middle of the league. The progress in Bradford is nowhere near that in Rochdale.

What worries me about the White Paper is that it does not address the fundamental problems that areas in inner cities such as Bradford need to address: the need for sustained investment and co-operation, not competition. We had 18 years of competition under the Tories and it did absolutely nothing for secondary education in Bradford.

I want the Government to look closely at what choice means. If it is choice for the few at the expense of the majority, or if it means even one of the six schools being left languishing and the children in it not getting the benefits of the education that they deserve, and which others receive, that is completely unacceptable. The Government should be talking about schools working together to improve results, with weaker schools being supported by the stronger ones. That will not happen under these proposals for choice. We had 18 years of that, and I do not want to return to it.

10.18 am

Jon Cruddas (Dagenham) (Lab): I want to emphasise a couple of points that my hon. Friend the Member for Worcester (Mr. Foster) made on the White Paper's agenda. I acknowledge his good work in securing the debate.

I shall take up the argument advanced by the hon. Member for Rochdale (Paul Rowen) about the links between class and attainment but from a slightly different standpoint—not by taking a dogmatic approach in terms of public or private sector but by showing the empirical evidence of the work done by schools in my constituency in providing change in life opportunities for local kids.

The statistics relating to the borough are relevant. London-wide, on average, about 18.5 per cent. of adult residents have a higher education qualification. In the borough of Barking and Dagenham, the average is about 3.5 per cent., and the rate of adult numeracy and literacy is the second and fourth worst nationally. The borough's track record on secondary schools is not good: in 1992, only 15.5 per cent. of pupils achieved five or more GCSEs at A* to C grades. Overall, the historic picture is of persistent low levels of attainment and educational aspiration. However, in the last 10 years there has been an extraordinary transformation in the performance of secondary schools; six of the eight or nine in the borough of Barking and Dagenham are in my constituency.

In 1996, 27 per cent. of the pupils obtained five or more GCSEs—18 points behind the national average, which was then 45 per cent. Last year, more than 50 per cent. secured five A* to C grades, just 3 per cent. behind the national average. That is an extraordinary rate of change in the performance of the LEA. In the space of 10 years, that was the most improved local education authority in the country as to school attainment for secondary school kids. That cannot be ignored, not least because the GCSE results are reinforced by improvements across key stages 1, 2 and 3.

We are witnessing a transformation of attainment and life opportunities for working-class kids in our borough. That radical change has, fundamentally, been built on the strategic leadership of the LEA and strong leadership from the schools. The hard groundwork has been established for durable change in school attainment. That has been based on a comprehensive strategy involving local schools. The cornerstone of that strategy is the principle of the local community school at the heart of each neighbourhood. I do not quite understand how this pragmatic, durable, incremental and comprehensive strategy dovetails with the strategy contained in the White Paper.

In 1997, the Prime Minister said:

"what works is what counts".

He also spoke of standards, not structures. However, we are seeing further local advancement for our kids put at risk because of a preoccupation with structures, forms and governance. The White Paper states that the only structure for the future is

"a system of independent non-fee paying state schools. It will be for schools to decide whether they wish to acquire a Trust . . . or become a self-governing foundation school."

The White Paper removes the right of local authorities to publish their own proposals for the establishment of new community schools. It states that

"no more community schools (primary or secondary) will be established".

Our local strategy has been based on the notion of the community school. It is ironic that, a few weeks ago, it was proposed that the White Paper be launched at a local community school that we had just opened—the Jo Richardson school at Castle Green in Dagenham. That did not happen, but it is a fantastic school, which has a revolving door in terms of people, including international visitors, coming in to look at the new

[Jon Cruddas]

building and the performance that it promises. That is a fantastic illustration of the strategy being systematically developed by the LEA. That strategy is at risk.

Arguably, this matter is more important in our community than any other, because our population is anticipated to grow by some 35,000 over the next 10 to 15 years. Therefore, we are not talking about closing schools; we are talking about building more. Arguably, we shall be building schools outside the system that has delivered the fastest rate of improvement in school attainment for working-class kids in the country. We have some of the most difficult terrain in terms of the long legacy of underperformance of public services and poverty of attainment and aspiration among the working class. I do not see where that fits within the strategy outlined in the White Paper.

A benign view of the White Paper is that it will allow for local conditions and may have a much more flexible introduction than we assume. Moreover, in contrast to the earlier grant-maintained schools, there will be no financial inducements. However, I am not too sure about that because I have heard that those schools that become trusts will have their deficits removed at a stroke, which, I infer, will be a financial inducement to move outside the present regime. That is in direct contrast to our local successful model. The objective is greater fragmentation at local level, not least because the White Paper gives all foundation, voluntary-aided and trust schools the freedom

> "to use the approach . . . that they think will best meet their local circumstances"

when considering admissions.

My borough is interested only in increasing equity and building excellence. We have a strategy that is systematically delivering for local people in very challenging circumstances. At the moment, I cannot see how the White Paper will aid our local pragmatic strategy, I cannot see how the admissions system will deliver and I cannot see how the trusts will positively transform the picture. It will take some strong empirical evidence to convince me that the laudable aims of the Government to provide a better education for every child can be achieved by the measures outlined so far in the White Paper.

10.24 am

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): I shall address the White Paper, but I feel that it would be useful to outline some of the challenges faced in my constituency by staff and pupils in the borough of Hackney. Hackney has a high turnover of population of around 20 to 25 per cent. a year. When I visited a primary school during the summer, the head teacher told me that, in year 6, fewer than 20 per cent. of pupils had been there since reception. That highlights some of the challenges faced throughout the school system. Over 80 per cent. of pupils are from black and ethnic minority backgrounds. Half of all secondary school pupils have English as an additional language, which, compared with a national average of 10 per cent, underlines the challenges. The percentage of pupils eligible for free school meals is almost three times the national average.

However, Hackney's secondary schools are among the fastest improving in the country in terms of GCSE results. Provisional results from the Learning Trust suggest that performance improved at more than three times the national rate. Six out of eight secondary schools now have over 50 per cent. of pupils gaining five A* to C grades, although in 2002, only one of the then nine schools could boast that. We are seeing a step change. Given that baseline in 2002, it is hardly surprising that Hackney's mayor, who was elected that year, the Learning Trust and the MPs have been supporters of the city academy's programme and the London Challenge, which have already made such a difference to Hackney's schools.

We already have the oversubscribed Mossbourne academy, in a top-quality, brand new building, designed by Richard Rogers with guidance from the head teacher. It was designed to suit the pupils. Mossbourne is, along with the planned Bridge academy and Petchey academy, which are yet to be built, a mixed non-denominational, non-selective school. That is in response to a local need, and we look forward to seeing its impact as those pupils reach GCSE level. Hackney is also one of only a few boroughs where all secondary schools have specialist status, and we have seen the difference that that makes to GCSE attainment. However, despite all those achievements, we all know that there is still a long way to go. The challenges of population turnover, multilingual home environments and poverty contribute to that challenge. One thing is clear to me, as a relatively new Member of Parliament: there is no poverty of ambition in Hackney. Many constituents whom I meet are working and studying and, at the same time, supporting their children and encouraging them to do well at school.

Some people have criticised the White Paper for suggesting the abolition of the LEA. I am a Labour and Co-operative Member of Parliament and I firmly believe in decentralisation, and in devolving power to the most appropriate local level. For most people who are directly involved in education—the pupils—their connection is with their school. Hackney's schools already have a great deal of autonomy and the LEA no longer exists in a traditional form, having been replaced by the Learning Trust. When that happened, the sky did not fall in. In fact, as I outlined, we have seen significant improvement in school achievement. It also placed councillors in a challenging role in taking on the strategic vision for the future of our schools; that is something that the elected mayor of Hackney, Jules Piper, has risen to, along with his council colleagues. However, it means that we need across-the-board support for councillors to take on that role. It is easy to get lost in the daily detail of running schools, and we must take that up a level.

I want to touch on the issue of extending autonomy to head teachers. Although I favour it, I urge my right hon. Friend the Minister to consider two things. First, heads and governing bodies must be held firmly to account if they are to have such a level of responsibility and control. Secondly, where an LEA is doing a good job and there is no appetite from local schools to take on more, we should allow for some central support. However, that should be coupled with a pressure to devolve and appropriate responsibility for heads. It should not be an opt-out.

Parental involvement is another issue, but I do not have time to go into it now. I simply want to indicate to my right hon. Friend the Minister the importance of including all parents, not just those who are in the know. There should not be carte blanche for those who can work the system. Many parents in my constituency, who do not have English as a first language and do not understand the system, feel shut out at present. If the White Paper helps them to get involved, that is a good step, but we have some way to go before that becomes a reality. I am keen to hear the Minister mention that.

I have just a moment to mention a report that was published yesterday by the Joseph Rowntree Foundation, which I commend to hon. Members. I shall not go into the detail, but it highlighted the difference in achievement among certain ethnic minority groups. It concludes that they can succeed and have high aspirations. The Government have launched "Every Child Matters" and the youth Green Paper, and we must see a continuum from one to the other. "Every Child Matters" focused on children in care—the hard end of the spectrum of children. We must see a much wider agenda. If, in the White Paper, we are saying bye-bye to the LEA and hello to a children's authority, that can only be good. However, that authority must champion the needs of those who are most in need, commission successfully, and challenge to create the widest range of provision, youth work and other support for children, to make a real difference to every child. If the White Paper is proposing a personalised education agenda focused on the pupil and not the institution, we welcome it, with some of the caveats that I have outlined.

10.30 am

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): I invite my right hon. Friend the Minister to visit Sheffield to look at the issues there. With other Sheffield MPs, last night I met 65 colleagues, many of them councillors and school governors, who expressed concern that much of the White Paper addresses perceived problems in parts of London and has little to do with the issues faced in Sheffield. I welcome many elements of the White Paper, but I want to express the concerns raised at that meeting.

First, there was a feeling that the choice agenda is being developed too far: if any secondary school that is successful and full—there are some in my constituency—can expand at will, without being part of a co-ordinated approach to the city's overall capacity, that will cause problems. Not only will it not provide a solution for at least three years, but it will happen at a time when there is over-capacity in secondary schools, as numbers fall. If we allow successful schools to expand, will that mean spare capacity in other schools—perhaps struggling schools in more deprived communities? Will the solution therefore be to bus more of the academically able kids from those schools to the more successful ones, leaving behind those that are unviable? That is contrary to the Government's sustainable communities approach, as those schools are buildings not merely for educating kids, but for adult learning, for youth and for the community. There does not seem to be much joined-up government in that approach.

There is a need for somebody to oversee expansion in the area. Sheffield college in my constituency, which is looking to develop post-16 vocational provision, is worried about going ahead because it is not sure whether the local schools will develop a similar capacity at the same time, with nobody having the oversight to control the process, get the bodies together and say, "We will do one thing rather than another". The idea that the building programme can simply be a free-for-all will not work.

We are successful in getting about 95 per cent. of first choices for parents and children in Sheffield. We have a joint admissions policy, which we work with Rotherham and Derbyshire on a joint arrangement basis. We are worried about the idea that every school will have its own individual admissions approach and that none will ultimately have to conform to the fair admissions code. We do not believe that a series of separate, fragmented admissions policies with a different form for every school will help parents to make a decent choice.

We are worried about trusts coming in and a different form of ownership, when at present in Sheffield families of schools work together under the LEA. We believe that that is the way forward—through co-operation rather than competition. We do not believe that LEAs will micro-manage schools; they do not do so in Sheffield now. Their role is to be a locally elected, democratically accountable body, with the right to plan capacity, oversee admissions, ensure co-operation and take strategic decisions. That is what we want to retain, and we are worried that the White Paper challenges some of those important rights.

10.34 am

Anne Snelgrove (South Swindon) (Lab): I became an education adviser when the national curriculum was introduced in the late '80s, at a time when schools were encouraged to apply for grant-maintained status. I remember the way in which that undermined the whole system, with unfair admissions and unfair funding. It is therefore crucial that, in their reorganisation and reform of secondary education, the Government ensure that there is fair funding for all schools and a tough admissions policy to which they all adhere, including a fair way of sharing pupils with behavioural problems. I recall the words from the 2005 Labour manifesto:

> "We will encourage more dedicated provision for disruptive and excluded pupils . . . and no school will become a dumping ground for such pupils."

Those words are particularly relevant in my constituency, where full schools can refuse disruptive pupils, thus creating a two-tier secondary system. Although I hear what my hon. Friend the Member for Dagenham (Jon Cruddas) says about his constituency and community schools, I know that in my constituency there is a clear split between community schools and foundation schools—where grant-maintained schools have become foundation schools. There is still a difference between the pupils going to those schools: pupils from more deprived areas go to community schools.

As an education adviser, I saw the Tories' failure to invest fairly in education in all schools, which created the two-tier system. I taught a few lessons in the '80s and '90s, but I learned two important truths. We cannot reform the whole system without both the investment to back it up and the structures that will create a level playing field for every school. That is why I welcome the

[Anne Snelgrove]

White Paper and look forward to those fair structures being introduced for schools in Swindon and throughout the country.

10.36 am

Mr. Edward Davey (Kingston and Surbiton) (LD): I congratulate the hon. Member for Worcester (Mr. Foster) on the way in which he introduced the debate, and particularly his initial remarks on the curriculum. They may have been outside the scope of the White Paper but he made some very important points, particularly on the importance of Tomlinson—we need to revive that process and get it back on the Government's agenda—and on vocational education, which he expressed extremely eloquently. Obviously, the Foster report has some things to say about that, but we also need to ensure that those lessons are taken into our secondary sector.

The debate is useful because we can try to get a clear indication from the Minister of what the White Paper means. As other hon. Members have said, there is some confusion about, and contradiction within, the White Paper on the future of local authorities. Will local authorities have more powers, or fewer? Where does the balance lie in their new role? What are the real differences between the new types of schools proposed? Do the words on parental choice mean much? Is it not just a matter of giving out some red meat to newspapers and parents but not delivering anything meaningful in the way of parental choice?

I want to focus my remarks on two issues: trust schools and admissions policies. Trust schools could be an interesting idea, which might help promote diversity in the secondary and primary system. However, as I said in an intervention on the hon. Member for Worcester, the idea of excluding community schools is nonsensical if we want diversity. Diversity should include a future for community schools. Trust schools may be a vehicle to extend the diversity that we have at the moment, but how will they work? Will they enable collaboration between schools, which is a key test, and how will they be structured? If the Minister cannot answer my specific questions on trust schools in the time that she has today, I hope that she will do me the courtesy of writing to me.

What are the carrots or sticks for a school to move to trust status? Reading the White Paper, one finds words such as "encourage". A new nationalised quango is being set up under the schools commissioner and it looks as though he or she may be pushing and cajoling schools to become trust schools. However, the framework is not clear and I would like the Minister to say a little more about that. Where would the freedoms and status of trust schools differ from foundation schools? Again, that is unclear. They might have a different relationship with outside sponsors, but how is that different from the status of specialist foundation schools?

How will the powers of existing school governors change if they vote for their school to join or become a trust? Will those governors be voting themselves out of a job? How will their relationship work with a trust that may be running 10 to 15 schools? Could a local authority be part of a trust? Could a series of schools come together with a local authority to form a community trust of schools? That is an interesting idea that could be developed if aspects of collaboration can be taken on.

The White Paper says that if a trust school wants freedom in relation to the curriculum, the school can apply for it. How will that process work? Does the school have to go to the Department or the schools commissioner? Who will confer that freedom on a trust school and what will be the rationale and criteria used for conferring that freedom? Can the Minister confirm that the Government have given a categorical assurance to the National Association of Schoolmasters Union of Women Teachers that trust schools will have to apply national pay scales and conditions? If so, how does that square with what the White Paper says? What will be the relationship between trust schools and a local authority? Will the new powers for local authorities in chapter 9—for example, to serve an improvement notice on a failing school—apply simply to community schools or will they also apply to city academies and trust schools? The Minister seems to assent from a sedentary position. I hope that she will confirm that for the record. Finally, on trust schools, do the Government have a timetable target for the number of trust schools that they want to be set up, say by 2009 or 2010? They have established a target for city academies. Do they have a similar target for trust schools?

On admissions, the Government seem to make four key proposals in the White Paper. They propose that every primary and secondary school could become its own admissions authority, that there will be a new duty on local authorities relating to fair access and that there will be more free school transport for disadvantaged children, and they make a rather undeveloped reference to banding. They are interesting ideas, but they have caused real alarm on the Liberal Democrat Benches and on the Labour Benches. If more schools—and potentially every primary and secondary school—could become their own admissions authority, that could be a serious threat to equality of opportunity. As another Member said, equality of opportunity is not necessarily guaranteed and certainly has not been produced in practice by the local education authority being the controller of admissions, but it is not clear that having 24,000 separate admissions authorities will guarantee equality of opportunity either.

Let us try to test the Government's model with some questions. If the Government are so keen on the model, why, as other Members have said, will they not make the code of practice on admissions legally binding? If they are not that keen and if the code is not made legally binding, how will the idea that the Secretary of State put forward—that there will be a statutory instrument making looked-after children the top admissions criterion for every school—work? It is a good idea to ensure that looked-after children are the top priority. What about special needs children as well? That is really important. How will that proposal work overall, in a legal context, within the codes framework?

How will the new duty for local authorities work? Will the local authorities have any teeth in pushing the duty? Will they be able to tell a school, "You are not promoting fair access. You've got to change your admissions arrangements, or the way you administer them"? Have the Government considered that that idea might fit within their own model? Schools could be allowed to set their own admissions criteria, but the administration of that admissions policy could be handed over to the local authority. The parents would apply to the local authority to go to a particular school, the school having set its own criteria. That would be a more transparent system. It would prevent schools from choosing parents and might mean that parents chose schools. Handing the administration arrangements over to the local authority might be the safeguard that some of us want—or one of the many safeguards that some of us want.

There are many other questions that I would like to ask, but I shall finish with three broader ones, although I want to focus on trusts and admissions. First, how will the White Paper help to address falling rolls in most parts of the country? I accept that in areas of the Thames Gateway, in Milton Keynes and in a few London boroughs, there are expanding populations, which means that there is a need for schools to expand and for new schools to be created, but that is not the case in the vast majority of areas. The White Paper mentions falling rolls only once. That is a dereliction of duty, given that falling rolls are the key challenge facing schools over the next 10 years.

Why does the White Paper keep so much power in Whitehall? As another Member said, many aspects of the White Paper read as though it is proposing a further nationalisation of education. Why is that and how does that square with the rhetoric about more freedoms?

Finally, how does the White Paper help the "Every Child Matters" agenda? It is talked about in some of the later chapters, which are among the better parts of the White Paper, but there are no proposals anywhere for a duty on schools to co-operate with other schools and the local authority to deliver "Every Child Matters". Frankly, without that, the White Paper is failing that agenda. The Minister must address that point.

10.45 am

Mr. Mark Hoban (Fareham) (Con): I shall try to restrict my remarks to give the Minister the opportunity to respond to the points that hon. Members have raised. I begin by congratulating the hon. Member for Worcester (Mr. Foster) on securing the debate and on the way in which he opened it. There was much that he said that I could agree with. In particular, he was right to highlight the fact that every school and every child is different, and that a system is needed that is built round the needs of the children rather than those of the school, the council or the Government.

I shall focus on three key issues that arise from the White Paper—choice, the expansion of capacity, and autonomy for schools. We in the Opposition welcome the emphasis in the White Paper on increasing school choice. Choice is a good thing in itself, but it is also an important driver to raise standards in our schools. The hon. Member for Worcester came up with some research evidence from magnet schools from the United States.

In his foreword to the White Paper, the Prime Minister highlighted the fact that

> "there is increasing international evidence that school choice systems can maintain high levels of equity and improve standards. Swedish parents can choose an alternative school to their local one, including a diverse range of state-funded independent schools. Studies have found that schools in areas where there is more choice have improved most rapidly."

That is an important message for the Government. They must ensure that choice becomes effective.

I shall be critical of the Government for the moment. Although, over the past three or four years, they have talked a great deal about improving capacity in our schools, and about ensuring that there are more school places for parents to choose from, the reality behind that rhetoric is that only seven schools have received funding from the Government to expand the number of places that are on offer and create additional choice in their areas. Looking at the number of schools that put forward applications to expand their numbers over the past year, two were rejected by school organisation committees and have already been referred to the adjudicator—that is two out of the five that school organisation committees have had the chance to look at.

We need more capacity in schools. Admissions policies have become so central to the argument because there is a shortage of good schools and a shortage of places in good schools. The Prime Minister was right when he said in a speech in Downing street, before the White Paper was published:

> "Where parents are dissatisfied, they need a range of good schools to choose from; or where there is no such choice, able to take the remedy into their own hands."

The point about equity is also important in relation to that matter, as the hon. Member for Worcester pointed out. Again, in his foreword, the Prime Minister said:

> "While parents can express a choice of school, there are not enough good schools in urban areas; such restrictions are greatest for poor and middle class families who cannot afford to opt for private education or to live next to a good school, if they are dissatisfied with what the state offers."

Choice and capacity therefore go hand in hand in this debate.

It is not clear from the White Paper that the Government have clearly identified what drivers they will use to improve capacity in the system. Reference is made to the funding for new schools coming through the "Building schools for the future" programme, and there is a suggestion that there might be a fund set aside for backing new schools. We need a concrete indication from the Government of how they will work to increase capacity in the school system.

It is also important, in tackling the issues related to attainment, to give schools greater autonomy. On Friday, I visited an excellent school in Portsmouth in which the head teacher has used the flexibility available to her to change the curriculum, to ensure that it meets the needs of children. In the past six years, that school has seen a 20-fold increase in the proportion of children getting five A* to C grades. The head teacher has been able to achieve that as a result of being given autonomy.

Academies have been set up with incredible autonomy in staffing, curriculum and governance. If those freedoms are seen as vital in raising standards in areas served by academies, it is important that those same freedoms are made available to trust schools and foundation schools. I was concerned that the hon. Member for Kingston and Surbiton (Mr. Davey) made reference to an assurance that the Government had given to the NASUWT about trust schools not being

[Mr. Mark Hoban]

able to have those freedoms, because that certainly runs counter to the answer that the Minister gave me earlier this month.

The pivotal issue is the role of local authorities. We have seen examples of the ambiguity underpinning the White Paper, and the Government must be much clearer on that issue. Will the balance of power sit with Whitehall or with county hall? My concern is that those who are not fully signed up to the ethos and strategy set out by the Prime Minister in his foreword to the White Paper will use some of the checks and balances in the legislation to frustrate the aims of increasing school choice, creating more equity, raising standards and providing schools with autonomy.

The Government need to be much clearer, both to their own Back Benchers and to other parties in the House, about the direction of policy, so that we can understand whether or not the White Paper will live up to its political presentation or, as the hon. Member for Bury, North (Mr. Chaytor) said, live up to its substance.

10.50 am

The Minister for Schools (Jacqui Smith): I congratulate my hon. Friend the Member for Worcester (Mr. Foster) on initiating and introducing the debate. He drew on his considerable experience as an educationist, in business and as a committed constituency MP. He set a useful and important context for the debate, which was followed by some important and helpful contributions.

Although everybody has given me as much time as possible to respond in the debate, I will not be able to cover every single issue. However, I suspect that this debate is the first of many, so I am sure that, as well as responding to some specific questions, we will have ample opportunity to return to the issues.

The challenge of secondary education reform is one we set ourselves in the context of building on the significant successes of the past eight years. We have the best ever set of results for our young people at 11, 14, 16 and 18. We have a work force who have grown in size and quality—

"the best ever generation of teachers",

as evidenced by Ofsted. We have significantly reduced the number of failing schools and are able to turn around quickly those that go into special measures. However, as hon. Members have identified today, there are still challenges in the system.

Despite the fact that schools in disadvantaged areas have improved faster than others, we have more work to do to narrow the attainment gap between individuals. We have to do more to improve our staying-on rates post-16. Hon. Members rightly raised the important issue of reforms at 14 to 19. In the near future, we will bring forward the implementation plan that spells out how we will take the next stages for ensuring the right place for vocational education, for focusing on basic skills and for other important issues raised. We need to do more to improve discipline and behaviour, so that teachers can teach and pupils can learn. The White Paper is about meeting those challenges and raising our aspirations, both for individual children and for schools.

Some hon. Members have said that the White Paper does not focus on what is happening in the classrooms, but at the heart of the White Paper is the challenge of how we personalise and tailor education for every single child and ensure that progress is being made. We spell out and will give more detail about our support through new resources; through further reforms to the work force; through developing our information and communications technology; through the opportunity—particularly in those early years of secondary education, as my hon. Friend identified—for young people to catch up, where they have not got the basic skills necessary, and to have extra tuition and support through extended schools; and through expanding the gifted and talented programme. That will reach into every secondary classroom.

Likewise, as my hon. Friend identified, there will be the new challenges to performance-manage teachers in a way that focuses on their teaching and learning. The new Ofsted framework and the nature of the inspections raises the bar on school improvement. We will support school leadership, through the National College for School Leadership and, particularly, through the support for those leaders increasingly leading complex schools and working in collaboration with other schools to drive improvement through the system. Many such issues are covered in the White Paper.

Ensuring that we maintain the improvement in standards and make that reach every child is a big and important job. Arguably, that should not and could not be left to schools and educationists alone. That is why we argue in the White Paper for new opportunities for schools to draft in the support that they need. Our vision is of a system open to the influence and support of communities, of civic and faith bodies, of employers and of wider education institutions. The independent sector and the most successful state schools have always benefited from that type of support network. Our task is to bring its benefits to schools that have previously had to battle through alone. That is the starting point for the trust school model and why we will intervene explicitly—my hon. Friend the Member for Bury, North (Mr. Chaytor) made important points on this subject—to ensure that there is redistribution of the broader support to those in the most challenging circumstances.

I cannot answer all the detailed questions, but trust schools, while benefiting from the drive and success culture of external partners, will remain firmly part of the local authority family of schools, subject to fair admissions, fair funding and full accountability. We expect trusts to be developed by community organisations, binding the local school into its community.

There has been comment on the proposal that as local authorities move to a commissioner role, they should not be promoting and producing new community schools. Let me be clear. The term "community school" refers only to the legal entity of that school. It is clear, as we take forward this policy, that schools are a fundamental part of their community, linked into extended services and delivering on the broader children's agenda. That is what schools, whether or not they are self-governing or continuing as community schools, should be about. In building trusts around other successful schools, universities and community organisations, we can ensure that that is embedded more clearly in the way in which our schools are run.

All trusts will be required to have charitable objects, which we will set down in regulations. We shall proscribe certain individuals from being members of school trusts and ensure that no trust can be established without local consultation. I take seriously the point made by my hon. Friend the Member for Bury, North about how we focus the efforts of the schools commissioner to ensure that the external support is drafted into the schools in which it is most needed.

There was considerable discussion of choice and admissions in the debate. As my hon. Friends outlined, parents value the right to choose a school for their child and that choice cannot be driven by the ability to go into the private sector or to move house. We need to create more good school places. Although I do not have time to go into it, there is a strong emphasis in the White Paper on how we focus on school improvement and tackle school failure. As we create those places, we need to ensure that we redistribute choice. We shall achieve that by ensuring that we provide advice to those parents who need it most, not least to counter the problem of self-deselection, whereby parents are put off applying to good schools. We shall also extend the offer of free transport for the most disadvantaged pupils.

We will ensure fair admissions for all schools. Several of my hon. Friends raised that issue, and I listened carefully to what they said. We have a clear objective of ensuring that we develop the system described within a fair admissions system. It is not about returning to the divisive selection that several hon. Members identified as part of the previous grant-maintained regime. The school admissions code of practice is a device to which all admissions authorities must have regard in setting their admissions arrangements. It requires arrangements to be fair, clear and objective. We shall issue a new code in the new year, which will contain advice on reducing social segregation. The code is backed up by the schools adjudicator. However, I listened to and will reflect carefully on the points made by my hon. Friend the Member for Worcester about how we need to strengthen that process to ensure that we deliver on the objective of fair admissions.

Several hon. Members mentioned local authorities. At the heart of the school system will be the local authority. It will play a new role, standing up for the interests of pupils and parents, rather than protecting the providers, but it will be a significant role, ensuring sufficiency and planning of school places, including through strategic capital plans. The role will also involve ensuring that the admissions code is adhered to, integrating schools into the "Every Child Matters" work and the broader work on children's services, engaging parents, setting the terms for new school competitions, playing an important part in 14-to-19 provision and having new powers to intervene swiftly where schools are underperforming. I hope that I have given some reassurance that this debate will continue.

Sir Nicholas Winterton (in the Chair): We are grateful to the Minister for seeking to get in as much as possible in the time allocated. I regret to say that the hon. Member for Ludlow (Mr. Dunne), who has secured the next debate, is not present and, as there is no debate at 12.30, I therefore have no alternative but to suspend the sitting until 1 o'clock.

Mr. Edward Garnier (Harborough) (Con): On a point of order, Sir Nicholas.

Sir Nicholas Winterton (in the Chair): I regret to say that there cannot be a point of order on the matter. The hon. Gentleman who succeeded in securing the debate is not present at the appropriate time, so I have no alternative but to suspend the sitting.

11.1 am

Sitting suspended.

Worcestershire Acute Hospitals Trust

1 pm

Dr. Richard Taylor (Wyre Forest) (Ind): It is my privilege to have secured the debate. I am delighted that the Under-Secretary of State for Health and two other Members who represent Worcestershire constituencies, are in the Chamber, because I have become used to these debates being pretty nearly one to one, without many other Members present.

This subject is extremely topical for my constituents, and it will be very relevant to the Opposition day debate later today. I shall try to show that this is not only a local issue, but an example of problems that are increasingly widespread throughout the country. I shall, however, try to show that there are answers, too. My points come under four headings: the need for a review; the selection of options; the consultation process; and answers and solutions, which I really believe there to be.

First, why is a review necessary? In the words of the trust, it is necessary to achieve financial balance and to secure sustainable, high-quality clinical services. We know that for the first year ever, the national health service as a whole has not achieved financial balance. Various sources disagree about the amount, but the NHS as a whole is in the red, which has led the Department of Health to instruct primary care trusts and acute trusts to fulfil their statutory duty to balance their books.

The Worcestershire acute hospitals NHS trust tells us that it can break even in the year 2005–06 only with a cost-improvement programme of £15 million and with the support of the strategic health authority of £6.7 million. There is therefore a gap of £20 million to £30 million in the trust's finances. That does not include the PCTs, which also have deficits.

The problem is intense because of the unknown effects of payment by results and practice-based commissioning, because of the consultant contract, which is working out to be far more expensive than anyone predicted, and because of out-of-hours care, which is also more expensive than people predicted.

The trust brought in an external, independent management consultant to work out options for the review. The first thing that it discovered was that the trust is a high-cost provider compared with its peers, that the use of beds and theatres is inefficient, and that there are different deficits on different sites and among different specialties.

The first actions on the list are absolutely obvious: improve productivity, reduce bed occupancy, reduce length of stay, increase theatre productivity, and review the skill mix. No one argues with that. The aim and the figures that the consultant quotes depend on reaching the upper quartile for the length of stay in the peer group for all specialties.

I do not expect an absolute answer today; instead, I shall submit a parliamentary question. Will the Minister say whether the aim is feasible? Is any trust in the country in the upper quartile for length of stay in its peer group for all specialties? That is what the trust is aiming for.

The trust must reduce bed occupancy to 90 per cent. That should be possible if the trust ensures that there are no unnecessary admissions and that the entire process is speeded up. It is essential to reduce bed occupancy because the people who worked out the contract with the private finance initiative hospital in Worcester allowed there to be a surcharge for occupancy above 90 per cent. It is well known that 85 per cent. is the ideal for bed occupancy in an acute general hospital. The trust worked on a figure of 90 per cent., which was unrealistic given that people now agree that there has been a reduction in the number of acute beds. The trust is therefore paying some £2 million a year more simply because it exceeded 90 per cent. occupancy. Unfortunately, those who were involved in the negotiations have long since left, so we cannot hold them to account.

The second option in the list is about reconfiguring and rationalising sites, particularly focusing on sites and specialties with big deficits or staffing difficulties, but they include some of the bread-and-butter things that are most important to people: obstetrics, paediatrics, accident and emergency, and cancer services. Obviously, reduction or loss of such services will be violently opposed by everybody. I shall return to that issue.

Another option is to increase trading—again, absolutely obvious. Bring back the work that is going out of the county. However, that will be harder with choose and book, and with competition from the private sector, particularly if it is allowed to compete on advantageous terms. Another option is to improve income recovery—again, obvious. Get back every bit of money. That should be done.

An ominous option is to cease trading in unprofitable activity. Thank goodness, that is not being followed up immediately. Based on the trust's own figures, unprofitable activity involves obstetrics, A and E, and cancer. Even in a health market, one cannot reduce such services. The only other option that I shall mention is refinancing the PFI contract. If, as I presume, that means lengthening the mortgage, I would be very sorry if that were to happen.

On consultation, I welcome the trust's promise that the process will be open and that decisions will not be made beforehand. At present, we are in a period of pre-consultation. I refer to the splendid document, "Keeping the NHS Local—A New Direction of Travel", which was published by the Department of Health in 2003. It states that consultation

> "with patients and the public, and with staff, needs to begin right at the outset—before minds have been made up about how services could or should change."

One of the document's core patient principles is:

> "developing options for change with people, not for them".

It appears that the trust is taking those points on board in its pre-consultation, but there are huge problems for the managers in charge of the consultation. It must be seen to be fair to all people. I refer to a decision in Wyre Forest in 1997–98 that was, patently, not fair. It involved robbery of one area's services to attempt to solve problems elsewhere in the county's NHS, and was brought about at the end of the consultation by a pseudo-statistical option appraisal and a vote by 80 per cent. of the county against the other 20 per cent. The result was inevitable, and, as has been shown, did not lead to improved quality of care. That is why we cannot have any more drastic downgrading. It has not saved money but has cost local people a great deal of their own money and has led to many problems.

I have quoted this before but shall quote it again. Andy Black, the well-known health service consultant, stated in the *British Medical Journal* last year:

> "If the price of moving the complex emergency to an appropriate centre of expertise is that this patient is accompanied by another nine or 10 patients who are not complex acute cases then another set of problems is launched."

There certainly are problems when a patient is taken out of their own area. Sometimes it is easier to admit them than to let them go home in the middle of the night, particularly as a taxi from Worcester to Kidderminster can cost £40 in the evening. What elderly person has £40 in their pocket for an unexpected need?

I shall spend a few moments on answers and solutions, because I strongly believe that they exist, and again I shall refer to "Keeping the NHS Local". In the valuable summary of consultation responses that came out in July 2004 we find this sentence under the heading "What next?":

> "Keeping the NHS Local is now the core guidance to be followed by all health services planning change."

It is reconfigurations that always cause the problems. As I have said, they must be fair. They must also make economies where the major deficits are and must be viewed from a county-wide perspective to ensure that what is developed is best for the county as a whole and all the people.

No one is saying that we must keep everything at every site. We know that such complex procedures as cardiology and neurosurgery, transplantation, some cancer treatment and major vascular surgery are better carried out in major units. That is borne out again in "Keeping the NHS Local", which says:

> "Evidence from UK and US does demonstrate a close correlation between hospital volume and outcome in major surgery such as cardiology, neurosurgery, liver transplantation",

and so on. However, it also says:

> "Evidence from research does not support any general presumption that large hospitals benefit from economies of scale or that service concentration leads to improved outcomes for patients."

That is a reference to the bread-and-butter services to which everybody should have easy access and which must be retained locally.

That can be done by sharing and partnerships. Why have we not heard of trouble from Hexham and Bishop Auckland? It is because they have partnerships and degrees of downgrading that have worked, without causing a vast amount of strife. They have lost their A and E departments, but, in return, they have 24-hour urgent-care centres, where a doctor is always present. They can fulfil the requirement of "Keeping the NHS Local" to provide a minimum first port of call to assess, treat and, if necessary, transfer. They have kept medical admissions. What was so unacceptable at Kidderminster was the loss of the A and E and all acute admissions. That happened in the days when it was believed that hospitals had to have surgery if they were to keep medicine. Thank goodness that view has now been overruled, and acute medical admissions can be retained without keeping all of surgery

Miss Julie Kirkbride (Bromsgrove) (Con): The hon. Gentleman and I clearly share a great interest in this subject. Is he saying that the Alexandra hospital could become a centre such as the one at Hexham? Is he aware that at present about 48,000 cases go to the Alex every year and 52,000 to Worcester? Does he believe that it is remotely feasible that that could or should happen?

Dr. Taylor: I am being careful not to stray on to the hon. Lady's patch. I shall continue to plug my own patch unashamedly for a few moments more.

We lost so much in 2000 and we have borne the pain. We now have a modern treatment centre, which is not yet fully used, on which about £19 million was spent, not only for us but for the whole county, to separate elective from emergency treatment. That facility cannot be lost and must be used more. The annual audit letter for 2003–04 said:

> "The trust sees an increased case load at Kidderminster as the solution to many of its resource configuration and financial problems, but progress will be hampered if arrangements for medical cover in the evening and at night are not quickly agreed upon and implemented".

We lost our A and E, and that certainly has not worked. We have only a nurse-led minor injuries unit and patients still unnecessarily travel to Worcester. To support the point made by the hon. Member for Bromsgrove (Miss Kirkbride), I know that many people in Redditch depend on that A and E department. Moreover, the journey from Redditch to Worcester is far more difficult than the journey from Kidderminster to Worcester. A nurse-led minor injuries unit at Kidderminster hospital is not adequate. We also may lose our chemotherapy suite, which £400,000 of the local people's money initially provided.

The review across the county must be realistic and fair. Pain, if necessary, must be shared. We hope against hope that history will not be repeated in Worcestershire, or in other parts of the country where fairer and more easily implemented solutions are available. I remind the Minister of the 2001 Nuffield trust publication, "Local medical emergency units: learning set interim report", which details partnerships between neighbouring hospitals that really can work.

1.16 pm

The Parliamentary Under-Secretary of State for Health (Caroline Flint): I congratulate the hon. Member for Wyre Forest (Dr. Taylor) on securing the debate. I also acknowledge the presence of the hon. Member for Bromsgrove (Miss Kirkbride) and of the Minister for Schools, my right hon. Friend the Member for Redditch (Jacqui Smith), who has written to my right hon. Friend the Secretary of State about her concerns for the hospitals in her area. Like the hon. Member for Wyre Forest, she has been in touch with Michael O'Riordan, as far as I am aware, about concerns over the proposals. The hon. Member for Bromsgrove may also have written to him, but that has not been brought to my attention.

These are complex issues. My primary responsibility as a Minister is public health, so I am always considering ways in which we can prevent people from ending up in hospital in the first place, as far as that is possible. I also examine the scope for providing the type of services that people in the 21st century want and that meet their needs, whether in hospitals or in local community

[Caroline Flint]

services, which I would describe as "closer to home" rather than "primary care" services. Those outside the profession do not really know what that term means.

Before I deal with particular issues that the hon. Gentleman raised, I shall spend a few moments talking about some improvements that the Government have made through our programme of investment and reform, because the two go side by side.

I was pleased to attend a debate in Westminster Hall on 2 November during which my hon. Friend the Member for Waveney (Mr. Blizzard) talked about an orthopaedic surgeon at his local hospital who performs operations back to back. That surgeon performs more operations than two other consultants in his hospital. It is interesting to hear, for a change, about a different method of working that produces significant results.

We have significantly increased funding to the three Worcestershire primary care trusts of Wyre Forest, Redditch and Bromsgrove, and South Worcestershire. Hon. Members may be aware that, for the current financial year, these three PCTs have been allocated a total of £509.7 million, which is a cash increase of £43.1 million— a 9.2 per cent. increase. In the next two years, these PCTs will receive a further increase of £113.4 million—a 20 per cent. increase.

These record levels of investment will help to improve the standard of health care for the people of Worcestershire, but that money must be used well. The money is provided for both the short and the medium term, but it also needs to be used to underpin necessary reform of the clinical service. That is very much linked to what the community wants and to the shape of the community and its different needs.

In March 2001, more than 1,200 patients at the Worcestershire acute hospitals NHS trust waited for between six and eight months for in-patient treatment. Almost 1,000 patients waited for more than nine months. However, by September 2005, only 154 were waiting for between six and eight months. Since March 2004, no patient has been waiting longer than nine months for treatment. So, congratulations to the planners and the staff for their role in that. Out-patient times have also been reduced. In March 2002, nearly 1,000 patients had to wait 13 weeks or more for an out-patient appointment. By September of this year, that figure had been reduced to 130. Again, good work is being done locally.

There are more staff working at the trust now compared with April 2000, when it was first established. There are more consultants, doctors, nurses, midwives, therapists and scientists, and 134 more health care assistants. I am pleased to say that, alongside that, money has been invested in better facilities for staff, because that is important in terms of recruitment and retention. That includes £87 million for the new Worcestershire Royal hospital and £14 million for the new treatment centre at Kidderminster. New MRI and CT scanners have been delivered to the Alexandra hospital, as well as a new cardiac catheter laboratory. That is progress.

I note the comments that have been made about the financial situation at the trust. Those are important matters. I do not think that the issue is necessarily something new that those locally have just become aware of. We know that with funding—I have outlined the substantial increase in funding—comes financial responsibility. It is important that all NHS organisations aim to achieve financial balance. I am aware that there have been calls for the Department of Health to intervene in cases where the local NHS is struggling to achieve a financial balance. That has happened in a number of areas throughout the country. However, the problem is that intervening would penalise those organisations that do achieve a balance year on year. In such situations, the NHS organisations concerned must work with their strategic health authorities and primary care trusts to develop financial recovery plans that will help them to achieve a sound financial footing.

Comments have been made—the matter has also been raised by my right hon. Friend the Member for Redditch in letters to my right hon. Friend the Secretary of State and to the trust—about the private finance initiative and payments to the contractor arising from the building of the Worcestershire Royal hospital. Of course, PFIs have enabled us to progress to have the largest hospital-building programme in the history of the NHS. I do not think that anybody in the areas served by the hospital would say, "No, no. Have the money back. We wish that we hadn't gone down this route." However, some issues have developed with the initiative as it has grown over time. One hundred and twenty-seven new hospitals have been, or are in the process of being, delivered through this method.

I understand what the hon. Member for Wyre Forest said with regard to the current financial pressures in the trust, which he and others feel are not being helped by having to make increased payments to the contractor concerned. However, my understanding is that some of the problems are created or exacerbated by the bed occupancy rates and the length of time that people are staying in hospital. The threshold is hit and suddenly the extra payments come into place. I hope that these issues will be considered closely during the pre-consultation period and also during the statutory consultation period due to begin in December. That particular aspect needs to be considered as a first requirement—in relation to links to improvements in the service, both in terms of what is provided in the community and the high occupancy rates—before moving on to any other areas.

I know that there have been discussions with the Department of Health on the PFI and that questions have been raised about whether there is a possibility of changing it. All that I would say at this stage is that people should not be looking to that—I am not suggesting that the hon. Gentleman is doing so—as a solution to the problem in the first instance. Part of the solution lies in the way in which beds are used in the hospital, how long they are used for and how they link to other services in the community that could meet needs better and either stem the flow or get people out more quickly into better social care settings. That is an important matter that has been raised.

Issues have been raised about the finances on which the current proposals are being based and the options that the consultants arrived at. I know that my right hon. Friend the Member for Redditch and other hon. Members are in close discussion about how the figures were arrived at. They are scrutinising them, which is entirely right; it is a proper way to engage in the process. I am sure that other hon. Members, like my right hon. Friend, are meeting their constituents to ensure that they understand what is going on so that they can ask questions of those who have to be held to account in relation to the proposals that they will put forward.

However, there are clearly some financial problems at the Worcestershire acute hospitals NHS trust that have to be overcome in partnership with PCTs and the West Midlands South strategic health authority, but also as part of the public engagement, which we hope will be understood and supported by the wider community and those served by the trust.

The hon. Gentleman has already mentioned that there was an accumulated financial deficit of £23.8 million that arose over a three-year period between 2001 and 2004. I should point out that the strategic health authority anticipates that the trusts will be in a break-even financial position in 2005–06, but there is an underlying deficit of about £20 million. That is why a major service and financial review is being undertaken by the trust. Its objectives are to examine how that £20 million will be recovered so that the trust can be restored to financial balance from 2006–07, and to have a better look at what services are working and how services currently provided might be better provided in future. I am certainly not an expert in that area; it is down to those closest to the local communities, including parliamentary representatives, to make such representations and, I hope, engage in the discussion of ideas.

The aim of the review was to identify the future size and shape of safe, affordable, high-quality secondary care services. The review is redefining where boundaries lie between primary and secondary care and how community hospital and services should integrate with the proposed future configuration of secondary care services. That is important, considering that the Department held a big consultation during the summer on what people want from health services in their community. This work concerns the provision of services that are fit for purpose and the needs of communities in the years ahead, but it also needs to be linked to sustainable financial balance.

I appreciate the concerns of hon. Members, who will no doubt be worried about particular specialties that I understand are now subject to further discussions and about the potential impact on their local hospitals arising from this work. The initial work was presented to the trust board on 6 October and those options are now being discussed as part of the pre-consultation stage. I shall get back to the hon. Gentleman on his question about trusts that are in the upper quartile in relation to length of stay, and I shall follow that up with a written reply.

The hon. Gentleman also made a point about those who are chronically ill and how they might be affected by the proposals. Any trust or strategic health authority engaged in this discussion has to take into account how it will deliver a health service for those most in need. Alongside that will be the Government's support and direction from the targets that we have set on those issues that are of most concern, such as cancer, chronic heart disease and so forth.

The pre-consultation work started in early October and will continue until December. The formal public consultation document is expected to be launched in December or January. I hope and trust that everyone concerned will feel that they have an ample and transparent opportunity to have a real say in that process and that hon. Members will be kept informed, rather than having to ask to be kept informed. I have talked to representatives from the local area and asked them to assure me that that will be the case. If any objections emerge, the local overview and scrutiny committee will consider those and the matter could be referred to Ministers for a final decision. I hope that there will be a full and detailed debate on those matters, which I know are of huge concern to right hon. and hon. Members.

Transport (Pudsey)

1.30 pm

Mr. Paul Truswell (Pudsey) (Lab): My hon. Friend the Minister will be aware that I secured an Adjournment debate on this matter just 18 months ago. However, it is time to revisit the issues that I raised then. I have given my hon. Friend clear indications of the issues that I wish to raise and I hope that her response will spare me some of the ballast that occasionally works its way into ministerial responses.

My right hon. Friend the Secretary of State for Transport recently announced his rejection of the Leeds supertram bid. I do not wish to revisit that decision, but rather what flows from it. If my hon. Friend's response contains a lengthy discourse on the supertram, I ask that she omit it for the purposes of the debate. The supertram was never a one-club solution to the city's transport problems. I have only ever regarded it as one component of a three-pronged strategy to meet our transport needs. Any solution to the transport problems of the city must include bus and rail services, which are far more relevant to the communities that I represent than the supertram.

I hope that, as one door closes, another is opening. Given my right hon. Friend the Secretary of State's indication that the Department for Transport will work with Leeds on a bus solution, I hope that it will examine the role that rail can play, particularly for the communities in my constituency. I hope that my hon. Friend will appreciate why there is some scepticism in Leeds about how far buses can deliver the solution that we seek. Bus services have a major role to play, which could be even greater, not just through extra investment, but through changes to the environment in which they are planned and delivered. However, buses are not a one-club solution; rail has a major role to play.

Since deregulation in 1986, bus services have faced a consistent and irreversible decline, and Pudsey is no exception. I have campaigned vigorously in Parliament for improvements to the way in which bus services are provided. Earlier this year, I introduced a ten-minute Bill designed to facilitate the introduction of quality bus contracts. Private bus operators have had 19 years to show that they can provide decent services, and they have failed. It is time that they were made accountable to passengers and communities. Since deregulation, quality and standards have fallen dramatically, fares have risen by almost 50 per cent. in real terms, and the number of passengers has fallen by over a third in West Yorkshire. In round figures, that represents about 100 million passenger journeys. Deregulation has meant that bus companies can pick and choose which services to provide. They are free to make profits while providing poor services. The result is that many people have been denied a reliable and affordable bus service for travel to work, school, college, shops, health centres and hospitals. Week in, week out, services are chopped, changed, missing or late. Passengers suffer or vote with their feet.

Under the deregulated system, there is little that passengers, communities, councillors, even MPs, or Metro—the passenger transport executive—can do to ensure that private bus companies maintain or improve services. I appreciate that partnership is the Government's preferred way forward, and it works to a degree in some areas. However, where partnership works, it is often in special circumstances that cannot easily be replicated in places such as Leeds or Pudsey. Those are isolated examples where it suits the operators to engage.

Passenger transport executives are totally dependent on local monopoly providers, such as First, in Leeds, to act responsibly and to take a long-term view. That is far from the norm in my experience. Venture off the beaten track where bus services operate well and the nightmare begins for constituents such as mine. Service changes have tended to concentrate on high-frequency major routes in Leeds, such as the No. 4 and No. 16 routes in my area, while frequency has been reduced on services that penetrate local housing estates and provide links to Pudsey, the Owlcotes centre and Bramley.

Recent changes to services such as the No. 97, the No. 647 and the No. 651 in the Guiseley and Yeadon areas have resulted in a significant reduction in links with nearby Bradford. That has caused tremendous hardship for regular travellers who depend on those services. Reliability and punctuality have been major problems and continue to be so. In only four of the last 12 months to September 2005 have more than 90 per cent. of First bus services in Leeds been observed to run on time—that is, up to one minute early or five minutes late. Since October 2005, early indications reveal an even lower average of 84 per cent. That is clearly unacceptable.

Fares have gone through the roof. In the period April 2004 to June 2005, First increased off-peak fares in Leeds by 27 per cent. and peak fares by 19 per cent. During the same period the cost of living rose by only 3 per cent. The bus industry's own figures illustrate that operating costs for the period were about 9 per cent.

We need partnership where it can work, and we must continue to invest in partnership where it works, with operators who are prepared to take a long-term view. However, we also need much tighter regulatory intervention. Quality contracts would specify the routes, quality and performance of bus services over a much wider area. Bus operators would have to tender for those contracts, rather than being able to cherry-pick, as they can at present. Services could then be properly monitored by the passenger transport executives and much better safeguarded.

At present, the conditions that the passenger transport executives have to satisfy to implement a quality contract are far too severe. My Bill proposed that the main test should be that a scheme represented value for money in terms of "economy, efficiency and effectiveness", rather than the much more onerous test of being "the only practicable way" of implementing policies and strategy.

Quality contracts already operate to good effect in London, as my hon. Friend the Minister is no doubt aware from her own constituency and her constituents' experience. Bus use in regulated London increased by about 10 per cent. last year, whereas outside the capital it fell by nearly 3 per cent.

The results of a recent survey conducted by the passenger transport executive group are, therefore, not surprising: an average of 38 per cent. of MPs thought that their constituents were satisfied with the quality of their local bus services. There was a marked London-regional divide, with 88 per cent. of MPs in London, compared with 27 per cent. in the midlands and east, 30 per cent. in the south and 19 per cent. in the north expressing satisfaction. There was a huge disparity. If things are good enough for the Minister's constituents, they should be good enough for mine and those of other MPs who serve constituencies outside London.

On average, bus companies in London make much lower profits than those in passenger transport executive areas. The West Yorkshire subsidiaries of First Bus have consistently returned profits of around 17 per cent., compared with 10 to 12 per cent. in London. The difference between West Yorkshire and the industry norm represents about £6 million, which could be reinvested in services. Unfortunately, passenger transport executives such as Metro are able to influence directly only about 20 per cent. of the network that they provide through tendered services. There is little competition for tenders, so it is difficult to test whether best value is being obtained in those cases.

Given the new emphasis on buses, it is disappointing that we have been unable to make progress on the A65 Kirkstall road quality bus initiative, which would serve part of my constituency. It is estimated that that initiative would save around a quarter of the journey time for the buses on the corridor and would have a cost-benefit ratio of about 2:1. I understand that the scheme was previously provisionally approved, but then "unapproved" due to changes in scope and cost. A revised scheme was submitted to the Department for Transport in July 2005. I understand that the latest position is that the scheme will have to be "remitted to the regions".

Other, similar schemes, such as the Yorkshire bus initiative, have also been "remitted to the regions". The Yorcard scheme, which would have conveyed great benefits to passengers, was approved and then had that approval withdrawn. I would welcome the Minister's comments on those bids, and hope to receive an indication that she may review them and now consider them in a more favourable light, given the rejection of the Leeds supertram proposals and the obvious emphasis that is now being placed on a bus solution.

Even with investment and a fair wind—ideally one provided by quality bus contracts—buses have a limited role to play in some of the major corridors in my constituency, such as the A65 and the ring road. That is why rail must be closely considered. Rail users in my constituency have been ill served by privatisation. My constituency is served by three stations on three routes: Horsforth, New Pudsey and Guiseley. There have been some improvements. For example, all three stations have undergone major refurbishment. The efficiency of Leeds city station has been increased by a £250 million investment that has helped to reduce congestion and delays. A rail passenger partnership grant enabled the provision of excellent new 333-class four-car rolling stock on the Airedale and Wharfedale line, which I use.

Rail has potentially a much greater role to play. Between 1994 and 2000, use of the West Yorkshire rail network increased by 44 per cent. from 11.5 million to 16.6 million passengers. However, that has come at a price. The Select Committee on Transport report on overcrowding on public transport concluded that overcrowding is worse in West Yorkshire than in the south-east. The experience of my constituents backs that up.

Despite the recent renewal of rolling stock, capacity on the Wharfedale line is approaching saturation point at peak times. It is under pressure from new developments such as the former High Royds asylum development in Menston, where almost 600 new homes are to be provided in addition to many others already built in the Guiseley area. The Department for Transport is currently funding eight carriages up to 2007 on the Wharfedale line. I ask the Minister urgently to review that, so that she can confirm at the earliest opportunity that that rolling stock will continue to operate beyond 2007, because that is crucial.

Passengers on the Caldervale line serving New Pudsey station face significant overcrowding problems. The service is mainly operated by ageing diesel rolling stock that does not meet modern-day standards by any stretch of the imagination.

The Harrogate line, which goes through Horsforth in my constituency, is one of the most overcrowded routes in West Yorkshire. Indeed, once the service has called at Horsforth during peak times, it regularly goes straight through into Leeds, leaving passengers standing at the two stations at Headingley and Burley Park.

The Minister is obviously aware that the Northern Rail franchise is under review. It is essential that that review reflects the present demand and pressure on services and the potential for carrying even more passengers and getting even more people out of their cars. Additional units are needed not only to ease present capacity problems but to cater for future growth and especially to serve some of the priority station proposals that are still waiting on the stocks. They cannot go forward because there is insufficient capacity to meet the passenger numbers that it is anticipated will be generated by building the stations. That seems a perverse and ironic way to run any business, whether or not it involves transport.

West Yorkshire Metro has a blueprint for increasing patronage by more than 50 per cent. over the next 10 years with what I regard, and I hope that the Minister would regard, as a relatively modest investment of between £5 million and £6 million per annum over the next 10 years.

I want to take the opportunity, because of the Minister's responsibilities, to raise Leeds Bradford airport. Most people would accept that if an airport site was sought in Leeds today, the present site of Leeds Bradford airport would not even be considered. Its limitations are considerable, but the point on which I seek a response from my hon. Friend concerns the current process of developing the airport's master plan and how it will expand in years to come. Even at present levels of operation, there is a need for improvements to road safety and access around the airport. Transport links are poor and the roads are widely regarded as inadequate and unsafe. The implications of growth cannot be addressed without considering the impact on local communities and the environment.

When presenting the airports White Paper to the House, my right hon. Friend the Secretary of State clearly acknowledged the need for a balance between growth in air travel and its environmental impact not

[Mr. Paul Truswell]

only on climate change but on those living near airports, such as my constituents in Horsforth, Yeadon and Guiseley. He confirmed that we needed to reduce and minimise the impact of airports on local communities and the natural environment. Leeds city council's current leadership, however, recently suggested that the White Paper allows for the airport to grow "willy-nilly". It is ironic, therefore, that the controlling coalition on the council is looking to sell off the airport, which is municipally owned, thereby relinquishing the total control that elected councils have over it. I suspect that the trick is to sell it off to a private partner, with a guarantee of expansion, growth and profit, and then blame any unpopular developments on Government policy. I hope that my hon. Friend the Minister will be able to confirm today that it is not Government policy to allow any airport, especially Leeds Bradford, to expand willy-nilly and that the airport master plan currently being devised will strike a proper balance between growth and the impact on surrounding communities.

As I have said, any airport planning process must be based on proper public consultation. The master plan must be underpinned by an independent environmental impact assessment, which should include consideration of the impact, prevention and minimisation of air and noise pollution, climate change and other associated issues, such as operating hours.

The people of West Yorkshire clearly want to fly from their nearest airport at the lowest price to the greatest number of destinations. Although my constituents living near the airport realise that there is a price to be paid for that location, they rightly believe that their quality of life should not be seriously undermined by unrestricted and excessive growth. A fair and sustainable balance must be achieved.

I note that there are only 13 minutes left, so I leave it to my hon. Friend the Minister to try to reassure me on the crucial transport issues in my constituency.

1.48 pm

The Parliamentary Under-Secretary of State for Transport (Ms Karen Buck): I congratulate my hon. Friend the Member for Pudsey (Mr. Truswell) on securing this second debate on the subject of transport in Pudsey. It is impressive to see how seriously he takes this important local issue and how effectively he campaigns on his constituents' behalf.

The Government and the Department recognise the importance of good transport links for economic and social regeneration. Better access to and from urban centres such as Leeds and Bradford, whether by bus, rail or car, is crucial.

The pressures on the transport system are well known. We have a legacy of under-investment that goes back decades and, as our economy has grown, there have been further pressures on all modes of transport. That is why we are committed to sustained long-term investment in transport and have doubled transport spending over the past few years. People in the Pudsey area will have seen the benefits of that investment.

Our strategy for transport is to reduce social exclusion, tackle congestion and pollution and enhance the quality of life by improving all types of transport—rail and road, public and private—in ways that increase choice. It is a strategy for investment in the future. However, it is important to recognise that we cannot satisfy every demand for transport infrastructure enhancements, rail or road. Major infrastructure improvements are expensive and take time to deliver. We must prioritise and be realistic. That is why we have asked the regions for their advice on priorities, to help to ensure that funding decisions are targeted on the schemes that will deliver the most benefit.

Good local transport is fundamental to building thriving and prosperous communities. The step change in local transport funding that we have made over the past five years emphasises the Government's commitment to delivering sustained improvement to the transport infrastructure and making a real improvement to people's daily lives. The total capital funding made available to authorities for the first local transport plans was £8 billion, more than double the amount for the preceding five years. West Yorkshire alone will benefit from £54 million for local transport this year.

The local transport plan system has provided more certainty of funding for local authorities, so that they can tackle local issues such as improving road maintenance, securing better traffic management, enhancing road safety and making buses more accessible and better integrated with other transport modes.

We have recently consulted on a new formula for allocating local transport plan funding to local authorities. Although we are still considering the responses, our proposals show that funding for integrated transport measures in West Yorkshire will grow by 13 per cent. during the second local transport plan.

Mr. Truswell: On that funding point, I understand that the formula used by the Department to calculate the number of passengers in West Yorkshire is seriously flawed. Will my hon. Friend undertake to revisit it to ensure that as far as she is aware it is correct?

Ms Buck: I assure my hon. Friend that we do not believe that the formula is flawed; however, if he has reasons, of which my Department and I are not aware, to call it into question, I assure him that I shall examine them to see whether any of his concerns can be met.

We are planning for investment over the long term. A critical area for local transport plans, to which my hon. Friend understandably chose to devote a considerable amount of his time, is the sustained investment in bus services. West Yorkshire has benefited from significant investment in major bus schemes, with £39 million committed since 2001 to schemes that are realising major improvements in bus services. These schemes include the east Leeds quality bus corridor, the A641 Manchester road, the Bradford quality bus scheme and West Yorkshire education transport—My Bus.

In the early years of the first local transport plan, there was an encouraging increase in bus patronage in West Yorkshire, from 199 million passengers in 1999–2000 to more than 203 million passengers in 2002. The decline in patronage in recent years is disappointing and concerning, but it is clear from experience elsewhere that where there are the right conditions, such as a determined passenger transport executive and committed bus operators, bus use can increase significantly. I very much hope that the West Yorkshire authorities, working closely with Metro and the bus operators, will be able to produce a strong second local transport plan, including robust measures to attract people back onto the buses and arrest the decline.

Mr. Truswell: Bus patronage is growing by concentrating on popular, profitable routes. That is happening at the expense of shrinkage in routes that are not profitable but socially necessary. The capacity of Metro, the passenger transport executive, to subsidise those loss-making services is diminishing over time. Does my hon. Friend accept that there is a two-speed service: growth where it is profitable; shrinkage where it is not?

Ms Buck: I do not accept my hon. Friend's description of the service. I understand that the successes in bus patronage have in many instances come about through operators and partners choosing routes that are most likely to increase patronage levels. In a trade-off when one does not have unlimited resources, there is always tension about where resources shall be committed. It makes a great deal of sense for a proportion of the £1 billion that we spend on bus services overall to be devoted to increasing patronage as much as possible. It is also true that a separate social exclusion agenda is based more on meeting the needs of isolated communities. Inevitably, there are never the resources to provide all the services that we should like.

Our experience throughout the country, in different areas with different conditions, has been that it is possible to make striking improvements in bus services when there is proper planning for and targeting of good routes. It will be at the local level that the companies and their partners will have to make choices and, inevitably, trade-offs about where they invest.

My hon. Friend asked particularly about the issue of quality contracts. As he knows, the Transport Act 2000 provides a mechanism for introducing a quality contract scheme, although only where that would be the only practicable way of implementing the authority's bus strategy, and would do so economically, efficiently and effectively. Since my hon. Friend's previous Adjournment debate on this subject, the Department has published guidance on how to apply, the supporting evidence required and the matters that the Secretary of State will take into account in considering the merits of the case. An order has been made and brought into force, reducing from 21 months to six months the minimum time that must elapse between making a quality contract scheme and bringing it into force.

As my hon. Friend was comparing and contrasting, London has had a different form of regulated transport since the 1930s—not just recently—and was not affected by deregulation in the 1980s. To introduce a regulated regime in an area that is currently deregulated raises a number of difficult issues, particularly the reduction of commercial opportunities for operators, which did not arise in London. That is one reason why the requirements of the 2000 Act are exacting. Another is that there are many places where the deregulated market is delivering high quality bus services and patronage growth. Brighton, Cambridge, Nottingham, Oxford, Telford and York are some examples. More recently, there has been impressive growth in areas such as Bedford, Exeter and Peterborough. In general, those are places where good partnership between the local authority and the bus operators is working. That is the model that we wish to encourage.

As I mentioned, on the specific area of bus services, we shall shortly announce how the £350 million that my right hon. Friend the Chancellor of the Exchequer announced for the extension of the concessionary bus services will be distributed, and I hope that that will provide an additional boost for transport in areas such as my hon. Friend's.

There are improvements planned on rail services. We are spending more than £80 million a week on the railways and there are a number of examples of the benefits from that investment in West Yorkshire, where patronage has grown from 16 million to 21 million over the past five years. My hon. Friend will be aware of the recent £250 million redevelopment of Leeds city station. It has seen the development of new platforms and a reorganisation of the track layout to the western end of the station. That has improved facilities for passengers, increased the reliability of services and added to the station's capacity. A new bus-rail interchange facility has also been opened outside Leeds city station, making the transfer between bus and rail services much easier.

The new TransPennine franchise began in February 2004 and will deliver more than £250 million of investment, with a brand new fleet of 50 trains due to be introduced in 2006. Also benefiting Leeds and West Yorkshire is a 44 per cent. increase in east coast mainline services since 1996: there are currently 53 services per day, and that will rise to 66 by December 2007. Those are substantial improvements. At a more local level, 16 new four-coach class 333 electric trains have been introduced on the Airedale and Wharfedale lines. They have seen a significant increase in patronage.

If my hon. Friend will forgive me, there are many other things that I could say, and I am happy to get back to him with some detail, but I should like to spend my last few seconds on Leeds Bradford airport. As my hon. Friend will be aware, the development of that airport is part of a strategy developed in the air transport White Paper to promote regional airports. It has many benefits for the regional economy as part of the connectivity theme, which is important for economic growth in the area. However, I am aware that current road links to and from the airport can suffer from congestion, especially in peak hours. Fast and regular bus services now run from Bradford and Leeds city centres and provide a much improved public transport option. In addition, the A6120 study has considered how improvements to road-based access can be made. My hon. Friend has concerns about how the expansion of the airport may impact on the environment and on existing residents, but I assure him that we shall take full account of environmental considerations. We made it clear in the air transport White Paper that airport expansion is subject to environmental constraints.

It being Two o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.

Westminster Hall

Wednesday 16 November 2005

[MRS. JANET DEAN *in the Chair*]

Trade (Developing Countries)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Roy.]*

9.30 am

Jo Swinson (East Dunbartonshire) (LD): I am pleased to introduce the debate on this important topic. It is particularly timely, given the World Trade Organisation ministerial meeting scheduled for next month in Hong Kong.

I am sure hon. Members will agree that the international issues of poverty, aid, debt relief and trade justice captured the public's imagination in 2005. The high-profile Make Poverty History campaign has rightly been successful in catapulting the issues up the political agenda. In February, 22,000 people flocked to Trafalgar square to hear Nelson Mandela give an inspiring address, urging world leaders to use 2005 to make poverty history. The campaign focused on three objectives: more and better aid, debt relief and trade justice.

In July, I marched in Edinburgh with almost 250,000 people, including some hon. Members in the Chamber. Just days before, the G8 leaders met at Gleneagles. That summit brought positive news on the first two objectives. On debt relief, the deal agreed means that every year $1 billion will be saved by the 18 countries eligible for debt relief. Many non-governmental organisations and campaigners have complained that that does not go far enough, as it represents only 10 per cent. of the debt that needs to be cancelled. I agree with that, but it is a welcome start and should be applauded.

The additional $50 billion in aid a year is also a great achievement, and I am glad to hear the Prime Minister talk of moving towards spending 0.7 per cent. of gross national income on aid. The United Kingdom should be proud of leading the way among Organisation for Economic Co-operation and Development countries on the percentage of GNI that it spends on aid, but we must remember that the commitment is 35 years old. Call me impatient, but I think that that is too slow. I was interested to hear the Prime Minister, in his speech on Monday, pledge to treble aid for trade. I hope that the Minister will clarify the effect of that on the UK reaching the 0.7 per cent. target.

The third objective of the Make Poverty History campaign was trade justice. More than 250 Members of Parliament have signed up to early-day motion 679 on making poverty history through trade justice. More than 8,000 members of the public lobbied more than 300 MPs at the trade justice lobby on 2 November. I am sure that many hon. Members were lobbied by constituents. Two days ago, in his speech on global trade, the Prime Minister set out his support for cutting trade barriers while implementing measures to help developing countries benefit from trade at their own pace. It is clear that the subject is regarded as highly important.

It is also worth noting the particular interest of young people in these issues. Whether it was at the July march, the April vigils or the lobby a couple of weeks ago, one thing that struck me was the number of young faces in the crowd. That is just as well. One of my constituents, Sahir Hamid, was lucky enough to attend the World Youth Congress, which was held in Scotland in the summer. A statistic that came out of that is quite shocking. It emerged that 51 per cent. of the world's population is under 25. Given that statistic, it is just as well that young people are interested in the issues because we shall certainly not solve them without the active engagement of young people around the world.

I want to focus my comments and questions on the difficulties faced by developing countries with the current trade system, including trade barriers and the prospect of forced market liberalisation. I also want to highlight the problems with the trade-related aspects of intellectual property rights. I shall then turn to some possible solutions, with reference to steps at the local and global level, including the forthcoming WTO talks in Hong Kong and beyond.

On the problems with trade barriers, production support and export subsidies by the developed world can have a devastating effect on developing countries. This is particularly apparent in the agriculture industry. When EU production is subsidised and there are additional subsidies on exports, farmers in developing countries cannot compete. Rich countries spend $279 billion a year on farm support, which is three times more than they spend on aid. It is well acknowledged that a key sticking point, which makes it difficult to envisage a positive outcome to next month's WTO negotiations, is the EU's intransigence on protectionist agricultural policies. We know that France, in particular, is opposed to any concessions on that. What discussions have the Minister, the Prime Minister and others in government had with President Chirac on the reform of the common agricultural policy? What tangible outcomes came from the discussions?

This is not just about agriculture. Tariffs on other industries, such as textiles, also harm developing countries. For example, in 2001, Bangladesh's exports generated $331 million in tariff revenue for the US Treasury. In that year, the net US aid to Bangladesh was just $87 million. The EU spends €4 million each year subsidising milk powder to Jamaica. The impact of dumping our excess milk powder on Jamaica has been a sharp drop in Jamaican milk production of 35 per cent. in the past two years. That makes it difficult for countries to continue to run their own agriculture industries and to produce their own food, which would obviously be a more sustainable way forward.

In the EU, the average cow now receives $2.2 a day in support, which is more than the daily income of the half the world's population. It is absolutely crazy. The EU is exporting sugar and beef at respectively 44 and 47 per cent. of their internal cost of production. No wonder sugar producers and cattle farmers in developing countries are losing out.

Global trade has the potential to lift millions of people out of poverty, but liberalising markets too soon can stifle fledgling industries in developing countries. Christian Aid estimates that trade liberalisation has cost sub-Saharan Africa $272 billion over the past 20 years, which would be enough to pay off the region's debt and

[Jo Swinson]

pay to vaccinate and educate every child in the region. Developing countries must be allowed the space to set their own timetable for liberalisation.

Let us consider the example of rice. In 1995, the International Monetary Fund forced the Haitian Government to cut their rice tariffs from 35 per cent. to 3 per cent. As a result, imports increased by 150 per cent. in nine years, and today three out of every four plates of rice in Haiti are produced in the US. The impact of that is that local farmers' livelihoods have been devastated and rice-growing areas now have the highest levels of malnutrition and poverty. At the same time, profits for Riceland Foods Inc. of Arkansas, the world's biggest rice mill, rose by $123 million from 2002 to 2003, thanks in large part to a 50 per cent. increase in its exports, many of them to Haiti. We can see the inequality of the system.

Annette Brooke (Mid-Dorset and North Poole) (LD): I congratulate my hon. Friend on securing the debate at such an appropriate time. That is important. She has made many valuable points, but will she comment on economic partnership agreements? Does she share my worry that in their current form they are causing a great deal of concern? Most people would like the UK Government to take strong action, using their presidency of the EU to encourage other member states to rethink their approach on those agreements.

Jo Swinson: I share many of my hon. Friend's concerns about the economic partnership agreements. Trade with developing countries is obviously not governed only by multilateral agreements. The free-trade deals that are negotiated between the EU and the African, Caribbean and Pacific countries often require countries to liberalise their markets substantially to benefit from trading with the EU. The Government recently said that they have supported the request by the ACP countries to have more time to proceed with liberalisation. However, I agree that the conditionality should be removed from the agreements. Developing countries should be free to choose if, and when, to liberalise. Will the Minister remark on that, in particular the UK's position on economic partnership agreements? Will he also supply a list of the active partnerships?

After the introduction of TRIPS—trade-related aspects of intellectual property rights—in 1995, patent rights had to be guaranteed protection by WTO member countries. Many of those countries wanted to use the formulae from patented drugs to treat their citizens who were suffering from a variety of diseases, from HIV/AIDS to malaria and tuberculosis. However, many pharmaceutical companies were seen to be putting profits before people. The WTO, after much discussion, agreed that TRIPS

"does not and should not prevent Members from taking measures to protect public health."

The reality is different, however, because the only way for many countries to get around TRIPS is to manufacture the drugs in their own country so that they can provide for their population. That does not always run smoothly and not all countries are able to do it. The pharmaceuticals do not always agree that generic drug producers are complying with TRIPS.

I am sure hon. Members remember that in 2001 39 major pharmaceutical companies tried to prosecute the South African Government for passing a law that allowed easy production and importation of generic drugs. There was immense pressure against that from the South African Government, the European Parliament and 300,000 people throughout the world from more than 130 countries who signed a petition. That public international pressure forced the pharmaceuticals to back down.

One company, GlaxoSmithKline, even granted a voluntary licence to a South African generics producer, allowing it to share the rights to GlaxoSmithKline's drugs, as long as 30 per cent. of the net sales went to a non-governmental organisation fighting HIV and AIDS in South Africa. That continues to this day, and in many ways it was a positive result. However, let us remember that globally only 15 per cent. of the estimated 6.5 million people who need such treatment were receiving it this year.

Given the public health challenges facing many developing countries, from not just HIV and AIDS but malaria, TB, and—most likely at some point—a bird flu pandemic, it is clear that a review of TRIPS is urgently required. Protection must be in place to exempt things that have an impact on the millennium development goals and global disease control. The example of TRIPS demonstrates how the current provisions have proved inadequate.

Global issues require global solutions, but individuals can and do change their behaviour, doing their bit to make trade fairer with developing countries. The Fairtrade Foundation, in accrediting products that are fairly traded, has played a role in enabling consumers to make informed choices. The fact that sales of Fairtrade products have almost doubled during the past two years to more than £140 million shows the rising demand from consumers who take those issues into account when making their buying decisions.

In my constituency, many keen campaigners have got together to take action at a local level. Setting up a steering group, they are working with local businesses and employers to try to become to first fair trade zone in Scotland. I should be delighted if the Minister would agree to meet me and a group of my constituents who are working hard to promote fairer trade with developing countries, so that we can discuss those issues. Perhaps during his remarks he will say whether he is willing to do that.

I should like to share a story from my constituency which sums up many of the problems. There is a local gift and tea shop called the Coach House, which is run on a not-for-profit basis to fund charitable projects at home and abroad. Some 20 years ago, a lady called Angela Gomes came from Bangladesh to the Coach House. She represented 4,000 destitute women who made beautiful embroidery. When she was offered a grant for her organisation, she said, "I don't want handouts. I want you to sell our women's products. That's what gives them their dignity."

Angela Gomes was spot on. The women she represented did not have much and they were destitute, but being able to ply their trade and have it sold abroad helped to lift them out of poverty and they had dignity. That is why, of the three aims of the Make Poverty

History campaign, trade justice is the most important. Trade really can help to lift people out of poverty, and it presents a great opportunity for developing countries. However, the balance needs to be evened up between the rich and powerful developed world and the developing countries.

The talks next month in Hong Kong are vital, as are the discussions that follow in 2006 to secure the details for the Doha round in time to take advantage of the US fast-track agreement. We have all read reports of the recent difficulties with the pre-negotiations. Will the Minister say a little about the Government's view of the procedures of the WTO, its institutional set-up and how effective it is in producing outcomes from talks that favour poorer countries, given the experience of previous rounds in Cancun and Seattle?

In conclusion, the UK should be in a strong position to influence events with its presidency of the EU and when the Trade Commissioner is not only a UK nominee to the Commission but, as is well documented, a close personal friend of the Prime Minister. We should be able to use that influence to get a good outcome from Hong Kong. What discussions have the Minister, the Prime Minister and others in government had with Commissioner Mandelson regarding the Doha round in Hong Kong next month? How does he view the potential outcomes and what does he believe can realistically be achieved at those talks?

A fantastic opportunity to make progress on poverty and trade justice has been presented in 2005. I hope that it will not be remembered as a missed opportunity. This week the Prime Minister encouraged many with his comments on trade in developing countries. I hope that he, the Minister and all those involved in the WTO negotiations will remember the words of Nelson Mandela earlier this year when he called on world leaders to recognise that the world is hungry for action, not words.

9.47 am

Mr. Philip Hollobone (Kettering) (Con): I congratulate the hon. Member for East Dunbartonshire (Jo Swinson) on securing the debate and on her excellent introduction to it.

My first interest in international development started 21 years ago when I had the privilege to be, in a very minor capacity, a voluntary aid worker in Honduras in central America, which was then and still is the second poorest country in the western hemisphere. My concern about trade and development has burned brightly ever since.

Trade justice campaigners are right to call on the EU to reduce its trade barriers against developing countries—they remain far too high—but the EU should still encourage poor countries to open their markets as it will also bring those countries gains. There is a wonderful opportunity, as the hon. Lady said, for this country to play a major role at the forthcoming WTO talks in encouraging the EU to lead the world in improving trade relations with developing countries.

However, it is important to remember that reducing trade barriers across the board will do more for poor countries than granting them trade preferences, which, in many respects, might do more harm than good. That is the subject of my humble contribution. I take as a large part of my text the excellent work by Open Europe, which is a think tank specialising in, and encouraging, reform in the EU and in its trading relationships with the rest of the world.

An idea advocated by many in the trade justice lobby is that the developed world should introduce more trade preferences. However, there may be huge dangers in going down that route rather than encouraging a general reduction in trade barriers. The goods that are the most heavily taxed by the EU tend to be goods that developed countries have a comparative advantage in producing, not least agricultural produce and textiles.

In a well meaning attempt to offset that disparity, the EU maintains a system of trade preferences, but the system has not been effective. In fact, the net effect is that the EU's applied tariff rate remains higher for exports from poor countries than for those from rich ones. To give some statistics, countries with a gross domestic product per capita of under £5,000 a year face, on average, an EU tariff of 5 per cent. Countries with a GDP per capita of between £5,000 and £15,000 a year face an average tariff of just under 3 per cent. Countries with a GDP per capita of more than £15,000 a year face a tariff of just over 1.5 per cent. Some of the developing nations that are the poorest in the world face the steepest applied tariffs from the EU. For example, Bolivia and Ecuador face an applied tariff of more than 26 per cent. and Lesotho, Namibia and Swaziland face a tariff of 21 per cent.

Another problem is that the trade preference arrangements in place are extremely patchy. Full tariff-free access is supposedly granted to 49 countries on the UN's list of less developed countries. However, that list does not cover some of the world's poorest countries and excludes large poor countries, such as Kenya, India, Pakistan and Nigeria.

Much of the benefit of the system for developing countries is lost because of complex rules of origin. Although in theory a country might be able to export its products to the EU duty-free, such preferential access is available only to goods that contain no parts, materials or ingredients from other countries. One study found that although 84 per cent. of goods from Albania are supposed to be able to enter the EU duty-free, in practice only 2 per cent. do. It is worth remembering that Albania is a country on the continent of Europe and is still, sadly, a developing nation.

A study undertaken by the World Bank in 2005 found that the overall value of EU preferences to sub-Saharan African countries amounted to just 4 per cent. of the value of those countries' exports to the EU. It also noted that the majority of supposed beneficiaries of US, EU and Japanese preferences have experienced little or no impact.

The complex system of trade preferences discourages developing countries from reducing trade barriers that might help their development in the round. Without preferences, exporters in developing countries have an incentive to counteract the protectionist tendencies of domestic producers. Preferences are particularly damaging when they are specific to certain industries. For example, the EU's preferential access arrangements for bananas and sugar from Caribbean producers encourages those countries to invest heavily in volatile,

[Mr. Philip Hollobone]

primary industries, which narrows their production base. That leaves those countries more vulnerable to economic shocks in those sectors.

That system of trade preferences distorts the correct investment decisions that those countries should be making because they act as an artificial incentive to invest in industries in which the recipient countries, with the best will in the world, are not internationally competitive. That is now having a very damaging effect as preferences are gradually eroded as global tariffs fall, albeit too slowly, as part of the WTO process. For example, the effect on Guyana in south America of the first round of reductions in the EU sugar preferences is likely to be the equivalent the UK losing its entire financial services industry overnight. Some research suggests that preferences may have had a negative effect, for many of the reasons that I have mentioned.

All of us want to encourage developing countries to prosper. We have huge sympathy with our constituents who support the Trade Justice Movement. Many of us are extremely sympathetic to those who lobbied us recently, as the hon. Lady said. However, with a cool head, it is important to say that while there is a wonderful opportunity in the next WTO round for the EU to play a leading role to encourage the world to continue to reduce trade barriers, the EU should concentrate on reducing its trade barriers across the board because that will do far more good for poor countries around the world than granting them imperial trade preferences that may do more harm than good in the long run.

9.56 am

Jeremy Corbyn (Islington, North) (Lab): I congratulate the hon. Member for East Dunbartonshire (Jo Swinson) on securing the debate, which is obviously a product of the fair trade lobbying event that took place recently. It is good that lobbyists who come here determined to achieve something can have some influence. The Minister also gets an opportunity to set out the Government's stall before the WTO round. The debate is important in that context.

I profoundly disagree with the last point made by the hon. Member for Kettering (Mr. Hollobone). He talked about doing more harm than good. He should look at the recent United Nations human development report for 2005, which indicates just how horrific the disparity of wealth and power is in the world and how the living standards of the poorest in the poorest countries in the world are steadily falling. Those countries that have been exposed to free markets for the first time have also suffered losses in public services and falling life expectancy. We must think seriously about what we are doing to this planet.

Like other Members, I have substantial numbers of people in my constituency who are involved with development and world trade issues, mainly surrounding the churches, the mosque and various faith communities. However, since I have the privilege of representing a constituency that is very multicultural, there are also people from all parts of the world. So, when we have WTO-type discussions, they are very real. People who have been farmers in Africa, Asia or Latin America talk about their own experience. That makes the debate lively and interesting.

When the lobby group from my area arrived at Parliament recently, I said, "Look, you don't need to convince me of the arguments. We all know each other quite well. But if I was the Secretary of State for Trade and Industry, what would you say to me?" This interesting debate took place in the rain on the south bank so it was quite brief, but several points were made and it is my duty to put them to the House. First, people were alarmed at the levels of poverty that exist around the world. Secondly, they were alarmed at the degree of power politics involved in the world trade debate and in world trade negotiations. Thirdly, they wanted the European Union—because it is the European Union that leads the negotiations—to recognise that Europe and north America must give up a great deal in order to do something about world poverty:

It is not good enough for the world's leaders to embrace Nelson Mandela in Trafalgar square or anywhere else or to go round wearing wristbands, saying 'Eliminate poverty now', if at the same time they are not prepared to make the tough trade and aid decisions that are required if we are to do something about eliminating poverty in the poorest parts of the world. Strong political action is required.

In common with other hon. Members, I have had the opportunity of visiting and, a long time ago, working in poorer countries of the world. One quickly sees what the whole problem is. There is little industrial development happening in most of sub-Saharan Africa, simply because there is not a local market that can purchase the goods on sale; exporting goods is virtually impossible, because the trade barriers of western Europe and north America make that completely hopeless. At the same time, the countries concerned are encouraged to invest in local industry and agriculture, if they can. I remember well visiting some new agricultural enterprises in Angola, although planting the goods in the first place was hardly worth the prices they were receiving. Producing maize anywhere in southern Africa is frankly a total waste of time while the American Administration are paying their friends in the mid-west to produce vast quantities of maize that are then given away in order to destroy local economies all over sub-Saharan Africa. The same is repeated with milk powder and around the world, as the hon. Members for Kettering and for East Dunbartonshire pointed out.

We have to be realistic. There has to be an end to the food dumping strategy. That is really what brought about the fate of the Cancun talks, because Europe and north America were not prepared, in sufficient strength, to give up their food dumping policies and, because of that, the talks broke down. I was not particularly sorry, because the alternative was worse. I guess that most of the poorest countries felt the same.

As we move towards the talks that are going to take place in Hong Kong, there is interesting power-play politics going on. The European Union is attempting to get a united position and the United States, having set its face completely against ending any farm subsidies, then announces that it might be prepared to consider some reduction at some point in the future. Everyone starts running around and jumping for joy, as though there has been a complete change of heart. I do not believe that there has been any change of heart in the US Administration whatever. An awful lot more than an undertaking that at some point in the future some degree of farm subsidies will be reduced in the United States is required.

I hope that when we go to the talks in Hong Kong we are prepared to recognise that the current situation cannot go on if we are serious about conquering poverty in the poorest countries in the world. An end to the food dumping policy is required, but also an opening up of markets to the poorest countries and producers in the world. To some extent that flows against the received wisdom, which the International Monetary Fund and others have been lecturing poor countries about for a long time. Whole lectures have been about the need for free trade. We are not quite sure what they mean by free trade, because they never get to the definition.

I look at things this way: every industrial country in the world, bar none—ours included, obviously—has developed industries, agriculture or whatever the main product behind some degree of tariff wall. That is how every single country has developed. They have been successful. For example, most of India's post-independence industrial development was behind a tariff wall; pre-independence, protection was from the colonial tariff wall.

However, for the poorest countries in the world, we say, "Sorry, no tariffs for you." They must, in return for being allowed to export some agricultural—unfinished or unprocessed—goods to the west, open their markets up to western goods and policies. That is not just in the manufacturing and sales field, but, crucially—something I was pleased that the hon. Member for East Dunbartonshire mentioned—with regard to the agreement on trade and services. The way such trade deals are worked out effectively forces the privatisation of public services in many of the poorest countries, which then provide a huge market for western water companies, telecom companies and so on to take over and run those services. We must be serious in what we are trying to achieve. I hope that we come out of the Hong Kong agreement with an end to dumping policies, an end to the pressure for the privatisation of services and an acceptance that if the poorest countries are to lift themselves out of poverty they must be given some protection.

There is a negotiating issue in that the world is too simply lumped into groups of developing and developed countries. The matter is not as simple as that. Some developing counties are very poor, principally in sub-Saharan Africa and central America, but others are not as poor and may seek to benefit greatly. There must be a better definition of the situation in those countries.

The Minister needs time to reply and I know that other hon. Members want to speak. My final general point concerns working conditions and the conditions of women in the world's poorest countries. The International Labour Organisation is worthy and deserves greater attention, greater support and greater power in the world. The working conditions experienced by garment workers in Bangladesh and most industrial workers in China, Indonesia and many other countries are appalling. The goods they produce, particularly in China, are sold on the high streets of this country, Europe and north America at prices at which we could not even produce them, let alone make a profit. The working conditions in those countries and particularly child labour—it is still rife in many parts of the world and a blot on the world's conscience—should be dealt with and included in trade rounds. It is unlikely that any of the Governments of the poorest countries in the world will raise issues of working conditions or child labour because they either benefit from them or feel embarrassed by them. It is also unlikely that many of the richest countries will do so because international companies that invest in the garment industry in Bangladesh, China and other places benefit from those appalling working conditions. We must look towards minimum working conditions and labour standards and, above all, the right to join and to organise trade unions. The treatment of women and their lack of education in those countries is serious.

I know that the Department for International Development shares most of those views and in its development models seeks poverty-reduction programmes and improvement in the status of women and the education of children in those countries. However, we have a long way to go. The UN human development report for 2005 came out a couple of months ago and referred to child mortality rates and changing life expectancy. In the highest income countries between 1980 and 2003—a little under 25 years—life expectancy rose from around 73 to 80. In sub-Saharan Africa it rose a little after 1980 but has now dropped to around 45. That is the average for sub-Saharan Africa, but in many countries it is much lower and falling fast. The only other area of the world where life expectancy has not risen is Russia and eastern Europe, the countries that were formerly part of the COMECON—the Council for Mutual Economic Co-operation. There, the imposition of free-market economics, privatisation and, frankly, robbery of the public sector has damaged health and education services beyond all recognition. One hopes that the next time a human development report comes round that situation will be reversed.

Above all, one hopes that the situation will be reversed in sub-Saharan Africa. However, it will not be reversed, and the millennium development goals will not be met, unless there is real change in the attitude of the richest countries in the world. That means a preparedness to stop food-dumping policies and to allow developing countries to export goods freely to western Europe and north America, if that is what they wish to do. Also, we need to allow poorer countries to maintain a degree of tariff protection so that they are not dumped on in terms of manufactured or farm goods; that way, they could develop their own economies in exactly the way that western Europe and north America have done in the past. These are crucial issues. It is not enough to say, "We wish to eliminate poverty and make poverty history"; we have to be prepared to do something about it.

10.11 am

Annette Brooke (Mid-Dorset and North Poole) (LD): I want to take this opportunity to make direct representations. The Make Poverty History campaign has been inspiring, but we have to ask ourselves whether it will be any different from previous campaigns. Will we achieve anything? Will people look back and say, "That was a turning point."?

In my constituency, I find it particularly inspiring to see how schoolchildren now have a real understanding of the unfairness in international trading. That is hope

[Annette Brooke]

for the future; it shows that we will continue making progress and that people will not forget. There is a real understanding of why some countries are still poor, why people are suffering so greatly, and of the fact that we have the opportunity to change things.

We have a great duty to deliver something in the next round of talks. I shall refer to representations that we may have all received in different forms. The first is from the mass lobby. It was encouraging to see so many people here, some of whom had travelled so far, and so many young people. We were all asked to write and ask what changes to the EU's negotiation position the Government were calling for at the World Trade Organisation meeting. We would like to hear some answers on that.

I have received more particular representations asking what we, as a nation, will do during our presidency of the EU to come to an early agreement on a date by which rich countries will have ceased to give export subsidies, to dump products on the developing world and to distort world trade in such a bizarre and almost obscene way.

At the WTO conference, attention will be turned to the manufacturing and industrial sectors. Christian Aid submits that concessions on the export subsidies of rich countries are likely to be used as a carrot to induce poor countries to agree to further harmful trade agreements on manufacturing. We have to be clear on that type of thing. We have to give without demanding quite so much in return; we will all benefit as world trade grows. We have to make what might be seen as short-term sacrifices for the greater good. I understand that the EU wants to debate issues such as rules on investment, whereas the poorest countries feel that they have already achieved the exclusion of some of those items from WTO negotiations. The very worst thing would be if we were perceived to take steps backwards at the talks.

I have already mentioned economic partnership agreements, an issue that causes me great concern. A strand of that—the issue of bilateral agreements—has been reflected in everybody's contributions. The concern is raised because although the Government are saying the right things, we are not at all clear that our Commissioner in Europe is taking forward our view. There are comments in the press that Commissioner Peter Mandelson openly dismisses the huge opposition to EPAs, which is a great concern. I should be grateful if the Minister addressed that in a little more detail.

There are so many reasons why we should be concerned about economic partnership agreements. Are we making grossly unfair demands? There is a lot of evidence that we are seeing EU goods flooding markets and, in return, putting so much pressure on the local economy. Are we forcing new issues through the back door through such agreements? Are we undermining regional integration? That is a serious point, because there is a balance between the very poor countries that already have some agreements with the EU and a certain amount of openness, and they could suffer. There is a conflict with some ACP countries: is their priority trade with Europe, or trade within a regional area? That is difficult to work through. The underlying point is that it is unfair. It is, as many people say, like playing football on a steep slope, and we know who is unfortunate enough to have the uphill struggle.

I should like to round off my remarks with some of the facts with which we were all presented, but which need to be put on the record. We all know that African people cannot afford delay, and we cannot afford not to get it right. If Africa increased its share of world trade by just 1 per cent., it would get $90 billion, which is three times more than it gets today in aid and debt relief combined. Hon. Members have already said that that is why trade is so important in our way forward. Unless we get the deal at the WTO, the scandal of unfair trade will continue unabated. Rich countries spend $279 billion on farm support, which is three times more than they spend on aid. The figures are alarming, but we have it at our fingertips to speak and take action.

How can we live with our conscience when we think about the EU dumping sugar and beef at less than half the production cost and how that is affecting the developing world? I hope that the Minister is reassuring about the robust stance that will be taken in the EU and at future trade talks.

10.18 am

Andrew George (St. Ives) (LD): I strongly congratulate my hon. Friend the Member for East Dunbartonshire (Jo Swinson) on not only securing this important, timely debate, but setting out clearly and strongly a case for the United Kingdom, with its European partners and in the wider world, to take a lead in the vital negotiations in Hong Kong from 13 December.

Like my hon. Friend, I was in Edinburgh in early July, marching with hundreds of thousands of others in support of the Make Poverty History campaign. It was telling that not only were many hundreds of thousands of people marching there and elsewhere, but people were attending concerts in various parts of the country and around the world. There were also all those who wished to be at those events but could not attend, and those who wore the wristbands, all of which demonstrated mass popular support for a campaign that reached a crescendo at that time. There were significant expectations of the Government, with their presidency of the G8, to push for a strong, clear outcome in the G8 negotiations.

Clearly, a crucial cornerstone of the announcement—the communiqué—that came out of the Gleneagles summit was the expectation of a positive outcome for the World Trade Organisation negotiations at the end of the year. My hon. Friend rightly emphasised and welcomed the announcements and promises made on the aid and debt relief packages, although I am sure that they were slower and more modest than a lot of us would have wanted. However, as she demonstrated, they represent only a cup of help in comparison with the tidal wave of impact that trade has on developing countries.

Trade is clearly the cornerstone. Until we get the trading relationship right, we need to do all we can, through aid programmes and support, to enable developing countries to build up their infrastructures and develop health, education and other programmes—literally, to save lives now—so that those countries have the capacity to develop economically. Economic development will provide the sustainable economic background against which those countries can establish a future that will genuinely make poverty history.

Emphasis on such issues goes back to the beginning of the Doha round in 2001, when there was a recognition among western countries that the Uruguay round, which finished in 1993, resulted in a deal that was clearly pro-western in outcome. It is worth reminding ourselves that the primary purpose underlying the Doha development round—this is understood among the 148 countries engaged in the negotiations—is to achieve a deal that will make a major contribution to the development of underdeveloped countries, in particular the G33—the poorest countries.

In a thoughtful contribution, the hon. Member for Kettering (Mr. Hollobone) set out an argument that mentioned research from Open Europe, which I have not had the benefit of seeing. I look forward to doing so. It lobs a challenging device into what are sometimes easy, intellectually non-challenging campaigns on trade justice. I should be interested to hear what the Minister knows of the evidence that argues that the best way to develop developing countries is to liberalise at a much more accelerated rate than is proposed either by the campaigners or even by many countries engaged in the negotiations. That is a challenging proposal and, frankly, those who want sustainable development of developing countries and genuinely to make poverty history should not close their eyes to those who take a more libertarian view.

Westminster Hall is a debating Chamber in which we can consider ideas that we may not be able to consider in the usual cut and thrust and party political point scoring of the main Chamber. There may be some merit in elements of the points raised by the hon. Member for Kettering, and it is important that we do not close our eyes to that. In an ideal world, if all things were equal, there would be no tariff barriers but complete liberalisation of markets, and economies would prosper in those circumstances.

However, as the hon. Member for Islington, North (Jeremy Corbyn) made clear—his contribution stood in contrast to the contribution of the hon. Member for Kettering—we live in an unequal world. That is the reality. Many of the agreements that are being negotiated or reviewed, such as the general agreement on tariffs and trade, are not always favourable to developing countries. There is a great deal of evidence that liberalising services and opening up opportunities to privatise basic service markets, such as water provision, in developing countries, have not always resulted in a satisfactory or happy outcome.

I have raised the privatisation of water services in Tanzania and Sierra Leone with the Minister, and lessons need to be learned.

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): The hon. Gentleman rightly refers to occasions when liberalisation has not delivered the benefits that some suggested it would. However, does he acknowledge that there are many cases in many developing countries where liberalisation has had a positive impact? The key is to help the developing country to make judgments for itself about opening barriers and opening up sectors, so that it can do so in ways that serve its own interests. Liberalisation per se has not led to the end of the world as we know it. It has brought many benefits, but we need to learn the lessons from the times when it has not worked.

Andrew George: I am glad that the Minister expresses that point in that way. There are problems to do with access to services in developing countries, and people have not always benefited in the way that they expected. However, that does not mean that we should not recognise that there are opportunities for investment which will genuinely improve services in developing countries. The key question is whether inward investment to such countries improves services or whether, as some have argued, it results in exploitation and a dysfunctional outcome.

There are clear examples of that. The non-agricultural market access negotiations—NAMAN—is a case in point. The hon. Member for Kettering offered some interesting statistics—for example, on comparative tariff barriers as a proportion of per capita gross domestic product. If the figures can be proven to be robust and the Government accept them, they will challenge the assumption that developing countries should have preferential access to western markets. Also, implicit in the Minister's intervention were questions to do with whether protection of markets in developing countries attracts new investors. Will such protected markets encourage investors because they know that it gives them some advantage, or discourage them?

My hon. Friend the Member for Mid-Dorset and North Poole (Annette Brooke) mentioned bilateral agreements, and in particular economic partnership agreements, which are currently being reviewed in the European Union. The issues that she raises and the concerns about what one assumes are unintended and detrimental consequences of the economic partnership agreements highlight the potential dangers of failed WTO talks in Hong Kong.

It is clear from the Prime Minister's speech on Monday night that he sees the west, particularly Europe, as the major stumbling block to a successful WTO outcome. As the Government hold the presidency, one must question whether they will achieve the satisfactory outcome on the talks which we all want. The UK Government and the Prime Minister, who said that he will throw everything he has got at it, have apparent passion for the issue. What things in particular will he throw? What negotiations has he had to unblock the current European Union position?

If the talks fail, we will return to bilateral agreements between rich western nations and developing countries, as the capacity and the authority of the rules-based trading system, which is what the WTO represents, will be undermined because of the failure of the talks. Many people are rightly arguing that an agreement on agriculture would have a domino effect with regard to achieving a favourable outcome on the WTO talks.

I was interested to hear that following discussions with the President of the European Commission, Mr. Barroso, the World Bank president, Paul Wolfowitz, said that the sticking point is that the developing countries must make concessions. That statement was

[Andrew George]

made after a meeting on Monday. Does the Minister believe that the primary area of focus, where the biggest move needs to be made, is on an agreement on agriculture and the common agricultural policy in the EU? Alternatively, does he agree that the apparent intransigence of developing countries and the question of their preparedness to open up their own markets and to reduce tariff barriers by up to 75 per cent. on industrial markets need addressing to break the logjam with regard to the future of the talks?

It is clear that there is significant uncertainty about the outcome of the Hong Kong ministerial meeting. Many people are predicting that it will collapse in failure. What plan B are the Government preparing? Do they recognise that if the preparations are, as they appear to be, insufficient, the further extension of the Hong Kong talks to Geneva in March will be required? The expectation is that the Hong Kong discussions will be seen merely as pre-negotiations.

I should like to know the answer to something my hon. Friend the Member for East Dunbartonshire asked. What representations have been made? What discussions have the Minister's Department and other Departments had with the European Commissioner? What change is required from the EU to break the logjam and get the talks in Hong Kong back to a position from which we can expect a favourable outcome?

This is a serious time. There is only a month to complete what needs to be done for the talks in Hong Kong. In fact, there is a further guillotine on the talks, as the fast-track capacity of the President of the United States, George Bush, to further some of the agreements that he might achieve in those talks ends in the middle of 2007. If we fail in Hong Kong, the timer will still be running on the negotiators and the negotiations. I would appreciate hearing the Minister's comments on what is likely to happen after the Hong Kong talks in December, which people widely expect to fail.

10.36 am

Mark Simmonds (Boston and Skegness) (Con): I, too, congratulate the hon. Member for East Dunbartonshire (Jo Swinson) on securing this important debate at this time, and also on the articulate and polished way in which she set out the case during her initial remarks. She made several good points, including the one contrasting the US tariff versus aid regime with Bangladesh. She could have used many other examples, but that was an extreme one.

I do not accept all that the hon. Lady said. I do not accept that further significant protectionism is the answer, which she seemed to be suggesting. I shall say a little more about that later, if there is time. Indeed, it is interesting to note that those NGOs that are at the forefront of the lobbying have switched their terminology from infant industry protection to infant industry promotion, which is much more in line with what the Minister would accept and with what I would agree is probably the way forward.

The hon. Lady rightly highlighted intellectual property rights. She will be aware that some progress was made in 2003. The Conservative party believes that there is a need for further weakening of intellectual property rights, particularly in the field of health to facilitate easing the HIV/AIDS problem.

My hon. Friend the Member for Kettering (Mr. Hollobone) made a powerful speech in which he brought his experience to bear. He made just one factual error. I believe that Honduras is, in fact, the third poorest country in the western hemisphere, after Haiti and Nicaragua, which has now overtaken it. Having said that, I thought that he gave an excellent analysis, particularly of the current system of preferences and the problems that it raises for developing countries. He supported that with some interesting and illuminating statistics.

My hon. Friend was absolutely right to highlight the problems that the rules of origin are creating. If there is one thing on which I agree with the European Trade Commissioner, it is his description of the rules of origin as being like a Russian doll: one layer of complexity is removed to reveal another layer underneath. That summarises well some of the problems of the current international trade negotiations.

The hon. Member for Islington, North (Jeremy Corbyn) is a regular contributor to these debates, and I always enjoy his contributions. If nothing else, he is consistent in his arguments and extremely lucid, but I strongly disagree with some of his perspectives. For instance, I do not agree that free trade has damaged the population. In fact, that flies in the face of what has happened during the past 20 years in south-east Asia, where 500 million people have been lifted out of poverty.

However, the hon. Gentleman was right to highlight that we are all, irrespective of our party political persuasion, alarmed at the levels of poverty around the world, and that we all want to alleviate poverty to the greatest extent possible. This debate and others in other places at other times are about the policies that we must put in place to ensure that we succeed in facilitating the alleviation of poverty.

Jeremy Corbyn: The south Asia example is an interesting one. The countries that developed quickly from the 1970s onwards mostly did so with agricultural tariff protection, which meant that they maintained their own food supply and were not forced to accept cheap food dumped from elsewhere.

Mark Simmonds: I accept that. The Conservative party certainly does not believe that we can flick a switch and, overnight, go to international free trade without any recognition of the role that tariffs, and, indeed, subsidies in a small way, can play.

The hon. Member for Mid-Dorset and North Poole (Annette Brooke) made a good and sincere contribution, but she was perhaps a little over-simplistic in her description of the complex trade talks. I think that she said at one point—I am paraphrasing—that we should give a lot, but expect little in return. It is not as simple as that. If that were the case, Brazil, one of the G20 developing nations, would totally dominate the production of sugar and many agricultural products, primarily because it has two facets that do not exist in many other countries—an almost infinite supply of cheap lamb and very poor labour rules and regulations. That makes it impossible for other countries to compete.

Sugar is the best example. If we allowed Brazil to swamp the market in sugar and other agricultural products, the most damaged countries would be the developing nations that are trying to obtain access for their products—sugar and others—in the developed world. Therefore, it is a complex set of negotiations.

The developing nations do not all have the same agenda: they have different roles, attributes and aims. There are not just the major blocs—the United States, the EU and Japan—but the Cairns group and the Caribbean group. Even the countries in the G20 group, which is led by India and Brazil, have different aims in terms of agricultural production and trying to limit competition in their industrial and service sectors.

Opposition Members welcome the work that was done at Gleneagles, particularly on aid and debt, but we were disappointed—I accept that the terrible tragedies in London got in the way—that the G8 meeting did not make the progress on trade that was expected and hoped for not just by hon. Members, but by outside organisations. I understand from anecdotal evidence that the journalists were briefed by senior Ministers at the summit that progress was nearly made on significant trade reform. The Minister may like to confirm or deny that if he has time; if he does not have time as usual, I shall follow it up with a letter, although I still have not had a response to my initial one.

Mr. Thomas: Today, I promise.

Mark Simmonds: That is excellent.

We agree with the Government's aspirations with regard to promoting free and fairer trade and we fully support the reduction of protectionist trade barriers and harmful subsidies, which other hon. Members have spoken about. However, and here I disagree fundamentally with the hon. Member for Islington, North, history is littered with protectionist folly. We do not have free trade in the world at present; we have protectionist blocs, and matching protectionist blocs with further protectionist blocs is not the answer. The evidence shows that, in every decade, countries that pursued a freer trade agenda grew faster than those that pursued protectionist agendas.

There are good examples in history of attempts at protectionism, where countries and regions have tried to hide infant industries behind significant tariff barriers. The best example is Latin America in the 1950s and 1960s and India in the 1970s. Those attempts did not work, because they protected inefficient industries that could gain access only to a domestic market and could not compete internationally. Particularly when those tariff barriers were removed, more efficient industries from outside came in and destroyed them. The Indian heavy steel industry is perhaps the most recent example.

We accept the necessity for a transition period and we must be careful about moving too fast to the total removal of tariff barriers. We understand the importance of tariffs to many developing countries: they not only enable them to facilitate infant industry promotion, but act as a revenue generator for their exchequers. The statistics show that if all sub-Saharan Africa's tariffs were removed, the income to the countries' exchequers would be reduced by 10 per cent. overnight, causing severe difficulties to their Governments and to the improved accountability that we all wish to see in African nations.

However, it is not just the poor and developing countries that are set to benefit from an ambitious conclusion to the Doha round. Non-agricultural access could generate €20 billion for Europe alone. Economic development, wealth creation, and pan-African as well as international trade, offer the best hope for long-term, sustainable solutions to poverty and suffering in Africa.

If I were asked to pick out one point from the remarks of the hon. Gentleman with which I wholeheartedly agree, it would be his assessment that what is required in African countries is an improvement in infrastructure to enable people to get their goods to market—not just to the ports, but to internal markets. I visited Mozambique earlier this year, and I had discussions with its lead trade negotiator. I asked her this question: if I could take one message back to the British Parliament, what would she want it to be? She waved away with her hand the importance of the WTO negotiations in Hong Kong, and said, "We need more assistance to develop our internal infrastructure so that Mozambicans can trade with Mozambicans. After we have got to that stage, we can start to worry about exporting our products." Not enough focus has been given to that point today.

I have a few questions to ask the Minister, before I sit down and allow him to respond. Some of them have been put before; I think the hon. Member for St. Ives (Andrew George) touched on one of them. It is clear—not just from reading the press, but from discussions with those who are in the know about the WTO negotiations, and from a recent edition of "Newsnight" that focused on the Trade Commissioner's negotiating skills, or lack of them—that it is by no means certain that an agreement will be reached. Some countries are manoeuvring into a position to start bilateral trade talks, on the basis that the WTO discussions in Hong Kong will fail. Will the Minister confirm whether the British Government are doing that, or are they still tirelessly working to ensure a successful EU presidency and a successful conclusion to the WTO talks in Hong Kong? Do the Government have a plan B, if, as looks likely, the WTO talks do not progress in the way we all hope?

Finally, will the Minister confirm whether the Prime Minister is prepared to sacrifice the EU budget rebate in order to persuade the French to back down on their trade—and, in particular, their agricultural—subsidies? They are continuing to hold out for them, and those subsidies are seen as one of the main blocking points of the Hong Kong negotiations.

I, along with all Members, hope that the WTO negotiations in Hong Kong are a success. However, I have doubts about whether they will be. The issues under discussion are extremely complex. The generalised system of preferences needs to be addressed, as do the rules of origin. The EPAs have not worked, and they need to be looked at. People prefer to use the Cotonou preferences, but under the Cotonou preferences trade between Africa and the EU over the past 30 years has decreased, not increased.

There needs to be a significant reappraisal of the whole international trading framework, but it is important that the WTO stays together, and that we

[Mark Simmonds]

have an international trading framework. We do not want to go back to the situation where countries make bilateral arrangements that are purely in their own selfish interests rather than in those of developing countries, and which do not alleviate poverty.

10.48 am

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): It is a pleasure to have this opportunity to serve for the first time under your chairmanship in Westminster Hall, Mrs. Dean. May I begin by echoing the comments of other contributors by congratulating the hon. Member for East Dunbartonshire (Jo Swinson) on securing the debate and on the manner in which she made her case?

I agree that this has been good year for development. The hon. Lady was right to highlight the $55 billion debt relief deal that has been secured. It will initially benefit 18 countries and will potentially benefit as many as 38. She might also have wanted to highlight the almost $18 billion Paris Club debt relief deal that has been secured for Nigeria. That will free up an extra $1 billion a year in that country, specifically for poverty reduction.

The hon. Lady rightly highlighted the progress that has been made on development assistance, and $50 billion extra in development assistance will be secured by 2010, half of which will be for Africa. That is hugely important in its own right. She could also have highlighted the threefold increase in UK aid since 1997, as well as the historic commitment to achieve the 0.7 per cent. goal by 2013. She and other hon. Members will know that if we can persuade other countries to launch the international finance facility, we hope to achieve that target earlier than 2013. Similarly, good progress has been made this year on securing further funding for the fight against HIV/AIDS and the other poverty diseases—TB and malaria, in particular. The commitment on universal access was just one of the highlights of the millennium review summit, as heralded by the G8 process.

The hon. Lady asked a range of questions, which I shall attempt to answer. However, let me first welcome her praise for the work of the Fairtrade Foundation and the many different organisations working up and down the UK to promote fair trade goods. In particular, I highlight the Co-op group, which has led the way in selling fairly traded goods in its stores. I would be happy to meet her and a delegation from her constituency to discuss fair trade issues in the way that she wants.

Looking ahead to the substance of the WTO meeting, the hon. Lady asked about the Government's view of the process to date. My hon. Friend the Member for Islington, North (Jeremy Corbyn), one of the House's long-term doughty campaigners on the issue, rightly highlighted the failure of the Cancun talks. However, I agree with his analysis that one of the positive outcomes of those talks was the way in which developing countries organised themselves for the first time as a strong bloc to make sure that their voice was heard, perhaps also for the first time, in a sustained way in the WTO process. Frustrating as it was that we did not get a good outcome at Cancun, the fact that the voice of developing countries was so strong was hugely significant.

The fact that the WTO is a multilateral rules-based trading system is something to cherish. Regional and bilateral deals cannot, by definition, offer as much negotiating power to developing countries. Such countries, which continue to come together and organise in the various blocs around the various issues—they are doing so for the WTO talks—would not be seen in anything like the same way in regional and bilateral deals. Therefore the deadline, to which the hon. Members for East Dunbartonshire and for Boston and Skegness (Mark Simmonds) rightly alluded, on the waiver of the President of the United States is hugely important, and progress needs to be made before that waiver comes to an end.

We remain committed to the World Trade Organisation talks in Hong Kong. We will continue to seek an ambitious outcome for the round and recognise the importance of the Hong Kong ministerial talks in that process as a galvanising meeting to secure the progress that we want. We have been encouraged by the American and the subsequent European Union offers. Clearly, there is still a long way to go before we can be confident that agreement will be reached. However, as the Prime Minister made clear as recently as Monday, we remain determined to do all we can to continue to promote the securing of agreement.

A pro-development outcome from the Doha development round would result in improved participation by developing countries in the world trading system, particularly through substantially increased market access, the dismantling of trade distorting subsidies by industrialised countries and an end to export subsidies. The hon. Member for Mid-Dorset and North Poole (Annette Brooke) asked specifically about when we wanted export subsidies to come to an end. The UK has made clear our support for an end date of 2010 for EU export subsidies, and we continue to argue that line with our EU partners. Perhaps understandably, at one level, our EU partners want to see other developed nations committing to end their export subsidies and want the WTO negotiations to be the vehicle by which end dates are agreed. Nevertheless, we are clear that we want 2010 to be the end date and are continuing to push European and other countries to continue to move towards that.

A development-friendly result from the Doha development round would ensure that poor countries are given the flexibility to plan, decide and sequence trade reforms as part of wider poverty reduction and development strategies. Fundamental to our work to date has been the focus on the issues that matter most to developing countries. As the House is aware, and as the Tanzanian ambassador to Brussels made it clear to me when I met him recently, since developing countries rely so heavily on agriculture for their livelihoods, that any WTO deal that does not deliver on agriculture is simply not relevant.

As I said, we need to maintain our ambition, particularly in the face of the pessimism that is out there. The fact that some European member states have expressed concerns about how far Commissioner Mandelson has gone in the negotiations implies that there is a serious offer on the table from the European Union. We want further progress in the talks, particularly in relation to the concerns of poorer countries about, for example, special products in agriculture and a special safeguard mechanism. We want all developed countries to follow the European Union lead and offer immediate duty and quota-free access to their markets to the least developed countries. We want to agree on an approach to cutting tariffs on industrial products to allow developing countries the space—I return to the point alluded to by my hon. Friend the Member for Islington, North, in particular—to decide the pace and sequencing of their own reform.

The hon. Member for Kettering (Mr. Hollobone) rightly highlighted the problems relating to rules of origin and the need for further progress. He may be aware that the G8, both at Gleneagles and previously at Sea Island, made a commitment to continue a process of reform of the rules of origin. We are certainly arguing for the reform of rules of origin in the European Union, which has been consulting on the issues. We will continue to push for that, for all the reasons to which he rightly alluded.

The hon. Gentleman also touched on the important issue of sugar. It is hugely important not only that we push through sugar reform, but that we give real and sustained assistance to a number of key sugar-producing countries, particularly those in the Caribbean, with which we have a strong historical relationship. We have been working closely in the Caribbean with a number of those developing countries and have helped them to prepare action plans so that they can take advantage of the assistance that will be on offer from the European Union to move their industries forward in the way that they want.

I agree with the support that the hon. Member for Boston and Skegness (Mark Simmonds) gave to the point made by my hon. Friend the Member for Islington, North about infrastructure. A Minister from Zambia highlighted two key transport routes in and across Zambia that need development assistance. He rightly noted—other hon. Members alluded to this—the importance to the least developed countries of sorting out some of those problems first, although there are also other issues relating to making trade more effective and opening up opportunities. That relates to why my right hon. Friend the Prime Minister announced £100 million for aid for trade.

I recognise that I have not had the opportunity to answer every question that hon. Members put to me, not least the points made by the hon. Member for Mid-Dorset and North Poole about economic partnership agreements. I shall write to her on that subject and copy it to other hon. Members.

There has been a series of discussions across all levels of the Government with European partners, including discussions between my right hon. Friend the Prime Minister and the President of France. We continue to make the case for reform of the common agricultural policy. When something takes up 40 per cent. of the budget but helps the interests of only 5 per cent., further reform is clearly needed.

A3 (Hindhead)

11 am

Mr. Jeremy Hunt (South-West Surrey) (Con): It has been said that the definition of a politician is someone who says when there is light at the end of the tunnel, "Let's go out and build some more tunnel." On this occasion, I only wish that that were the case, because my constituency desperately needs a tunnel.

The arguments that I will put today have been put many times before, not least by my predecessor as the Member of Parliament for South-West Surrey. As the Minister is new to the Department, I would like to take the liberty of briefly going through the arguments again.

The A3 links London and Portsmouth. Portsmouth is the second biggest passenger port in the country, carrying 800,000 vehicles and 3 million passengers per annum, and is a key gateway to the continent.

Sarah McCarthy-Fry (Portsmouth, North) (Lab): I thank the hon. Gentleman for giving way and allowing me, as the Member for Portsmouth, North, to make a point. On freight, at the moment we are not allowed to increase the container size on our railways, so it is likely that more freight will have to be carried by road. Does the hon. Gentleman agree that, if Portsmouth is to continue to develop freight business at the port, a decent road from London down to Portsmouth is even more important?

Mr. Hunt: The hon. Lady makes an important point. Portsmouth carries more than 1 million tonnes of freight per annum and is the fourth largest local economy in the south-east of England. However, of those top four economies, it is the only one without a motorway connection to London and the only one that requires the use of a single carriageway on the main trunk route to London. In fact, Hindhead has the only single carriageway on that network between Portsmouth and Scotland. In addition, Portsmouth is the only one of the four in which the main arterial route to Heathrow and Gatwick is blocked, right in the middle, by traffic lights. The Minister will appreciate the severity of the bottleneck created for my constituents. The queues to get through the traffic lights at Hindhead are utterly horrendous.

Sarah McCarthy-Fry: We are trying to build a venue for conferences in my constituency, but we are being told that conference organisers will not send delegates through that bottleneck, particularly at the peak times, so we are losing out on conference traffic. Does the hon. Gentleman agree that that is yet another reason to pursue the matter?

Mr. Hunt: The hon. Lady again makes an important point—the implications of not having a tunnel stretch way beyond my constituency. Her city is trying hard to catch up with the affluence that is common to the rest of the south-east, but in which Portsmouth has so far been unable to share. She will know that the city is one of the 50 most deprived areas in the UK; that it ranks just 31st in the south-east in average weekly earnings; and that there are 25,000 people of working age in the city without a job.

[Mr. Hunt]

There is not just the economic cost to Portsmouth; there is also a massive environmental cost to the region. The Devil's Punch Bowl at Hindhead is an area of outstanding natural beauty, of national and international importance, and of special landscape value.

Let me tell the Minister some of the benefits of a tunnel, as identified by his own Department. There would be a positive economic cost-benefit ratio of 2.8 through reduced journey times. A tunnel would meet the policy objectives to

"provide an efficient and effective road system and reduce congestion"

and to "conserve and enhance biodiversity", and there would be a substantial reduction in the number of accidents—estimated at 40 fewer a year. One accident nearly every week would be avoided.

A tunnel would have a large beneficial impact on driver stress and would create a reduction in noise levels in Hindhead and the surrounding areas, providing substantial benefits to the historic landscape of Hindhead common and an opportunity for townscape enhancement, including visitor gateways to the common and the Devil's Punch Bowl. Most importantly, more pedestrian and cyclist trips would be encouraged.

The final argument that needs to be addressed is whether the tunnel is of regional or national significance. It apparently fails to meet three of the four criteria necessary to define it as of national significance, but it does so for the chicken-and-egg reason that those criteria cannot be met as long as there is a bottleneck. The volume of traffic flows—fewer than 60,000 vehicles a day—the low proportion of freight traffic and the route's lack of inclusion in the trans-European route network are all due to the bottleneck. If the bottleneck were removed it would become the route of national significance that its function as the connecting road between London and Portsmouth demands.

I conclude by telling the Minister of the terrible price that my constituency pays because it happens to sit right in the middle of that transport disaster zone. The village of Hindhead, home to only 3,000 people, is sheared in half by the A3. If one is on the wrong side, it is quicker to go to nearby Haslemere for one's shopping than to use the local shops. A huge amount of pollution is generated throughout the day by cars idling, slowing down, revving up and starting at the Hindhead lights. Rat-running is destroying the local villages, and there is a huge problem with planning blight. The lights sit on the main road between Haslemere and Farnham. They are two important towns in the area, but connections between them are massively hampered by the difficulties of travel over the junction.

What I have said is fully supported and endorsed by my right hon. Friend the Member for North-East Hampshire (Mr. Arbuthnot). He is not present today, but he speaks with great passion about the issues faced by his constituents, particularly in Grayshott, the town next door.

I hope that I have demonstrated to the Minister the seriousness of the situation. In his reply, will he address some of the concerns throughout the region about the procedures used to decide the fate of the tunnel? For example, why has the inspector's report on the public inquiry, which was completed in January, still not been published? Despite my arguments today, why has the scheme been downgraded from supposedly national significance to only regional significance?

Sarah McCarthy-Fry: On the point about national and regional significance, I was reading in the national newspapers this morning about the national Olympics in 2012 and the massive boost to tourism that it will bring. My constituents hope that we will benefit from the huge tourism potential of our naval heritage. Does the hon. Gentleman agree that unless we deal with the bottleneck at Hindhead my area certainly will not reap the benefits of the national Olympics, because people will not want to come through it? I return to the business argument. In the previous Hampshire economic partnership business transport survey, in which 730 businesses took part, 37 per cent. of those that responded made Hindhead their major priority for road investment. Does the hon. Gentleman agree that that adds weight to his argument?

Mr. Hunt: I absolutely agree with the hon. Lady. The Olympics is a huge opportunity not just for London but for the whole country, and particularly for areas such as her constituency that need regeneration. We should grasp that opportunity for Portsmouth. We must however recognise the threat in my constituency of the extra traffic created by the Olympics making a bad situation into a traffic nightmare. The forthcoming Olympics is a strong reason why the issue must be progressed and not delayed.

Why, nearly a year after the conclusion of the public inquiry, do local people still know nothing about whether funding will be made available for the project? Given the strength of cross-party support for it, about which the Minister has heard this morning; given the huge damage that delays inflict on the environment, the lives of my constituents and the prospects for Portsmouth's regeneration; and given the opportunity cost to the country's economic infrastructure caused by not proceeding with the project, will the Minister at least agree to facilitate a meeting with the Secretary of State, as requested by the hon. Lady, to resolve this transport crisis with the greatest possible urgency?

11.10 am

The Minister of State, Department for Transport (Dr. Stephen Ladyman): I am grateful to the hon. Member for South-West Surrey (Mr. Hunt) for securing this debate and bringing his concerns to the House.

I think that we can start by accepting that there is some common ground. The stretch of road that we are talking about undoubtedly suffers from bad congestion, journey-time unreliability and a poor accident record, and I guess that we can also accept the social and economic importance of improving it. The points raised by my hon. Friend the Member for Portsmouth, North (Sarah McCarthy-Fry) on freight, the opportunity cost of not proceeding with conferencing development and the benefits of the Olympics were well made. There is no question but that that stretch of road needs to be upgraded—we accept the fact—and there would be important social and economic benefits in doing so.

If a cost-effective, affordable and easy-to-provide solution were obvious, and if the environment were not a factor, I have no doubt that the road would be being built as we speak. Indeed, it would probably have been built many years ago. Unfortunately, however, the environment is an important factor and a cheap solution is not available.

The landscape, as both the hon. Gentleman and my hon. Friend know, is of high quality. It is part of the Surrey Hills area of outstanding natural beauty and owned by the National Trust on behalf of the nation. The Devil's Punch Bowl is a lowland heath site of special scientific interest and is part of the special protection area. It is not just any part of the country that we can drive a dual carriageway through, which is why a tunnel scheme was identified as a potential way to deal with the problem. Unfortunately, however, tunnels are very expensive and we have to take that on board.

Environmental constraints have meant that we have spent 20 years searching for a solution to the problem. The hon. Gentleman was kind enough to offer me a history lesson on the development of the project, but he skipped over the fact that although the tunnel was identified as the correct solution in 1993, the scheme was stopped in 1995 by the Government—his predecessor was a member of that Government—because it was regarded as unaffordable.

Following our review of the trunk road programme in 1998, we considered the feasibility of a toll tunnel to make the scheme affordable, but we decided not to pursue that option because of the likely diversion of traffic on to less suitable routes. So, in March 2001 the current tunnel scheme was put into the targeted programme of improvements as a conventionally funded project.

Draft legal orders and an environmental statement were published in October 2003 and a local public inquiry sat for 29 days between 7 September 2004 and 15 February 2005. Although the hon. Gentleman implied that the public inquiry was finished nearly a year ago, the end of the public sitting is not when such an inquiry finishes. It finishes when the inspector delivers his report, which did not happen until close to the end of August this year. Before a public inquiry statement is put in the public domain, it is normal for the Secretary of State to make his or her views known.

Because this project is of such great importance, there is not just one Secretary of State who has to take a position on the inspector's report, but three: the Secretary of State for Transport, the Deputy Prime Minister—because of his planning duties—and the Secretary of State for Environment, Food and Rural Affairs. All three Secretaries of State have to take a position before we can proceed further, and they are in the process, with their officials, of working through the inspector's report. Hopefully, they will come to a position as soon as possible and we will put that in the public domain.

Mr. Hunt: Is the Minister able to give me any indication of when he expects the three Secretaries of State to come to their conclusion about the inspector's report? I am grateful to him for mentioning that the inspector's report was concluded at the end of August, because I did not know that until today. Does he know what the timetable is likely to be?

Dr. Ladyman: I cannot give the hon. Gentleman precise details, but I can certainly say that we will conclude the examination as expeditiously as possible. That will not be a very long time away, but it certainly will not be a matter of days; it is a complicated process. It involves us not only studying the inspector's report but looking at the scheme itself to make sure that the Highways Agency is content with the scheme, the construction and its methods, the costing and all other such issues. Normally, we would make the announcement on whether the scheme was to go ahead and publish the inspector's report at the same time.

The hon. Gentleman mentioned that the scheme is being treated as a regional scheme. The decision was taken to divide schemes into those of national and regional importance. One reason for that is that we believe in devolution; we believe that it is important that local people should help us to prioritise transport projects. There is a finite amount of money available for transport projects, so we decided that we would ask the regions to help us to identify which were the most important schemes that needed to go ahead.

How were we to do that? Well, initially the regions just gave us a big shopping list of billions of pounds-worth of transport projects, as if we would spend the entire transport budget in one region. That clearly was not going to work, so we decided to give indicative allocations of funding to each region and to encourage them to give us prioritisations, according to that funding envelope, in order to get realistic advice about the way forward.

One or two schemes were separated out as not appropriate for regional prioritisation. The scheme that we are discussing was left with the region so that it could give us regional advice on it. That advice is expected from the region early in January, and then a series of decisions will be made about which schemes we take forward. It is then that I would normally expect the inspector's report to be put in the public domain.

Mr. Hunt: Does the Minister accept that because of the significant costs of the scheme, to which he alluded earlier, there is a real risk that if it is re-designated as a regional rather than a national scheme, it will simply not go ahead? That is because the sums of money involved would eat up the entire budget for regional schemes for about two and a half years. Does he accept the arguments put forward by the hon. Member for Portsmouth, North (Sarah McCarthy-Fry), and by me that the regeneration of our inner cities and the connection of major cities to the capital using proper trunk road networks is of national significance?

Dr. Ladyman: I certainly accept that we are talking about a large sum of money, and that it would make serious inroads in the regional budget. However, that does not excuse the region from its duty of giving us an indication of what priority it gives the scheme. To be fair to the region, it has initially suggested that it thinks that the scheme has very high priority. However, in making that decision, it seems to be a bit unclear about where the

[Dr. Ladyman]

money would come from. We are clarifying that with the region and are making sure that it understands how the funding works before it finalises its prioritisation.

Assuming that the scheme remains an important part of the region's priorities, and assuming that we decide—on the basis of the inspector's report and other information—that we want to go ahead with it, it remains in the Highways Agency's targeted programme of improvements as a scheme for construction after 2007–08. However, I repeat the caveat that that is subject to the funding being available, and to the inspector's report not identifying a show-stopper. That may be a disappointing time scale for the hon. Gentleman and my hon. Friend; I have no doubt that they would rather that the diggers were there as we speak, but unfortunately that is the timetable.

There is probably not a great deal that I can add to the debate. I think that I have dealt with the hon. Gentleman's questions. The simple fact of the matter is that the importance of the scheme is recognised. There is no question about that. I understand why my hon. Friend and the hon. Gentleman are pressing so hard to move it forward. I would be doing the same if I were in their position.

Mr. Hunt: I hope that I am not about to ask the Minister something that he was about to come to. The concern that the hon. Member for Portsmouth, North and I have is that, although this Chamber is a good forum in which to raise the issue, we need to go into more detail. Given the importance of the matter to our constituents, we are keen to have a meeting with the Secretary of State to go through the issues. Will the Minister agree to facilitate such a meeting so that we can express in more detail the concerns that we have expressed today?

Dr. Ladyman: I was indeed about to come to that. It is not for me to offer meetings with the Secretary of State and it would not normally be for the Secretary of State to have a meeting on this matter. I am the roads Minister and the advice to the Secretary of State will come through me. I can offer to have a meeting with the hon. Gentleman and my hon. Friend to discuss the details. However, before deciding on the timing of such a meeting, we need to ensure that we are following appropriate protocol, because I am in the process of reviewing the inspector's report and making decisions on the scheme.

I would not want to do anything that got us into legal conflict, but, in principle, I am happy to meet the hon. Gentleman and my hon. Friend to go through the issues. However, I assure him that the issues are well understood. The project has been hatching for 20 years so I suspect that there is little that he or my hon. Friend can tell the Department about the scheme, its complexities and importance that we have not come across. If it will help them, however, I am happy to have a meeting with them to discuss it.

Mr. Hunt: Does the Minister accept that if he is still considering the result of the independent inquiry, this is a particularly good time for him to meet me and the hon. Member for Portsmouth, North so that we can express the concerns of our constituents and he can consider them before making his decision? If we waited until after he had made his decision on the independent inquiry, the meeting would be just a reporting process and we would be unable to make any impact in representing our constituents' views.

Dr. Ladyman: I certainly accept that we should have that meeting before making the decision—there is no question about that. The issue in my mind is whether it would be helpful to have the meeting in advance of receiving the regional priorities. It might be a good idea for the south-east region to confirm its priorities and to have the meeting when we know the lie of the land. I suspect that we would then be in a better position to talk about the practicalities of how the matter moves forward. I suspect that if we have a meeting now, which I am happy to have if the hon. Gentleman and my hon. Friend want that—I would never deny a meeting to a colleague—I will be told what I already know and what I have been told today: that this is an important scheme to the hon. Gentleman and his constituents. I know that, so would a meeting to tell me that help?

On the other hand, when we have the regional priorities and know the fundamental position—I hope that by then we will also have had confirmation of the final cost of the scheme—we might be better able to have a more useful meeting. However, if the hon. Gentleman wants a meeting in advance of that, I am happy to try to put one in the diary.

I encourage the hon. Gentleman and my hon. Friend to pick up the pace of their lobbying with the region. The regional prioritisation of the scheme will be key to the speed at which it moves ahead. I encourage the hon. Gentleman to talk to the regional assembly, the regional development agency and so on to stress the importance of the scheme and ensure that it is ranked highly.

Sarah McCarthy-Fry: My hon. Friend mentions the assembly and the South East England Development Agency. Which body makes the decision on the prioritisation: SERA or SEEDA?

Dr. Ladyman: It is SERA that makes the final decision on prioritisation. Indeed, had I not been in this debate today, I would have been addressing its plenary session, explaining the importance of regional prioritisation and perhaps even the importance of this road. Unfortunately, the Under-Secretary of State for Transport, my hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck), who was due to attend the debate on my behalf, has slipped a disc and has been immobilised.

It is for the assembly to provide regional advice and it is showing a considerable amount of wisdom in the way that it is carrying out prioritisation—it is showing other regions how to do so. Nevertheless, if the hon. Gentleman and my hon. Friend were to make their views known to the assembly, that would be very helpful. Perhaps the appropriate time for us to have a meeting is when we have that regional prioritisation.

I confirm once again that I understand the importance of the scheme. I accept entirely that it will unlock a great many economic benefits for Portsmouth and local citizens, but again I express a note of caution. This is a fabulously important area of environmental concern; we cannot just do anything there, and what we can do is extremely expensive. That will be an issue for us in future, whichever way we cut it. I have heard what the hon. Gentleman said, and I conclude by thanking him again for bringing his concerns to my attention.

11.27 am

Sitting suspended until half-past Two o'clock.

Security Companies (Accreditation)

2.30 pm

Mr. Eric Illsley (Barnsley, Central) (Lab): It is a pleasure to introduce this debate on the accreditation of security companies. I was joined in applying for it by my hon. Friends the Members for Milton Keynes, South-West (Dr. Starkey) and for Selby (Mr. Grogan). I sincerely hope that they will contribute to what should be an interesting discussion.

We are debating matters arising out of the Private Security Industry Act 2001. In a debate earlier this year, I raised the issue of door supervisors, a category of security personnel who come within the legislation. Problems around the registration of a category of security operative, generally known as wheel clampers, have also been well documented. Unfortunately, the Act does not appear to be working too well. We are already hearing anecdotal evidence that door supervisors are circumventing the requirements of the Act by becoming bar staff and taking on a dual role, or by disappearing into the black economy, and wheel clampers are achieving registration and now doing legally what they did somewhat clandestinely in the past, but with a little stamp on the side of the van stating that they are "Government approved".

We are now dealing with the licensing of security guards, for which the deadline is March 2006. It appears that we are already running into the same problems that were highlighted previously in respect of the licensing of security company operatives. Perhaps the difference in this case is that the security guarding companies about which we are speaking are a little more serious—for want of a better word, a little more important—than those in the liquor industry.

I know that the representations made by the liquor industry were not taken too seriously by the Government, but there is probably a little more urgency and seriousness involved in this case, given that we are talking about some of the major security companies in our country. The classic example is Group 4 Securicor. Such companies transport huge quantities of cash and valuables. They guard certain establishments, including Government establishments, and, in some respects, they are involved in the private prison industry. This sector of the industry is involved in big Government contracts, so the Government cannot dismiss it in the same way that they did the liquor industry. When I say that, I do not refer to my hon. Friend the Minister, who was not responsible for this issue the last time we debated it and, in particular, when we debated it in relation to liquor licensing. However, I hope that he will take on board the seriousness of the matter.

I shall not go into the Act itself. It has been on the statute book for some years. It sets out the licensing requirements for various categories of security company: door supervisors, vehicle immobilisers, security guards, key holders, close protection operatives, cash and valuables in transit operatives, CCTV personnel and private investigators. I wish to focus on security guards in this debate. As I said, the deadline for licensing is March. If I quote a few statistics, hon. Members may get an idea of the problems that have been encountered with the licensing of other categories.

[Mr. Eric Illsley]

Licences have been legally required for door supervisors since April this year, at the latest—there were various cut-off dates throughout 2004. Only 34,778 licences have been granted as of 9 November, against an industry estimate of 100,000 door supervisors required. That figure was contested, but even a lower industry estimate of, say, between 60,000 and 80,000, is still well above the number licensed. It is estimated that the industry will require thousands of doorkeepers, many of whom have yet to apply.

The Security Industry Authority set up by the 2001 Act is clearly having difficulties in getting the security industry to comply with the Act. The issuing of licences has been slow and to some extent over-bureaucratic. In an industry in which checks on individual personnel must be completed in a short time—perhaps a couple of weeks—licensing is now taking much longer. More and more individuals are passing the deadlines without being able to obtain their licences, so in many cases they are simply not allowed to work.

I recall that, shortly after the debate earlier this year on door supervisors, a number of police forces throughout the country clamped down over a weekend on the number of unlicensed door supervisors. Many establishments in the liquor licensing trade were closed down if door supervisors were found to be operating without licences. Therefore, there is the dynamic that the police will enforce the legislation. When the industry has a staff turnover of at least 30 per cent. per annum, it is easy to see the difficulties that we face.

The SIA now acknowledges that the licensing process takes six to 20 weeks. In April it was reluctant to admit that it faced delays, but even its website now states:

> "If you or your staff are travelling abroad in the next three months please do not submit your passport in case of processing delays."

That is an acknowledgment by the SIA that licensing can take up to three months. With an estimated 50 per cent. of guards and key holders yet to be licensed, the SIA is looking at at least a 12-month delay, so it would seem impossible that the requirement for 50,000 personnel to hold licences will be met by the March deadline. Therefore, a number of law-abiding companies and blue-chip companies—if we want to call them that—that are attempting to comply with the Act will be penalised, and the industry will fall further and further into disarray.

The problems of delays have already been highlighted. A security company contacted me last week with another example of a Home Office nationality document that was refused as proof of identity. There are many examples of applications being returned because the form has been incorrectly filled in, so the whole process has to begin from the beginning. Group 4 Security told me yesterday that it has about 25 full-time staff working purely on licence applications. That company has taken on the expense and the job of dealing with licences for its staff, but not every company is likely to do that.

Where do we move from here? What is the answer? How does the industry get round these delays? It would appear that the SIA has now decided to look to an approved contractor scheme to try to alleviate its problems. Under the Act, the authority can formulate an approved contractor scheme. Indeed, the Act requires the SIA to establish a voluntary system of inspection of security services providers, under which those that satisfactorily meet the agreed standards may be registered as approved and may advertise themselves as such. That is all well and good.

The key word in that phrase is "voluntary". The system is intended to be voluntary and details of the approved contractor scheme are listed on the Home Office website under the partial regulatory impact assessment with details of the approved contractor scheme on the SIA's website. The partial regulatory impact assessment states:

> "The Act does not specify the exact nature of the approved scheme nor how it should operate."

The foreword to the document states:

> "The attached document 'Partial Regulatory Impact Assessment 25th August 2005: Implementing the Private Security Industry Act 2001 . . . ' provides the opportunity for interested groups and individuals to examine and choose from one of the range of options contained in the document. The Home Office hopes that recipients will take this opportunity to respond with their views."

The consultation period for those who are interested to respond with their views ends tomorrow. Despite that, the SIA has already decided on and implemented an approved contractor scheme. The SIA website refers to that scheme and the criteria involved in complying with it, how to obtain the brochure and how to make an application to be part of it.

With the closing date for the consultation being tomorrow, 17 November, one would have expected a wait before implementing the approved contractor scheme. Yet we seem to be well down the road. One would have expected the consultation period to end before considering the options. There are four options: doing nothing, a scheme with no standards set, a scheme using existing industry standards and a scheme with new standards. Today, we are discussing option 4, which is on the SIA website, and the way in which it was decided to pursue the issue by bringing in a completely new set of standards in a completely new scheme.

It seems that the industry and particularly the SIA are acting as though the scheme has already been set up. The SIA website states:

> "The objective of other SIA's Approved Contractor scheme is to raise performance standards and to assist the private security industry . . . The scheme is voluntary and was developed in consultation with representatives from across the industry."

It goes on to say more about how the scheme was set up, the extensive market research, the process involving interviews with managers and so on. It gives the impression that an approved contractor scheme is already in existence, has already been consulted on, has already been put out to the industry for comment and that the major players in the industry have had their opportunity to contribute. However, one of the bodies that is responsible for standards in the security industry and perhaps the one that sets the highest standards—the National Security Inspectorate—has not been consulted or been part of the consultation by the SIA, which did not consider it a relevant organisation.

I understand that eight assessment bodies, which include the NSI, have been set up under option 4 and that some days ago staff were selected and sent for training for that approved contractor scheme. It seems that, to all intents and purposes, the consultation process ended a considerable time ago and the SIA is going for option 4 as the standard for the industry. Why has that occurred? Why was the NSI not consulted and why has the SIA, despite the fact that the consultation process is still ongoing, decided on that option? When we examine matters in detail, we see that the answer is simple.

The SIA needs an approved contractor scheme in place by March 2006 because of the delays that it is experiencing in issuing the licences. An approved contractor scheme will allow for fast-tracking so that the top 20 companies in the industry, which are probably also approved by the NSI, will be fast-tracked on to the scheme and allowed to employ unlicensed staff. Staff will be able to be deployed by the companies before their licence is supplied. Obviously, the NSI has been excluded from the consultation because its standards are too high. We will not be able to have a fast-track scheme in March 2006 that does not allow companies on to it quickly.

The NSI standards will be too high. The SIA needs a scheme in place quickly to get around the delays in the licensing process to allow companies the leeway of employing staff who have not yet been given their licence. As a result, we will have a compulsory scheme. It will no longer be voluntary because every company will need to be part of it so that it can be fast-tracked to obtain the accreditation to allow it the exemption in respect of unlicensed staff. The chances are that we shall see an approved contractor scheme with lower standards than those that already exist in the industry.

It is incredible that the consultation period has been ignored. Everything seems to be up and running before the period has ended. The SIA seems to be wedded to option 4 to the point at which it has excluded consideration of any other available option. It has ignored the NSI, the accreditation body with the highest standards and attributes of any accreditation organisation in the security industry. The consultation process has become something of a sham. Option 4 has to be the one on which the SIA embarks to minimise the problems of the delayed licences. Has my hon. Friend the Minister given approval to the SIA to go ahead with option 4? Has the Secretary of State given approval for the approved contractor scheme to be the option chosen in advance of the consultation period?

Other options are available under the regulatory impact assessment. My colleagues might refer to them in the debate. One of them is the option to do nothing. Throughout the process, it seems that the NSI has been sidelined by the SIA to the point at which the SIA has suggested that the "do nothing" option is not available to it. The SIA stated that a decision to implement option 1 would mean

"that the SIA would be failing in its statutory duties under the Act to implement a scheme and this would be open to challenge and possibly judicial review."

That is stretching the limits of logic a little, in that the SIA is always open to challenge and/or judicial review. However, no such challenge could stand up if the Secretary of State were acting within his powers. How can someone be liable to judicial review—to challenge—for implementing an option that is contained in the Home Office consultation document? How can the Secretary of State be subject to judicial review for implementing an option that he placed as part of that consultation? It seems rather strange that the SIA has taken that attitude—unless it has done so to try to ensure that its approved contractor scheme is the one that is chosen, instead of the NSI scheme or any other.

I will now run through some of the consequences of option 4. If the industry goes along that route, the approved contractor scheme will not be voluntary. Because of the licensing delays and the need for every company to get as many people as possible operative by March 2006, every company will have to be part of that scheme; they will want to be part of it to ensure that they can enjoy the exemptions.

For companies that train their security guards, there will be a short period of training, but they will simply not be able to have security guards standing round for between four and 20 weeks doing nothing until they get a licence. That will be a cost to companies that they cannot incur, especially bearing in mind the 30 per cent. turnover of staff in the industry. Companies will need to have their operatives deployed as soon as possible, so they will need to have approved contractor status to enable them to take advantage of the exemption.

That means that from March 2006, unlicensed guards will be working throughout the security industry. That defeats the whole object of the Act. The idea was to have regulation and improving standards, but we appear to be going the other way. Rather than address the cause of the delays, we seem to be moving the goalposts in order to try to defray the effects of what is now happening.

I am reminded of the response that I received when I raised the issue of door supervisors. No assistance was forthcoming when we asked for an extension of the time available for door supervisors to be licensed. However, it now seems that the SIA is willing to bring in the approved contractor scheme and to allow unlicensed operatives to work. There appears to be a bit of hypocrisy there.

Before anybody challenges me on the unlicensed operatives, let me state that the impact assessment says that 15 per cent. of operatives can be unlicensed, provided that 85 per cent. of them are licensed. If there were a four-month licensing period in any one year, that would mean that a security company could take advantage of three tranches of 15 per cent. throughout the 12-month period; in other words, 45 per cent. of the operatives working for it could be unlicensed. If the SIA got the licensing period down to two months, there could then be up to 90 per cent. unlicensed operatives working throughout any 12-month period. Therefore, it appears that we are allowing standards to go the wrong way.

Because of the way that the approved contractor scheme allowing the exemptions is progressing, we will lower the standards in the security industry. In order to get this type of accreditation quickly, the standards will have to fall; they will have to be lower to enable companies to fast-track themselves on to the scheme. If the SIA were to consider the other options—for example, the option of doing nothing and retaining the existing standards, or of using an existing body to

[Mr. Eric Illsley]

accredit the industry—those standards would remain at the current high level; they could, of course, also be improved.

At present, given the way that things are going, the approved contractor scheme is likely to lower standards. As there has been negotiation with parts of the industry—not all of it—over the past few months, it appears to me that the SIA has happily agreed with the industry that that is the way forward. The SIA will get round the problems of delays by allowing companies to employ unlicensed security guards from March, as a consequence of the lower standards of the approved contractor scheme.

One of the issues that has been raised with me is that extracts of speeches have appeared on the SIA website relating to improving companies' profitability, although I understand that they have now been removed. As far as I am aware, there is no mention in the 2001 Act of any requirement on the SIA to promote profitability or to improve the functioning of the companies, other than to regulate them and to license them. One must question in exactly what direction the SIA is travelling in relation to this approved contractor scheme.

It is also worth pointing out that many companies have spent a hell of a lot of money on accreditation, in particular the accreditation with the NSI. Many companies have spent a lot of money getting their employees licences; Group 4 Securicor representatives told me yesterday that it is paying for all its operatives and it is questioning who will pick up the cost. It looks like the customers will pick up any costs arising from the problems in the licensing regime.

It is clear that the 2001 Act has caused huge implementation problems for every sector. It was designed to reassure the public and to improve standards in the security industry, but it is failing yet again. An approved contractor scheme is being forced on the industry unnecessarily, in an attempt to get around the delays in licensing.

I make a plea to the Minister to re-examine these issues, in particular the attitude and the actions of the SIA, because we are in danger of seeing the industry introduce a scheme that will enable it to avoid criticism over its delays and incompetence in the licensing regime, and allow unlicensed operatives to work from 2006. As far as I am concerned, that is defeating the spirit and intention of the 2001 Act.

Several hon. Members *rose*—

Mrs. Janet Dean (in the Chair): Order. May I inform Members that I intend to call Front-Bench spokespeople at 3.30 pm and that four Back-Bench Members wish to speak?

2.58 pm

Mr. Bruce George (Walsall, South) (Lab): My hon. Friend the Member for Barnsley, Central (Mr. Illsley) should have started his speech the other way round, because it was a quite naked presentation on behalf of one organisation within the security industry, which feels that its near monopoly—70 per cent. of the market—is being taken away.

I have a long interest in security. I campaigned for 25 years, unsuccessfully, to get away from self-regulation. It was a pathetic industry that had enormous turnover—100 per cent. a year and sometimes more—of personnel, appallingly low standards and very low profits. Profits are important for companies—to get the investment and pay the salaries. It was an industry with hardly any training. Most of the guarding companies provided no training whatever. Even the better companies, which belonged to the British Security Industry Association, provided two days' training—usually pathetic—and one day's on-the-job training.

I worked very hard to try to persuade the previous Government to introduce licensing. They rejected it. When this Government came to office, they introduced legislation—and the 2001 Act is on the statute book. The Security Industry Authority has, I think, now been in operation for 18 months. It could have decided to rattle through in six months the licensing in an industry that involves about 400,000 people. It decided to be patient. Let us remember what the passport office did when it tried to move too quickly. There was chaos. The SIA is moving slowly but carefully.

Of course, there are problems and people are whingeing. Perhaps the people who take a long time to have their forms returned and validated have not filled them in properly. What percentage of forms sent in by people seeking a licence had that form dealt with? The answer is that 30 per cent. of all forms submitted are returned to the person signing them to ask for the information that was requested. Am I pleased with the scheme—which my hon. Friend is apparently pleased to see return—where nothing is to be done, with a self-regulatory body in charge of the inspectorate? No. The party that we represent fought for a long time to change it, and to return to it would be going backwards at a rapid pace.

The industry is in the process of being regulated. I can answer my hon. Friend's question as to why it is concerned about profit. Every Bill I have introduced—all five of them—has said that the regulatory authority should not just be a gatekeeper, admitting people or rejecting them. The industry is fragmented and its members are constantly at war with each other, which is not satisfactory. Having a neutral organisation—the SIA—trying to bring a degree of coherence is wholly desirable.

I hold a number of honorary positions in the security industry, none of which are paid, but I declare them. I hold a position in the Joint Security Industry Council, for which I am not getting paid; that is representative. Even the dog handlers have me as a patron. I do not want any jokes about being barking mad, because I have used them already.

I have a good feel for the security industry. I have written two books and 172 articles and have spoken in hundreds of meetings, trying to set up an organisation that eventually became the Security Industry Authority. One of the happiest days of my life was when the Private Security Industry Act 2001 came about. Was it perfect? Like hell it was, but it was rushed through before the election and was the only legislation that was feasible. I was told, "It's either this or nothing at all." The Act is so bad it is almost good, in that it allows the SIA to regulate through subordinate legislation. Is this global industry—growing to $120 billion in the world—doing its job? It certainly is here.

I believe that the industry is improving enormously. We are getting away from many of the faults, which have now been eradicated. Is the SIA perfect? No, it is not. The people who opposed regulation in the first place are still whingeing. They did not like it then and they will take any opportunity to criticise the SIA if it acts against their interests. The SIA has done reasonably well. So far, it has had a catalytic effect on the private security industry. I shall mention my criticism in a moment, but it has done a good job.

Some ask why the regulatory authority exists when there is self-regulated delivery. Whose self-regulation today is delivering? Did it ever deliver? It certainly is not delivering now. I do not want to go back to that period of statutory self-regulation.

I am told that the model for training and accreditation has already been decided. It is up to the Minister to tell us whether he has made a decision already. I doubt whether he has. Many organisations—a vast number—offer training. I was told that there are not enough trainers, but there are 6,500 of them, and 2,000 training providers. That is no shortage.

I am told, "It is too difficult to license people." However, 140,000 people, some 60,000 of whom are private security guards, have been licensed and trained already. Yes, there were problems with door supervisors, but that was in a trial run in Hampshire and the Isle of Wight and, as I said earlier, a lot of people did not complete the forms correctly. Lessons have been learned from that.

The idea that the approved contractors scheme will somehow result in a lower standard is a fantasy. My hon. Friend makes the following argument: "All right, let the person's friends run their section of the security industry. Let's have a regulatory scheme with no standards at all." No, I do not want that; I want a proper, approved contractor scheme. If anyone reads the brochure that has been put out, it will tell them exactly what is intended. There is an attempt to raise management standards. The licensing is for the personnel. The approved contractor scheme will try to raise the quality, the process and the commercial relationships, to improve the management, the financial management, the quality of people and the quality of leadership and to develop corporate responsibility. If that is going backwards, my sense of direction is completely unacceptable and intolerable.

The scheme will be good. My criticism is that management training will not be compulsory; it should be. If the guy in the infantry has to go through a training programme—and four days is not enough—why should management in myriad organisations not be obliged to get a degree or qualification?

The approved contractor scheme will supplement licensing. It is very good, and the idea of reneging on a commitment to introduce it is totally erroneous. My impression is that a number of companies will now bid to be, in essence, the approver of the various schemes across a wide range of activities. I believe in competition; it is better to have one organisation losing its ability to control perhaps 70 per cent. of the market and to allow in others who will operate to a scheme laid down by the SIA. At the moment, the NSI is market leader, with 70 per cent. of the business, I am told. If the Minister approves the scheme, others will be competing. I would have thought and hoped that most people would be prepared to see a system under which others enter the market.

The industry is becoming more professional. Thousands of men and women now have qualifications when previously they had none. I had estimated that there were 100,000 door supervisors, but the figure was much lower, and I shall say why: because thousands of door supervisors knew full well that they would never pass a criminal records check, so they disappeared from the scene. My hon. Friend said that he had anecdotal evidence; if he is able to provide more than that and say which bars or restaurants employ unlicensed door supervisors, he should please pass the details on to the local police, who have the responsibility for prosecuting.

I move on to my last point. The industry is accused of taking too long to license; I think that 80 per cent. of all licence applications are dealt with in six weeks. *[Interruption.]* I listened patiently to my hon. Friend; perhaps he will listen to me for a few more seconds. I wish that the period was shorter than six weeks, but we are not talking about 18, 20 or 30 weeks. If we are, it will perhaps be because the relevant guy lives in Botswana, and it will take some time to find out whether there is a regulatory authority in that country to get the information back over. That is the reason.

Of course, the approved contractor scheme's fast-tracking is going to be criticised. However, my hon. Friend says that the process takes too long. Under the new scheme, if the approved contractor is seen as honest, ethical and meeting all the standards, somebody who applies—no contractor should employ a security guard if it has not gone through its own system of vetting—and gets past the system will be allowed to enter work, and the licence will follow. So the contractor decides whether it wants the employee quickly or at all.

I hope that the Minister will answer some of the questions. I have my criticisms of the SIA but, on balance, it is doing a good job. It is being undermined by people who are trying to do it in for their own commercial reasons. I really hope that the Minister will say that, in the 18 to 20 months that it has been functioning, the SIA has done pretty well. When mistakes have been made, they can be remedied, but any idea of loosening its control or of taking away its right to enable a number of companies to operate in the role of supervisor, and of leaving the current arrangements in place would not be adequate. Those with many interests in private security would wonder whether that was the right decision.

I ask the Minister to give the SIA support. It deserves it. In two or three years, the industry will become unrecognisable from the pathetic industry that it was prior to the legislation, and that will be due to the SIA.

3.11 pm

Mark Williams (Ceredigion) (LD): I thank the hon. Member for Barnsley, Central (Mr. Illsley) for raising the matter and for his persistence. As a new Member of the House, I find that life here is very much an

[Mark Williams]

education, and his depth of knowledge and that of the right hon. Member for Walsall, South (Mr. George) is certainly something with which I cannot compete.

I shall focus briefly on my brief experience of door supervisors in my constituency. I might be charged with being a whinger but, as the right hon. Member for Walsall, South said, worries have been expressed about the working of the system as it is constituted, and that needs to be dealt with by the Minister in his discussions with the SIA. There are widespread concerns about the working of the SIA, in particular its interface and record in dealing with those who seek accreditation.

A month ago, I accompanied my local police force in Aberystwyth on night patrol. As we visited the pubs and clubs in the town, it quickly became apparent that the system does not always work as effectively as it should. There is the worry that a body that is funded publicly to the tune of £25 million and which charges up to £590 for administration per application is not coping with the situation.

I wish to cite a brief example provided by a constituent. Mr. Aled Davies of Aberystwyth assures me that his worries are widespread. His business has a capacity that requires a maximum of nine door supervisors, an extensive pool of people all of whom require training and accreditation. Above all else, he needs a prompt and efficient system that deals with applications within six weeks at least. Sadly, he told me of delays of six months. Few of us would deny that the current system is better than what existed before, as the right hon. Member for Walsall, South said, but individual failings need to be addressed. My constituent reported some delays of more than a year. However, I accept the right hon. Gentleman's point about the huge number of forms that are inaccurately completed and the time that it takes to remedy the mistakes.

Aberystwyth is a university town. The income of many students is supplemented by such work, but by the time that many of the applications are processed, they have already left town. Mr. Davies also cited examples of lost application forms and the failure to reach relevant officials by telephone. He is a responsible business man who wishes to comply with the spirit and detail of the law, but he has been in the responsible position of turning away business because he lacked sufficient accredited employees as a result of the system not working.

I do not wish to enter the debate on whether the figure is 90,000 or 120,000, but there is a huge backlog of applications and that needs to be dealt with at the first opportunity. Earlier this year, there was a truce between the police and the SIA in that there were to be no prosecutions in certain areas, such as Ceredigion and London, as long as the bouncers could prove that they had applied for a licence. That short-term approach makes a mockery of the system. It would be helpful if the Minister clarified the extent of the application backlog. We have heard conflicting figures. Can he explain what procedures are in place to measure the performance of the SIA? It is clear from the widespread support that the 2001 Act had at the time that the SIA is a laudable organisation in its intent, but serious matters need to be addressed.

3.15 pm

Mr. John Grogan (Selby) (Lab): It is a pleasure to take part in this debate, which has been a little more spirited and lively than I expected when I sat down this afternoon. I congratulate the three hon. Members who have taken part so far, particularly my hon. Friend the Member for Barnsley, Central (Mr. Illsley) on securing it. I shall try to carry on the Yorkshire flavour that he brought to the debate. My right hon. Friend the Member for Walsall, South (Mr. George) spoke with a great deal of authority and experience, and I learned quite a few things. I did not know about his connection with a dog-handling authority. I shall go away and contemplate that. Equally, the hon. Member for Ceredigion (Mark Williams) brought a great deal of local experience to the debate. That is what I want to follow.

I speak as chair of the all-party parliamentary beer group. It is a tough job, but someone has to do it. We held a seminar on this subject in the dying days of the previous Parliament. I do not have the vast experience of some of my colleagues in this matter, and that was my first association with the issue. Over the months, I have kept in touch with the pub and club industry about the implementation of the 2001 Act.

I start from the standpoint that this industry needed regulating. The 2001 Act was a substantial advance, and clearly many hon. Members more experienced than me have devoted a great deal of time to it. However, it is right to consider how the Act is working in practice. The approved contractor scheme cannot come a day too soon for many pubs and clubs. There are three reasons why we now need to increase the number of door supervisors who can legally work in pubs and clubs.

First, we are coming up to Christmas. Even though we will probably not need door supervisors at the all-party beer group's Christmas party, parties up and down the land will need them, and the demand for door supervisors will be high. Secondly, next week, following yesterday's vote in the House, the Licensing Act 2003 will come into force. That will increase the time that pubs and clubs are open, so there will be an increased demand for door supervisors. Thirdly, the industry wants to co-operate with the Government's alcohol misuse enforcement campaign and, again, door supervisors are an important part of that.

It is a matter of some concern that, in recent months, the number of people who have applied for door supervisor's accreditation has slowed up considerably since accreditation became mandatory. Many people applied in the run-up to the cut-off date, but the number has now slowed to a trickle. For many of those who were door supervisors, the economics of having to find £450 for the application and the accreditation, when they will not work for six weeks or whatever it may be, may mean that they have to look for alternative work and do not go into the industry.

The approved contractor scheme is therefore vital in increasing the supply of door supervisors to the industry in this critical phase. Clearly some people are arguing for option 4 and completely new standards. In terms of option 3, some British standards—BS7960 is one—are widely respected in the industry. I agree with my right hon. Friend the Member for Walsall, South that a monopoly is not desirable in these circumstances—there should be a number of competing providers—but we do not necessarily need to reinvent the wheel. I therefore urge my hon. Friend the Minister to scrutinise the options carefully.

There is even a possibility that, at some stage following the Hampton review, the SIA will be merged with the Health and Safety Executive. Where to go from here is a finely balanced judgment. I urge my hon. Friend the Minister to look carefully at some of the existing standards and to consider whether he can build on them instead of scrapping them and going for option 4. We need the approved contractor scheme in place quickly, to ensure not least that the pub and club industry is completely in compliance, but that it has a supply of door supervisors to allow it to comply but still provide a service for the nation.

3.20 pm

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): I wish to make just a few points, and will try not to repeat what has already been said by other hon. Members. I largely support what my hon. Friends the Members for Barnsley, Central (Mr. Illsley) and for Selby (Mr. Grogan) said.

I wish to reiterate why many of us worked for and supported the legislation that set up the SIA and that introduced regulation for all parts of the security and leisure industry. My particular interest since I was first elected in 1997 has been the issue of door supervisors. I am particularly interested in it because it is a matter of public safety, in particular the safety of young people, as they tend to make up the majority who frequent pubs, clubs and large-scale pop industry events. In common with many hon. Members, I had heard all sorts of horror stories from constituents—or, more often, from constituents' parents—who had fallen foul of door supervisors who were either overtly criminal and violent, or who involved themselves in the drug trade and simply used their door supervising role to sell drugs. In the context of pop concerts, which have an extremely young clientele, there was the added problem of supervisors who were suspected of sexual offences. They used their position at concerts to put young people at considerable risk. Therefore, I am absolutely behind the SIA and the legislation as vital methods of protecting public safety.

I have some concerns, however, about how the SIA is operating. First, I do not think it good practice to consult on something but put a decision into effect before the consultation has ended. It makes a mockery of consultation, and that has a much wider impact than the issue that we are discussing. People will say, "It just proves that the Government consult only when they have already made up their minds." People run everything into "the Government". It is extremely bad practice to consult and then to anticipate the result of the consultation.

Secondly, I am concerned that the approved contractor scheme is giving firms a licence, in essence, to subvert the will of Parliament. That is a hard thing to say, but I believe that is what it is. In passing the legislation, Parliament wanted there to be no unlicensed door supervisors, wheel clampers and so on. Not 85 per cent. but 100 per cent. were to be licensed. Whatever the safeguards involved in including in the approved contractor scheme only companies that have signed up to it and that have passed certain standards, the scheme allows companies to operate legally with unlicensed operators. I do not believe that that is acceptable, and I do not understand why it is allowed. It seems to be completely against the spirit of what Parliament intended and is subverting the democratic and parliamentary will. One can argue about what 15 per cent. means, but, because of the fast turnover in the industry, 15 per cent. can mean a lot more than 15 per cent. over time.

The third issue is the nature of the standards in the approved contractor sch[illegible] There is merit in a graduated scheme—that is, a threshold and then grades above that clearly require a higher standard of some firms than of others. Presumably, such grades would give firms a competitive advantage over firms that have achieved the legal standard, but not the two-star or one-star standards above it. I am concerned that the approved contractors scheme far from maintains and improves standards in the delivery of security services, as was said in the written answer received from the Minister yesterday, on 15 November.

Imposing a single threshold, which is lower than many of the standards already operating in the industry, although requiring every company to reach a minimum standard, will not give any encouragement whatever to firms to do any better than that minimum standard. That will lead not to an improvement in overall standards, but merely to a raising of the standards of the poorest firms.

3.25 pm

Lynne Featherstone (Hornsey and Wood Green) (LD): The debate has been tremendously interesting, particularly for someone like me, who does not have huge experience of the security industry. However, I have huge experience of what my constituents face locally. We welcomed the Private Security Industry Act 2001 as a way of regulating an industry—whether door supervisors, wheel clampers, for which I have forgotten the technical term, and now the security industry itself—that was upsetting a great number of people.

Clearly, with the relaxation of the licensing laws, there is going to be a greater need for door supervisors. I have listened to the debate, and I would stand up for the public. Trust has been put in the Government to ensure that an industry that had a tremendously bad reputation, and was dangerous, would come under regulation. I am less than happy to hear that there is a way of circumventing the rules put in place for the public's protection.

I liken the situation to what happened when I was a member of the London assembly, where I was chair of transport and the Mayor of London licensed unregulated minicabs. The attempt to regulate is not dissimilar. There is an owner, an individual or driver and—for the taxi trade—the vehicle itself. Frankly, any circumvention or shortening of a process that will deliver safety to the public should not be encouraged.

On wheel clampers, I have terrible examples of their effect on the public. One of my constituents was clamped and, as is not unusual, was extremely upset. However, the vehicle immobiliser—that is the term—called her a great number of names. She rang me in tears. I cannot

[Lynne Featherstone]

attribute what happened next directly to the clamper, but the police were involved and, three weeks later, she killed herself. That is a tremendously tragic case. An industry that was so cavalier is required to have much higher standards, and what the hon. Member for Milton Keynes, South-West (Dr. Starkey) said about door supervisors applies to the security trade. Standards must be raised to avoid such tragic events—that case was clearly at one end of the scale. I would be extremely disheartened if an approved contractors scheme allowed the industry to circumvent the intention of the original legislation.

The SIA has a tremendous problems and is clearly not coping with the load, although I do not have the information as to whether that is because it is badly run or inappropriately resourced. Private security companies have now become an important part of the industry, so the licensing scheme is important and the public need confidence in the industry. If the licensing process falls into disrepute, we are back where we started and no gain has been made.

What is happening with the licensing of doorkeepers is not comforting. We are only part of the way through the process and are having to delay or make agreements with the police, such that, so long as one has applied, one is let off being prosecuted, because the licence is on the way: "I've applied for my licence, officer." The SIA set out to license about 85,000 door supervisors, but only 40,000 have been put through.

In the end, some criticism has to be levelled at the Government for not analysing what would be necessary or the time scales that would be involved to maintain the standards that the public are relying on, coming out of the legislation. I hope that the Minister will give us an assurance that resourcing will be increased to enable more licensing and that no standards will be dropped during the licensing so that the public can be reassured that the legislation enacted will serve them as they expect.

Mr. Bruce George: Of course there are people who have had problems, but will the hon. Lady accept that the process has not been discredited? When it comes to guards, the process of licensing is a long way from being concluded, and a lot of people have been licensed already. I feel that people have been got at by the use of wrong information. The system is working reasonably well and I hope that when she explores the matter further she will realise that the system has not been discredited and that standards are not falling. I speak as someone who has spent 25 years observing the process.

Lynne Featherstone: I very much hope that the system has not been totally discredited but there is a concern that it will be if it is circumvented. In such circumstances, an approved scheme operator could employ effectively unlicensed employees to carry out the same job that they would have done if they had made a direct application.

Mr. George: All I would say is that the system has not been circumvented. Standards are continually being raised and attacking them with little more than anecdotal evidence or sad stories will give the impression that the system is falling apart when it really is not.

Lynne Featherstone: I do not really have any more to add.

3.32 pm

Patrick Mercer (Newark) (Con): Thank you, Mrs. Dean. It is a pleasure to be serving under your guidance. I apologise for my poor telephone discipline earlier, and may I say what a pleasure it is to be opposite the Minister again?

This has been an extremely interesting debate. I begin by thanking the hon. Member for Barnsley, Central (Mr. Illsley) for securing it and allowing us all to air views that will be helpful to the industry, whether we agree with what is going on at the moment or not.

My own exposure to the matter came initially while serving under the right hon. Member for Walsall, South (Mr. George) on the Defence Committee some four years ago when that Committee for reasons best known to posterity—and the right hon. Gentleman himself—was chosen to carry out the investigation of 11 September 2001 and, for want of a better phrase, the homeland security measures that the Government might choose to put in place to defend the nation in the event of such an incident happening again.

I had always regarded the community of people in question as those who look after pubs, clubs and other establishments and still see them as such in my community. I began to realise that these ladies and gentlemen could have a much more serious, far-reaching effect, were they to be properly regulated and brought into the wider police family. It is a move that I could wax eloquent about, but I will not for the simple reason that much more needs to be done about the matter.

Although I, as a Tory, feel strongly that government should be small rather than large and believe in all the principles of competition, I understand that the industry needs some regulation. I hope that the Minister will be able to explain whether that regulation is working correctly.

I thought that the hon. Member for Hornsey and Wood Green (Lynne Featherstone) gave some very interesting insights into her personal experience, which, with respect, she said is not deep; I suspect it is more visceral. It shed a light on the situation of those who are on [illegible] receiving end and it is an interesting juxtaposition to the experience of the right hon. Member for Walsall, [illegible] who is clearly deeply knowledgeable on the [illegible]

Similarly, the hon. Member for Milton Keynes, [illegible] West (Dr. Starkey) made some extremely good [illegible]—without wishing to sound patronising—particularly about doorkeepers who, without regulation in the past, had given the police not assistance but serious problems. The views on the industry of the hon. Member for Selby (Mr. Grogan) blew the froth off the whole subject; he took more or less the same view as the hon. Members for Milton Keynes, South-West and for Barnsley, Central.

The hon. Member for Ceredigion (Mark Williams) talked convincingly about the need for prompt accreditation. That subject will come up throughout this summary—and I am sure that it will also come up in the Minister's reply. Questions will arise as to how long accreditation should take and how efficient the 2001 Act is, regardless of what we might think about the rights and wrongs of this subject in general.

The star turn of this debate has been the right hon. Member for Walsall, South versus the hon. Member for Barnsley, Central. I have no doubt that they are the best of friends, but they clearly disagree strongly about this subject. A debate has been had about monopoly on the one side versus over-regulation or lack of regulation on the other. I hope that the Minister will be able to provide some insight into that.

Mr. Illsley: There is probably less difference between me and my right hon. Friend than has been suggested. I agree that there should be regulation, but it should be done properly, and we should not exclude any company that has a good track record in respect of accreditation systems.

3.36 pm

Sitting suspended for Divisions in the House.

4.3 pm

On resuming—

Patrick Mercer: I am now utterly confused about how much time we have left so I will romp through the rest of my speech and allow the Minister time to answer the various questions.

The hon. Member for Barnsley, Central was just saying that the distance between himself and the right hon. Member for Walsall, South is not that great. I have no doubt that, both physically and emotionally, the hon. Gentleman and the right hon. Gentleman are close to one another. However, anyone who knows the right hon. Member for Walsall, South knows that he always speaks passionately and makes his case with great perspicacity. No doubt because of his association with the guard dog association, his bark is worse than his bite on many occasions.

I will ask the Minister some specific questions, so that I can spare everyone else the ghastly puns. Schedule 1 of the 2001 Act requires the authority to consist of members appointed by the Secretary of State. Will the Minister say who those members are and publish a list? Will he say whether they include among their number anybody who is, or has been, working in the private security industry? Similarly, the same schedule allows the authority to establish committees and sub-committees. It was understood that the authority intended to set up steering committees for each licensing category, using professionals in that sector to advise on best practice for licensing. Will he say who is on the committees and sub-committees and publish their names? Along similar lines, it has been suggested that the SIA policy on employment is not to employ anyone from the private security industry. Will he say whether that is correct?

To go a little further than the hon. Member for Selby, it seems that a significant number of British standards—for example, BS7499 for guarding and BS7858 for screening—already cover the private security industry. Those are used to identify competence, good practice and other aspects of the SIA's requirement for licensing and the approved contractor scheme. As that is the case, would it not have saved the SIA considerable time to have adopted the experienced British Standards Institution committees to support its role rather than trying to reinvent the wheel?

Will the Minister confirm that the SIA will not assign or contract out any of its rights or duties to an organisation that operates or invokes its own proprietary scheme? Further to that, as a probing question, where is the evidence that it is necessary to legitimise the areas that the SIA now plans to go in to and regulate? Does the Minister agree that although the SIA was established to regulate those parts of the security industry that needed regulation—wheel clampers, door supervisors, security guards and so on—by regulating private investigators and security consultants it will go into areas where there is a lack of any evidence to suggest that they need regulating? If the Minister agrees, will he expand on that point?

Does not the way in which the SIA now operates suggest that it has forgotten the approach to regulation supported by the Better Regulation Task Force? Is it not now creating unnecessary hurdles and obstacles, particularly for small security companies? Perhaps that is against the whole idea we are trying to achieve with the regulation that we agree is necessary. However, it must not hamper small firms.

The SIA has been promoting its approved contractor scheme for more than a year. The scheme is still under consultation. Many small and medium-sized security companies have decided that they wish to be assessed against existing British standards and the quality standard ISO 9001. That is option 3 under the approved contractor scheme consultation, as we have heard from several hon. Members this afternoon, and accords with the UK Accreditation Service benchmarks established by the National Security Inspectorate. However, the SIA has made its preference known for option 4. I will not go any further, but I am sure that the Minister will have a view on this important subject. I wonder also about the SIA having unilaterally abolished the only external strategic oversight body, the stakeholders' advisory group, two years ago and not replacing it. What plans do the Government have to oversee the SIA in the future?

A small but important point is whether SIA statistics are up to date. Is it giving out statistics that might make it seem more favourable than the facts in case? Lastly, were the senior executive members of the new sector skills council appointed through the normal process for the appointment of people to public bodies? If they were not, does the Minister not think that, given the importance of such posts, they should be?

I am grateful for the opportunity to summarise and take the points that we have heard today. The debate has been extremely useful, particularly the differing views expressed by the right hon. Member for Walsall, South and the hon. Member for Barnsley, Central. I will be extremely interested to hear the Minister's reply.

Mrs. Janet Dean (in the Chair): For the Minister's information, the debate will finish at 4.27 unless we are interrupted again.

4.9 pm

The Parliamentary Under-Secretary of State for the Home Department (Paul Goggins): Thank you, Mrs. Dean.

I congratulate my hon. Friend the Member for Barnsley, Central (Mr. Illsley) on securing the debate. I agree with my hon. Friend the Member for Selby (Mr. Grogan) that it has proved to be more lively than any of us anticipated, and rightly so. It is an important issue and there is a lot of experience in the Chamber today. We have been provided with an opportunity to review the performance of the Security Industry Authority and to update the House on the consultation that is ongoing, until tomorrow, on the proposals for an approved contractor scheme.

The context for our discussions is the Private Security Industry Act 2001. My right hon. Friend the Member for Walsall, South (Mr. George) has long experience of such matters, as do my hon. Friends the Members for Barnsley, Central, for Milton Keynes, South-West (Dr. Starkey) and for Selby. I am a relative newcomer to such issues, as is the hon. Member for Ceredigion (Mark Williams), and we are learning all the time. It is good that Members have been able to contribute their experience to this important issue.

As private security has increasingly come into contact with the public and as the volume of the private security industry has increased, we have had to ensure that criminal elements are not part of it and that decent standards are maintained. I freely admit to my hon. Friend the Member for Barnsley, Central that that has entailed some additional costs for the industry, but they are costs that will give added value to those companies and make them more competitive and, we hope, provide a better service. I say to him in all seriousness that if he has evidence of or anecdotes about the flouting of any of the regulations, he should bring them forward and we would have them examined urgently and in great detail.

It is important that the laws, rules and regulations are properly enforced. I regard that as an important responsibility for me, coming into this role, as is improving standards in a way that is not over-burdensome to the industry, but that engenders greater public confidence. Both those things are important. Given that the SIA has been open for business only since March 2004, a great deal has been achieved in a sector that was almost wholly unregulated in many respects.

My hon. Friend the Member for Barnsley, Central expressed concern about the rate of applications and licensing decisions. He asked for progress. Just last week the SIA announced that it had issued its 50,000th licence. Given that it started its business in March 2004, that is quite an achievement. I have been watching the performance of the SIA carefully over recent months and I am pleased to say that it has improved. More than 85 per cent. of licence applications are now processed within the target of six weeks, and there is currently no backlog. It is dealing with about 7,000 cases, few of which exceed the six-week period. I acknowledge that there have been difficulties, but I am pleased to say that progress has been made and that performance is improving.

Thanks to various improvements that have been made to the application process by the SIA, the number of incomplete applications received is beginning to decline. That was a point made by my right hon. Friend the Member for Walsall, South. The SIA has improved the advice, the booklets and the information available.

Incredibly perhaps, to many hon. Members, the failure rate of applications initially was some 50 per cent.—one in every two applications was incomplete. That number has now been reduced to some 36 per cent., which, again, hon. Members might regard as high, but I put it to them that the Passport Agency, which is working far better these days, has a failure rate of applications of 33 per cent. Clearly, there is much that all public agencies can do to ensure that more information is available and that people process applications as accurately as possible. There have been improvements and that should be recognised.

The number of door supervisors licensed over the past year and a half is 34,000 of a total of 40,000. Obviously, some are therefore not licensed. They will increasingly come under the scrutiny of local authorities and the police, who will seek to find out who those people are and where they are. There are prosecutions and there will be prosecutions. It is quite timely perhaps that under the Licensing Act 2003, which comes into operation next week, it can be made a condition of the licence that door supervisors operate on the premises concerned, and they will need to be properly accredited by the SIA.

My hon. Friend the Member for Barnsley, Central is quite right to say that the security guarding sector, which employs more than 120,000 people, is by far the largest of all the six sectors that are required to be licensed under the 2003 Act. Given such large numbers, it is vital that the licensing of security guards is carried out in a phased manner, to ensure that no complications with the processing of applications are caused by any late surge just before the legal requirement date of 20 March 2006. The SIA was obviously in discussion with the industry and reached agreement with it that applications would be spread as evenly as possible over a 14-month period, targeting about 8,000 applications a month. That number could easily be managed within the SIA's own procedures and within the resources of the Criminal Records Bureau. The Home Office and the SIA are dependent on the industry's co-operation for a successful and effective roll-out of licensing for the security guarding sector.

The good news is that a growing number of companies are meeting and, indeed, exceeding the targets for licence applications that they agreed with the SIA. I am very encouraged by that, and it means that future pressures on the licensing system are being reduced. I appreciate the efforts of those companies meeting their targets, and I am impressed by their dedication and commitment.

Unfortunately, however, other companies are not yet meeting their targets for submitting licence applications, and that has the potential to lead to a shortfall in the applications received. It means that the processing capabilities of the SIA and the Criminal Records Bureau may be being under-utilised. We run a great risk of processing insufficient numbers of licence applications and, therefore, restricting the number of operatives who will be licensed from 20 March next year.

I am about to send a letter to all private companies in the sector urging them, particularly those that have not yet done so, to encourage their staff to submit their applications as soon as possible or to utilise the SIA's bulk applications process. The SIA is working with the Home Office to develop plans to deal with a late surge in the number of applications, if one occurs. However, it will be difficult for the SIA's systems to handle a last-minute flood of applications in the last couple of months before the March 2006 deadline. It is therefore vital that as many applications as possible are received by the SIA before the end of this month.

My officials and I have been working closely with the SIA to ensure that the process is as smooth as possible, and that the message goes out loud and clear that people need to get their applications in now—or certainly in the next few weeks—and not leave it until February and March of next year. I make it absolutely clear that there is no intention to change the date from 20 March next year. From that date, it will be a criminal offence for any security guard, supplied on a contract for services, to work without a licence. It will also be a criminal offence for directors and managers of guarding companies to supply unlicensed operatives.

The SIA licensing scheme is a valuable system of regulation that protects the public, and it is improving standards throughout the industry. It is important that the industry continues to work closely with the SIA to implement an effective regulatory system that meets those aims.

All hon. Members who have contributed to the debate spoke about the approved contractor scheme consultation taking place. The partial regulatory impact assessment is out for consultation. Hon. Members know that it was published on 25 August, and the consultation period ends tomorrow. There have been 1,000 requests for copies of the consultation document, and already 100 submissions have been made. We expect that others will arrive before the deadline tomorrow.

The powers to create an approved contractor scheme were contained in the original legislation—in sections 15 to 18 of the Act. There are four options in relation to the consultation, and I shall come on to them. I want to emphasise an important point: the approved contractor scheme is not a carte blanche for companies to take on indefinitely people who are not suitably qualified and accredited. The scheme allows an approved company to employ staff while their application for a licence is being processed. However, those staff must have completed the training and submitted an application. If the application were subsequently turned down by the SIA, they would no longer be able to operate in the industry. In other words, in an industry in which there is rapid change and where credible companies are undertaking suitable training, those companies are able to employ those staff for the first few weeks, but if the staff do not come up to scratch they will lose their job.

Dr. Starkey: Will the Minister clarify whether the individuals would be working without having undergone a criminal records check?

Paul Goggins: Yes, but because the process of application obviously includes a Criminal Records Bureau check, we need to ensure that the companies employing the staff would maintain credible quality in training and other matters. We are placing trust in that credibility. The arrangement would enable them to employ staff, provided that they had done the training in the first few weeks.

The scheme is out to consultation. Four options have been mentioned: option 1 is to do nothing; option 2 is a self-regulatory approach; option 3 is a scheme using existing industry standards; and option 4 is a scheme with new standards. Hon. Members have several times asked whether a decision has been made. I assure them that no decision has yet been made about which of the options will be followed. How do I know? I am the Minister who will make the decision, and I have not done so; nor would it be proper for me to do so while the matter is still the subject of consultation.

It is true that the SIA has had a meeting with eight potential assessing bodies collectively to establish the workability of option 4. However, those are the same assessing bodies that would be likely to be involved in implementing option 3. It is necessary for the SIA to be prepared to implement any of the options that I may decide on. Preparations by the SIA are not a problem. Of course, we would want any option to be implemented as quickly as possible but no decision has been made, and the decision is ministerial, not one for the SIA.

The SIA has a duty, under the 2001 Act, to establish and maintain an approved contractor scheme. The scheme will also help the SIA to carry out its functions under the Act, including maintaining and improving standards in the provision of security services. An important objective of the approved contractor schemes is to enable security firms to operate more efficiently, by providing a mechanism for them to deploy staff who have already done the appropriate training and applied for a licence, but not yet received it. Without that mechanism, firms cannot deploy staff until they have physically received their licence, which will typically take six weeks from the receipt of the completed application.

To reduce risk to an acceptable level, the ACS will need to ensure that only those firms that meet certain requirements will be allowed to deploy staff without a licence. Of course, the standard that they will have to reach—the option that Ministers will decide should be followed—has not yet been settled on.

In drawing up the consultation, we have been keen to involve the Better Regulation Executive and the Better Regulation Task Force. We want always to create a balance between self-regulation and regulation that is promoted and asserted by Government. It is important to do so, and to take advice and guidance from the various bodies. The consultation draws to an end tomorrow, as hon. Members have pointed out, and before I make a final decision I shall give urgent consideration to the representations that have been made.

The hon. Member for Newark (Patrick Mercer) asked me some detailed questions about the SIA and I undertake to write to him with all the information that I can give him. I shall send copies to other hon. Members who contributed to the debate. He mentioned the extended police family, and we are keen to support that. The private industry—like all citizens—plays a part in that; we all have a responsibility to make sure that our communities are safe.

I have mentioned the balance that is needed between self-regulation and self-responsibility, and regulation imposed from above and properly monitored. I believe that we are striking the correct balance with the SIA and the various systems that are in place.

[Paul Goggins]

I again congratulate my hon. Friend the Member for Barnsley, Central on having introduced the debate. It has given us an opportunity to review the current position. The progress that we have been able to make since the legislation came into force should encourage us all. There have been difficulties, but they will be overcome and as a result we should all have greater confidence in the private security industry.

Teaching Vacancies (Advertising Costs)

4.25 pm

Mr. Eric Joyce (Falkirk) (Lab): Discussions about Government spending priorities are usually, rightly, rich in ideology. Resource allocations have to be properly matched to intended outcomes, and determining what those outcomes should be is the stuff of politics. However, I approached the subject of the cost to schools of advertising job vacancies not through the prism of ideology or party politics but from the perspective of good old-fashioned cost-effectiveness. Schools pay many times more than is necessary in order to advertise the jobs that they have available. I am convinced that the adoption of a number of simple measures, none of which would require legislation, would enable schools to save millions of pounds every year—tens of thousands of pounds each. My aim today is to show that savings could be made and services to schools improved by greater use of the internet.

A few months ago, I attended the *New Statesman* new media awards. The debate was full of exciting, young and some not so young internet entrepreneurs who had found truly creative ways of delivering services—some traditional, some new—through the new media. It was a great event to attend, because the excitement generated by finding new solutions to old problems was palpable. The event was a real credit to the *New Statesman*. One of the main prizes was won not by the private sector but by the Driver and Vehicle Licensing Agency, and that was marvellous.

As I watched the prizes being presented, I was reminded of an Adjournment debate that I had secured in Westminster Hall four years ago, not long after arriving in the House. Then, I could not understand why *The Times Educational Supplement* managed to continue to base its price to schools on a newspaper format when it was clear that there was ample scope for the job advertisements that sustained it to move to a cheaper and much more versatile internet platform. Then I was told by the Minister that the Government would be reluctant to interfere unnecessarily in the market but that perhaps in due course—this is a quick summary—the market would come to a better solution in its own way. I wonder whether that is still the Government's position. I am not sure, but in due course I shall find out. Things are changing so fast, both on the internet and in the market in general, that what was not practicable four years ago may well be feasible now. So I decided to have a second run at the subject.

The commercial viability of newspapers across the UK is based on advertising and sometimes, in particular, the "jobs vacant" column. Many of the jobs on offer are funded by the public purse, in central or local government or some agency or other. It follows that it is public money that keeps the wolf from the door of many excellent publishing ventures. There is nothing wrong with that in principle, as hiring decisions are among the most important that any manager will take, whether he is in the public, voluntary or private sector.

In recent years there has nevertheless been a steady move away from conventional job advertisements in newspapers, as managers and budget holders take advantage of new websites that cater for their needs and that are much cheaper than their newsprint alternative.

That is not a reflection of the quality of the newspapers and journals that are losing out, and it is certainly true that there is still value in advertising in newspapers in particular situations. For example, those who are likely to take up lower-end jobs in a local authority may be less mobile and more local, and perhaps less likely to do their administration on the internet. In such circumstances, it remains prudent to advertise in a local newspaper. However, as a generality, the more internet-literate the population become, the more people shop and buy cinema tickets on the internet and the more jobs can be advertised effectively too. The winners from the trend are the advertisers and the jobseekers; the losers are the newspapers and journals.

Even as I wrote this speech, I and other Members received an e-mail from Thomson directories about e-marketing, which seemed relevant. The growth of job advertisements on the internet is reflected in the advertising that we now see on television for recruiters such as monster.co.uk, and there are rumours that some of the larger corporations, such as Microsoft or Yahoo, might develop software that searches the internet for job vacancies advertised on specific sites. Those things may well be in the pipeline, but for the moment the question for any job advertiser is whether the internet options on offer are fit for his purposes. For example, regardless of the technological offers on parade, if the target population do not on the whole use the internet, managers will be wasting their time and money. To some extent, therefore, although developing technologies will drive change, as ever, human behaviour will still play the most fundamental part in their design and their constraint.

Some public sector organisations are further down the internet road than others. The NHS has set up its own website, www.jobsnhs.co.uk, aimed at saving NHS employers the cost of advertising in local and national press. The website does not seem as effective or successful as it might be, as it advertises relatively few jobs. Interestingly, other websites have rather more. However, some websites, including www.nhsjobs.co.uk—I suspect that it got the name before the NHS official website did, and that is why the latter uses the reverse—are quite successful; that one has a thousand or so jobs on it.

Nurses in particular and those in other specialisms are moving away from conventional publications such as *Nursing Times* and across to the internet. They are confident that the jobs that they are looking for will be advertised there, so the advertiser has confidence that the readers will be there, too.

The websites have led to a significant reduction in the advertising income for traditional sources. Recently, for example, the owners of *Nursing Times*, Emap, announced that it anticipated a 40 per cent. reduction in advertising income for that one publication alone. It is a relatively small part of the Emap empire, but, as I understand it, it is a very high-margin publication. Nurses are computer-literate and need a quick and easy means of looking and applying for jobs. NHS employers have confidence that advertisements will be read by the target population. These jobs have migrated in the true sense, meaning that no cost is being expended elsewhere in another newspaper publication. That is a crucial detail that I will come back to.

The NHS is, of course, the largest employer in the world, and because it is so diverse, there are specialisms. Specialisms can migrate bit by bit in bite-sized chunks or packets, as it were. That makes migration to the internet rather easier in that field than in education, which is my primary concern. Education is much more homogenous, so packeting—chunks moving across to the internet bit by bit—will not really work. The nation's teachers want to use the same source, and so do the nation's schools and local authorities. That makes migrating those adverts to the internet very challenging, because it would have to be done in very short order. We would need to move everyone across; it would be like switching the side of the road that one drives on, or going over to broadband.

I should like to describe how schools recruit, and in particular mention the role of *The Times Educational Supplement*. Most or all of us here will know this, but I want to put it on record in *Hansard*: for more than half a century the *TES* has dominated the market in advertising teaching vacancies. It has done that by taking advantage of being part of *The Times* empire, and by having access to the whole distribution network. Historically, it was the only paper to advertise to teachers nationally, once teachers travelled more outside their local area. It was the place to look for jobs nationally. Increasingly, people looked away from local papers and to the national *TES* for jobs, as they were prepared to move anywhere in the country for a promotion or a different type of job.

Today, pretty much all teachers looking for a job look in the *TES*, and all schools and local authorities looking to fill jobs advertise there. Staffrooms subscribe to a special dog-eared version, which is passed around as a kind of recreational activity. The journalism in it is perfectly fine; indeed, it can be extremely good. However, a teacher in a staffroom looking at the *TES*—I do not think that I am being cynical—is more likely to be looking at the job vacancies, and fantasising about what might be, than reading through the learned pieces written by journalists. That is my instinct, and my claim is probably provable through empirical observation, but I could be getting out of line.

The market has proved virtually impossible to penetrate. *The Guardian* education supplement has tried raids on the higher education segment, which the sister paper of the *TES*, *The Times Higher Educational Supplement*, covers, but essentially if someone is looking for a job or looking to advertise one they still have to pay the *TES*. Of course, there are many niche recruiting websites, such as eteach.com and Teachers Plus to name but two, but their primary function is dealing with supply teachers, although they would rather do a lot more. The full-time vacancies on those websites tend to be advertised also in the *TES*, so those jobs cannot truly be said to have migrated, because there is still a cost being paid to the *TES*.

There are almost 30,000 schools in the UK, and well over 20,000 of those are in England. To make a stab at a typical example of the advertising cost per school, during 2004 a large secondary school of which I am aware filled 18 vacancies through the *TES* at a combined cost of £30,000. The cost for primary schools is rather less. Inner-city schools and those with diverse populations—those with more issues, shall we say—will often be more expensive, because they have a higher staff

[Mr. Eric Joyce]

turnover. In addition, the advertising cost does not simply last for one week. Schools generally advertise for two weeks and often have to re-advertise. Advertising for promoted positions costs more, and so forth.

An easy way to measure the success of the *TES* is to pick it up at the end of a period when teachers are getting close to the contractual cut-off point and see the thousands of jobs that are advertised. Although I cannot give the particular month, I vividly recall a banner headline in the *TES* saying that there were 9,000 jobs advertised in that publication. Each page is worth around £5,000 in advertising income and there are hundreds of pages on such a day, which means that there is in excess of £1 million-worth of advertising—possibly getting towards £2 million—in a single publication. Of course, we are talking about the huge, thick issues and it is not like that all year round. I understand that the income from schools could be above £50 million, but I should be happy to hear the actual figure from the *TES*.

The expense for schools is considerable, but manageable, and historically it has been a necessity. However, there is now a workable alternative to the status quo. The historical fit-for-purpose reputation of the *TES* has made its position pretty bomb proof, largely because of the homogenous nature of the teaching profession. It is not sustainable for schools to advertise anywhere else, which means that if a migration to another publication or format were to happen, it would have to happen in very short order so that the same synthesis of the needs of advertiser and jobseeker would continue. No other publication can enter this ground at the moment, because the *TES* is universally trusted as the place where jobs will be advertised. That is true; it is a fact. It is open to question how any other newspaper-based publication could improve on that, because the cost would have to be about the same. It is more troubling, however, that whereas other sectors are migrating to the internet to make huge savings and provide a better service, there is a logjam in education—for the same reason: any switch to one of a number of excellent internet providers would have to take place in very short order. The problem of a big, homogenous profession persists, and it is fundamental.

As each school in England advertises separately, co-ordinating a fast move to the internet would be hard.

Mary Creagh (Wakefield) (Lab): Is my hon. Friend aware of work by several councils and local education authorities, such as Wakefield council, which has an overview and scrutiny committee that is considering how the LEA can support schools procurement? Does he agree that LEAs have a role, and that as well as the big bang theory that he is advocating—a single switchover—useful work could be done by local education authorities or regional procurement consortiums to start moving the process forward? We need to travel in both directions if we are to achieve the goal that he is suggesting.

Mr. Joyce: That is a useful point. It sounds like Wakefield council has got its act together. I am a big fan of the big bang, but there will probably be another solution in due course, with a combination of different initiatives.

There is one piece of evidence of the fact that teachers would rather use the internet than a big, thick newspaper: most of them go to the *TES* website. However, the trouble is that although they use that site, the schools still have to pay the price for advertising in the newspaper, so there is no saving.

The TES may argue that it is a high-quality newspaper that happens to do advertising. That is fine if people are paying £1.30 for it, but the extension of that argument is to see the £20,000 or £30,000 spent by schools as a kind of subscription, which I guess most heads would rather not pay—so that argument does not stand up. I accept that with the demise of the *TES* we would lose a valued publication for teachers, but the market would fill that gap with another publication on the internet, or *The Guardian* or *The Times* would expand their education coverage.

I believe that we can clear the logjam, and I shall briefly explain how I think we can do it. The first step is to acknowledge that an internet-only solution would save tens of millions of pounds and provide a higher quality service. I have not heard any colleagues in this place dissenting from that.

The second step is to agree that that solution is possible. I suggest that the evidence is clear. The overwhelming majority of people accessing eteach.com and tes.co.uk are looking for jobs. The eteach website allows everything to be completed online, but the *TES* website does not. The *TES* website merely pastes advertisements on the internet for people to read and print out, but the eteach website has gone several steps further and allows everything to be done online. Applicants can save money on postage and some people estimate that schools could save £5 million on postage if everyone applied online through sites such as eteach.

The *TES* has been slow to adapt because it has not had to. Money has been pouring in and it has been a bit lazy. News International recently sold the *TES*—its first divestment in the UK—and there is a sniff of a change in the way in which the markets are working. It was sold for £230 million, which is a little less than some people expected, to Exponent, which is funded by venture capital. I wish it well, but at the moment the fundamental position seems to be that the money that the *TES* generates for TSL Education's new parent company comes from a market dysfunction. No one else can break in because we cannot move all schools across at the same time. There are only two solutions: a harder solution and a softer one.

The harder solution would be for the Government to top-slice a certain amount of money from the schools budget, create a website and give more back to schools by way of savings. That would be difficult to sustain in terms of taking powers back from schools. My instinct—my political antennae are out—is that that would not be feasible.

The softer solution, which my hon. Friend the Member for Wakefield (Mary Creagh) suggested, is for the Government to help to facilitate a number of mechanisms to put us in a position where we can switch people over through good practice in councils, getting head teachers prepared, as we are preparing people for broadband, and, as eteach has done, encouraging the Secondary Heads Association to do the same in respect of head teachers. Over a period of perhaps a year or two we could prepare for a big bang when everyone could be moved across at the same time. I look forward to hearing the Minister's response.

4.43 pm

The Parliamentary Under-Secretary of State for Education and Skills (Maria Eagle): What a pleasure it is to be here, albeit slightly late with the next debate straining to get in. It is good to be here in front of you, Mrs. Dean, for the first time and I am sure that you will keep us in good order, not that my hon. Friend the Member for Falkirk (Mr. Joyce) has to be kept in order. His enthusiasm for the subject was clear from the way in which he set out his full and detailed knowledge of it. I congratulate him on that.

My hon. Friend has identified an important area in which he has seen great potential savings for schools, but which it might be difficult for individual schools to deal with. He raised the matter, as one might expect, positively and demonstrated extensive knowledge of the subject. He had a similar debate four years ago and, with great persistence, has come back to see what progress has been made. I did not have the advantage of hearing his exposition first time around, but I have been able to read in *Hansard* what was said. I hope that, in the time that I have to reply to the debate, I shall be able to reassure him about some matters, although I am sure that he will leave feeling a little impatient about progress.

It is important to remember why there is still a lot of spend on teacher vacancies and why schools must use a substantial portion of their budgets to advertise. Obviously, there is still churn in the profession. There are no longer extensive teacher shortages because there are almost 35,000 more teachers in England since 1997 and the vacancy rate is lower. However, in any profession of 432,000 people—that is the number of teachers in England—there is bound to be a great deal of movement and churn. For that reason, advertising vacancies will always be with us and my hon. Friend is right to try to find a way in which that could provide better value for money.

Every year, there is an influx of newly qualified teachers seeking their first jobs, and employers advertising vacated posts to attract them into schools. The latest figures suggest that 18 per cent. of teaching posts change hands every year—about 70,000 posts—which means that a substantial chunk of information spreading needs to be done as efficiently as possible.

My hon. Friend is right to say that switching the entire advertising effort from using the printed word, which is the old-fashioned way, to the internet is the way of the future. He also said that that should, perhaps, be done in a big bang or all in one go, and compared it to switching the side of the road on which we drive. That is an interesting analogy because we have often contemplated doing that, but have never done so. One barrier to making the kind of effort that he urges is that big bangs can have unforeseen downsides.

I shall tell my hon. Friend a little about what has been going on in the four years since he last raised the subject. The key is to change teachers' attitudes about where they should look for job vacancies and employers' attitudes about where they should place advertisements to get the best possible response and good candidates into posts. My hon. Friend fully explained the tradition surrounding the *TES*. I do not think that there is a staff room in the country in which one will not find a dog-eared copy that is fairly up to date, but well thumbed. That illustrates his point about the profession being wedded to the *TES* as the way in which to find and fill vacancies.

Some 70 per cent. of teachers access the internet at least weekly, so there is not a total barrier to using new technology. We need to persuade more teachers to associate the internet with browsing for jobs. My hon. Friend will be pleased to know that my Department has made a start since the last debate. Last December, we added a new online recruitment portal to our popular TeacherNet website to encourage more jobseekers and recruiters to use the internet for recruitment. TeacherNet receives almost 3 million hits a month and is widely used by teachers and employers, so it is a good window in which to advertise and encourage cultural change, which is, I suppose, what we are talking about.

The portal does not currently hold vacancies independent of other websites, but has links to many online recruitment sites that offer that service. As it is on TeacherNet and the links are all in one place, it is, in a sense, a place to which people can go to find other online places where vacancies in the profession can be seen and accessed. It brings things together for the first time in one place to which teachers often go. That is valuable.

As well as linking information and websites, the portal adds value and introduces teachers, particularly those who have not tried it before, to the convenience of online job searching by offering advice on researching jobs on the internet. People may have used the internet but not for researching jobs, and therefore may not have seen what extra it can bring when compared with thumbing through an old copy of the *TES*. It also has a standardised CV and application form, which we are encouraging schools to accept in place of their individual forms, which will, to the extent that it is done, make it easier to apply for different jobs. There is also a career development section for teachers, which includes the online CV, which can help them to work out what they are looking for in their next job and get their thoughts together.

Those measures are helping to win teachers, particularly younger, newly qualified and web-aware teachers, over to job searching on the internet. They will be able to experience the advantages of sites that offer other relevant information at the click of a mouse, such as the Ofsted report on the school that they are considering, a prospectus, or information about where the school is in the performance tables, as well as simply advertising vacant posts in their areas of search. That brings a lot of information together in much less time than one could ever obtain using print-based mechanisms. All those things are available at the click of a mouse on TeacherNet to get teachers used to the idea of job searching online. It is also important that employers increasingly realise the advantages of internet advertising, whether they be Scottish local authorities or, as is more often in England, schools themselves.

The portal offers employers tips to get the most from their advertising. As my hon. Friend made clear, employers spend a great deal of money on advertising. The portal also offers information on advertisers that publish their vacancies online; case studies of head

[Maria Eagle]

teachers who have already recruited successfully on the internet that cite the advantages of internet recruitment; and general advice on recruitment and retention of teaching staff.

The new recruitment portal is being used—it had 51,000 hits last month. That is not many in the context of 3 million hits on TeacherNet, but it is a useful start. The portal has been operating for a comparatively short time, but one can already see a discernible change in awareness of online recruitment. My hon. Friend will probably say, "Not before time," given the speed with which other professions have embraced online recruitment.

My hon. Friend mentioned other parts of the public sector, particularly the national health service. He did half my job by pointing out some differences between health service and schools recruitment. I am grateful to him for that. He is right to say that there is not a central, dominant long-standing player such as the *TES* for vacancies in the health service. There are, however, sectorally based print publications, which he also mentioned. Far less disaggregation of different employers perhaps makes it easier to introduce centrally orchestrated change in the health service than in the teaching profession.

My hon. Friend made several suggestions, which I want to deal with briefly before we hand the Chamber over to a debate on Oxfordshire. He said that one way in which we could promote faster change would be to top-slice schools' budgets. It is always tempting to do that, and the Department for Education and Skills has been doing so for years. We are trying, however, to be more consistent by stopping ourselves top-slicing schools' budgets. We wish to ensure that our new funding arrangements provide clear three-year budgets for local schools and far greater autonomy for schools to spend their money.Crude top-slicing can cut across that trend, but, unfairly, it also creates winners and losers. For example, schools with rapid staff turnovers would gain at the expense of those with greater staff stability. Some schools would argue that that would be unfair.

Mary Creagh: I wanted to know whether a statutory framework is in place for local education authorities to provide procurement support to schools. The Minister has concentrated on what the Department is doing. Are LEAs given any advice?

Maria Eagle: There are reams of advice given to local authorities and schools. I am sure that a framework is in place—I would be surprised were there not—but I shall have to write to my hon. Friend with the precise answer. I do not wish to mislead her.

The portal has been running for almost a year. We shall review its benefits soon and think about what more the Department can do to speed up the changeover to online recruitment. The debate introduced by my hon. Friend the Member for Falkirk is therefore timely. Having read his article, which the Fabian Society is soon to publish, and having heard what he has said today, I am more than happy to ensure that the points that he has raised, many of which are extremely persuasive, are thrown into the mix when we look at what more can be done.

I congratulate my hon. Friend on making such constructive and persuasive suggestions. The speed of Government decision making does not yet match that of the fastest broadband connections, so I cannot give him an answer one way or the other yet. I agree, however, that the savings that schools could make in respect of the current high cost of advertising vacancies are worth another close look.I shall ensure that officials in my Department and my ministerial colleagues who are primarily responsible for this area of schools policy hear what he has to say.

8

NHS (Oxfordshire)

4.55 pm

Dr. Evan Harris (Oxford, West and Abingdon) (LD): I am grateful for the opportunity to have this debate. I welcome the Minister and other hon. Members whose timetables may have been slightly affected by the inevitable delay to the start of the debate owing to Divisions in the House. I am happy to see that the hon. Members for Banbury (Tony Baldry) and for Wantage (Mr. Vaizey) are in their places. I know that they hope to catch your eye, Mrs. Dean, as does the right hon. Member for Oxford, East (Mr. Smith). I intend to sit down at seven minutes past 5 o'clock, after 12 minutes, in order to give those hon. Members a chance to have three or four minutes among them and still leave the Minister a chance to reply.

I have given the Minister notice of the broad subjects on which I wish to speak. I have no prepared script, because the problems are obvious and not much preparation is required to address them. Oxfordshire's health economy is faced with huge cuts because of the savings that it has been asked to make. Those savings are to be made this year, not over a number of years through a financial recovery plan, which many of the units of that health economy—especially the hospitals and trusts—are undertaking. Those cuts represent about £30 million. Given the scale of the savings that must be found and the fact that the decision comes after years of cuts because of the need of many trusts to achieve financial balance through financial recovery plans, it will be impossible to meet that target without cuts to front-line patient services.

As other hon. Members representing Oxfordshire constituencies will know, this matter must be seen in the context of the history of repeated annual cuts in social services provision. The pressure on the Oxfordshire social services budget is a result of an unfair formula, the imposition of extra duties on local authorities that have not been properly funded by central Government, and a capping regime that prevents local people from voting to preserve services to the vulnerable, even at the cost of increasing an unfair tax that I would like abolished in favour of a fairer one. The matter must also be seen in the context of cuts in funding for the Supporting People programme owing to an irrational change in the funding formula. That will result in extra pressure on the health service.

The strategic health authority was told in July that it had to break even within a year without brokerage from the wider NHS. It is not possible, fair or reasonable to impose that time scale. There will need to be hundreds of whole-time equivalent job losses even to begin to meet that. The Government must step in and say that that is not what is supposed to happen in the NHS. If there must be a cuts programme, it ought to be phased, so that huge cuts are not made that result in redundancies.

The strategic health authority decided to impose the cuts on a formula that is based mainly on staff numbers. That is unfair on those specialties and services that are human-resource rich compared with the broader operating figure or turnover of a trust. That applies especially, but not exclusively, to mental health and learning disability services. There are questions as to what consultation took place with providers when the formula for allocating the cuts was set out and, indeed, on what wider consultation occurred before that decision was taken. It is one thing to have to make cuts, but another to create an arbitrary basis on which hospitals should make them when, by common consent, many of the hospitals instructed to cut budgets are not responsible—having met their financial recovery plans—for the position in which the Oxfordshire health economy finds itself. The Oxfordshire health economy is faced with an impossible situation: the Government have asked it to do things for which there has not been sufficient funding while still meeting its targets.

The Government will say one thing that I would like to address pre-emptively: more money has gone into the health service nationally. That is a fair point to make to those who voted against the tax increases that brought that extra money for the NHS, but the Minister will know that I voted consistently for the tax increases, and I am still concerned. I did not criticise the tax increases to pay for the NHS. Indeed, my party said that we should implement them before the election in 2001 and not just after it. Obviously, people who do not support tax rises to pay for the NHS have to find other ways to provide the money, but the imposition of political targets that Oxfordshire health trusts have been told to meet or they will be named and shamed or zero-starred and the managers sacked means that they have chased the targets at all costs. That may not have been the right thing to do. I think that they should treat patients at all costs, not chase targets. It is not fair that patients should suffer because of the cost of meeting the targets.

The sort of cuts that we are discussing—we do not have time in half an hour to go into them in detail and we know about only a few of them at the moment—apply already to the pain clinic beds. I gave the Minister notice of this list. I am referring to the in-patient beds to treat people suffering from chronic pain. That measure will, as I understand it, save only tens of thousands of pounds—it will not make a big dent—and the service is a specialist one for a very special group of patients who do get relief from it. A community-based service, without in-patient beds, cannot provide that service. When I was a doctor in the Oxford area, I recognised the value that other clinicians placed on it.

We have heard about the proposed closure of the Barnes unit. That is the acute psychiatric service at the John Radcliffe hospital, on which when I was a doctor in Oxford we relied in accident and emergency to deal with people whose physical problems were based on or largely due to acute mental impairment. The fact that a unit was embedded in the hospital took a big load off the emergency department. Losing that service without there being a direct replacement will put more pressure on beds elsewhere in the hospital, and patients will be treated in inappropriate beds, which is extremely unfortunate.

That situation is associated with seven consultant job losses. At a time when the NHS needs to be growing and there is a shortage of psychiatric posts, to say that there will be a loss of seven posts, even though the post holders have been saved through a merger, is a worrying sign of things to come. As I understand it, the scale of the cuts that have to be made across Oxfordshire means hundreds of redundancies. We would not often expect to find ourselves talking about a bigger NHS, as the

[Dr. Evan Harris]

Government tend to, and then about making doctors, who cost a fortune to train, redundant. That is not a good way to seek to recruit people into Oxfordshire.

There are other cuts in mental health and learning disability services. Horton general hospital, in the constituency of the hon. Member for Banbury, is also affected by these provisions. The only response that there seems to have been to the general concern about the extent of the cuts is a bizarre proposal to privatise the management of the primary care trust. Will the Minister tell me about the Department of Health's role in the genesis of the idea that the solution to Oxfordshire's problems was to sack some managers in the new PCT and to outsource the management by tender, probably to a private company, which would then have the commissioning role? As we have discussed in this Chamber before, there are real problems to do with the vested interests that private companies would have in commissioning services from themselves or their commercial rivals. The proposal seems to miss the point in a big way.

There was no consultation. The notice about the proposal said that there had been consultation of key stakeholders. I do not want to give myself or other Oxfordshire Members airs, but clearly the health service in Oxfordshire does not think that Members of Parliament or the PCTs are key stakeholders. I presume that we are talking about the Department of Health. I would be interested to know, if the Department of Health was not behind the proposal—Lord Warner said in the Select Committee on Health recently that the proposal would not be imposed, because it would be a matter for the PCT—whether the Minister is happy that we have a health service that proposes something and then gets it withdrawn. At best, the situation is a mess; at worst, it is a U-turn forced by the opposition to the proposal. If we could have some explanation of what on earth was going on, and reassurance that the proposal is firmly off the table, I would be grateful.

I have a thick file of letters from concerned constituents, and I am sure that that applies to other hon. Members from Oxfordshire. Our constituents are very worried about the impact that the proposal will have on patient care.

I share with the Government the aspiration of a bigger, wider NHS that is properly funded. I do not see why Oxfordshire should be left out of that wish and why Oxfordshire patients, across the board, should be facing such cuts. If there have to be reductions, there needs to be time to plan them, but I cannot believe that it is beyond the Government to find a way of ensuring that patients and, indeed, hard-working staff, are not punished for the fact that what the NHS is being asked to do by the imposition of Government targets and, I accept, by patient need is greater than the amount of resources available.

There are particular issues in Oxfordshire such as the need to employ agency staff; it is difficult to recruit and retain staff because of high living costs. There are special factors but they are not adequately recognised in the funding formula, although generally I support a funding formula based on need. Oxfordshire has particular problems and I urge the Government to do something about that, because it is a centrally funded service—centrally funded by the Government. There is no option for local people to be able to contribute and they should not therefore be facing such cuts. I urge the Minister in her response to give some comfort to Oxfordshire patients, and to the doctors and nurses.

5.6 pm

Mr. Andrew Smith (Oxford, East) (Lab): I am grateful to the hon. Member for Oxford, West and Abingdon (Dr. Harris) for making available this opportunity, albeit brief, for other hon. Members from Oxfordshire to intervene in the debate. I hope that my hon. Friend the Minister and the Government will take note of the strength of feeling on the issue in Oxfordshire, which is reflected by the fact that hon. Members from all parties are raising concerns on behalf of their constituents.

I want to make four points: first, patient care must be paramount. Secondly, the scale of the deficit in Oxfordshire this year cannot be eliminated in one year without doing unacceptable damage to patient care. It is a tragedy that we are faced with these cuts when £15 million a year extra is being put into the Oxfordshire health economy. That puzzles local people. It is their unanimous view that things cannot be straightened out in one year.

Thirdly, the hon. Member for Oxford, West and Abingdon did not mention that the region had to find £15 million extra this year for Milton Keynes. Milton Keynes has a very good case, but it has limited the ability of the strategic health authority to help with the situation that Oxfordshire faces. If the Government wanted to make some extra help available without setting a precedent nationally, which for various reasons might be difficult for them to accept, I suggest that that is a particular and very important factor that should be considered.

Fourthly, I want to highlight the putting out of primary care commissioning to private tender. An indication of delay in that respect is not good enough; it would be much better for it to be refused now, because when several trusts are grappling with financial imbalances and other difficulties, the last thing they want is that threat and uncertainty hanging over what should be the core responsibility of primary care trusts. It is a bad idea, which it would be better to bury now.

5.9 pm

Tony Baldry (Banbury) (Con): I am grateful to the hon. Member for Oxford, West and Abingdon (Dr. Harris) for allowing me to intervene in the debate. I agree with almost everything that he and the right hon. Member for Oxford, East (Mr. Smith) said.

I shall say a quick word about deficits. Originally it was said that there would be a deficit in the Thames Valley strategic health authority of £35 million and in Oxfordshire of £25 million, mostly in the Oxford Radcliffe Hospitals NHS trust. I understand that at a recent meeting of the strategic health authority it was said that that figure may have come down to £15 million, but the figures £23 million and £18 million have also been bandied around. My first request, therefore, is please can Richmond House—the Department of Health—and the strategic health authority agree on the size of the deficit? That surely must be possible.

Secondly, the Oxford Radcliffe Hospitals NHS trust did not start this year with a deficit. It had a three-year recovery programme, so all the deficit is in this year because of what the Oxford Radcliffe hospitals—the John Radcliffe and the Horton—have been doing to meet the Government's waiting list targets. It has not been financial recklessness. My next request is please can we have a clear indication from Ministers whether the hospitals can have more than one year to pay off the deficit, as the right hon. Member for Oxford, East said, or will it all have to be done by the end of this financial year?

When I wrote to the Secretary of State about this matter, I was told that it is the responsibility of the strategic health authority. I have written to the chief executive of the SHA, but I have yet to receive a response. However, I understand that Sir Nigel Crisp has signalled that in-year deficits must be met by the end of this year. The Oxford Radcliffe Hospitals NHS trust would have to find about £18 million or £15 million in this financial year. That cannot be done without crazy slash-and-burn policies. That would have a dramatic impact on both the John Radcliffe hospital and the Horton general hospital in my constituency.

I have two simple requests for the Minister. Can we agree on the deficit and can a clear signal be given to the Thames Valley strategic health authority that it is not feasible for the Oxford Radcliffe Hospitals NHS trust to save £15 million or £18 million in a single year, especially as that would come after a three-year recovery programme? There has to be a sensible proposal for how that money can be recovered over a number of years. Unless that is made clear now, we will have a disaster in the last quarter of this year. In order to make such savings, the chief executive and the board of the Oxford Radcliffe Hospitals NHS trust will have to make cuts, not because those cuts are rational but just because they are the quickest way of saving money. That will damage patient care.

5.11 pm

Mr. Edward Vaizey (Wantage) (Con): When I asked the Prime Minister about this issue this afternoon, I quoted from an excellent and closely argued editorial in *The Oxford Times*, which concluded that Ministers must intervene, and set out three reasons why they should do so. The right hon. Member for Oxford, East (Mr. Smith) has four reasons why Ministers should intervene, and I have five. The Prime Minister gave me the brush-off—to use a colloquialism—but I hope that the Minister will not do so.

There are five reasons why there must be intervention. First, historically, Oxfordshire has been underfunded; we receive 85 per cent. of the national average. Secondly, as the right hon. Gentleman pointed out, £15 million has gone to Milton Keynes. That is a demonstrable case of underfunding; the money has gone there because the population of Milton Keynes has increased rapidly over the past four years, but the funding is still based on the 2001 census. Thirdly, as my hon. Friend the Member for Banbury (Tony Baldry) pointed out, the John Radcliffe hospital has done such a good job in meeting its targets and cutting waiting lists that that has put a strain on finances.

My fourth reason is a more general point. Health inflation is running at about 6 per cent. The Prime Minister said that funding had increased by 6.5 per cent. Therefore, in effect, that increase is almost negligible. Finally, we have had a bureaucratic organisation imposed on us—the five primary care trusts that were imposed from the centre. That is now being scrapped, as my hon. Friend the Member for Banbury and other Members mentioned, and one PCT will be formed instead. That has imposed costs on us that are not our responsibility.

In conclusion, I simply say that I hope that the Minister will intervene.

5.13 pm

The Minister of State, Department of Health (Ms Rosie Winterton): I congratulate the hon. Member for Oxford, West and Abingdon (Dr. Harris) on securing the debate. As he said, there is cross-party concern about the matter under discussion. I understand the points that have been made—

Sitting suspended for a Division in the House.

5.20 pm

On resuming—

Ms Winterton: Thank you for your indulgence, Mrs. Dean, in allowing us to carry on.

The hon. Member for Oxford, West and Abingdon made the point that extra money has gone into the NHS. He also pointed out—I know that my right hon. Friend the Member for Oxford, East (Mr. Smith) would agree—that the Conservative party voted against the increases that have enabled us to put it there.

As my right hon. Friend said, our aim is to improve patient care, and we have to make sure that patient care is paramount. However, it is also important to realise that good patient care and good financial management go hand in hand. As my right hon. Friend said, an extra £50 million has gone into the Oxfordshire health economy this year. The primary care trusts in the Thames valley have received an overall increase of £167 million this financial year and will receive £427 million next financial year.

We are devoting big increases in spending to the NHS. Despite that, the Oxfordshire health economy has built up a financial deficit. We need to make sure that that is sorted out; otherwise, one area in the strategic health authority will effectively carry on subsidising another, year on year—that will mean taking money from one area and putting it into another. It is therefore important that we are rigorous and firm in saying that the financial deficits need to be sorted out.

Both my right hon. Friend and the hon. Member for Wantage (Mr. Vaizey) asked about Milton Keynes. Milton Keynes is in a situation similar to that of Oxfordshire, and the SHA is providing financial assistance there. However, the SHA has given £10 million in financial assistance to Oxfordshire and an additional £1.5 million to support the Oxfordshire mental health trust, and that has been achieved by using surpluses generated by other organisations within Thames Valley. As I say, that situation cannot continue.

All hon. Members who spoke, particularly the hon. Member for Banbury (Tony Baldry), asked about the balancing of the books for this year. The situation in Oxfordshire is fluid and can change month by month, so

[Ms Winterton]

it is not possible at this stage to predict what any deficit may be. We never do that until we have audited accounts. However, SHAs are being expected to achieve overall balance this year. That means that they may adopt methods similar to those used previously: they may take surpluses from some areas and use them to subsidise areas with particular problems.

However, I reiterate that in such situations we expect the health authorities to achieve that overall balance and ensure what is best in the longer term for local people, patients and staff working in the area. I pay tribute to the staff working in Oxfordshire, who, I am sure, are doing everything they can to deliver good quality services to patients. Nevertheless, it is important for all concerned that we achieve that financial balance.

As right hon. and hon. Members know, the revenue allocations are made direct to primary care trusts, based on the relative needs of their population. A formula is used to determine each PCT's target share of available resources. There are always arguments about the relative merits of the formula, but we work extremely hard to ensure that it is fair.

I want to deal with some of the concerns about the proposed closure of services. NHS organisations have a duty to involve and consult patients, the public and their representatives in planning and development of and changes to the operation of services, and the overview and scrutiny committees also play a part when such changes are considered. Therefore, I would expect there to be good consultation.

I understand that the proposals for the closure of the acute psychiatric in-patient service at Moorview and the Barnes unit will be consulted on shortly and that the Oxfordshire Mental Healthcare NHS trust is seeking to redeploy staff in the Oxfordshire and Buckinghamshire mental health services. I hope that that gives right hon. and hon. Members some reassurance. In regard to the closure of services at Henley, I also understand that Henley was a partnership between the council and the Oxfordshire learning disability trust. The council stopped funding the Chiltern Centre at Henley and, for a while, the future of the service was in doubt. However, the charitable Chiltern Centre for Disabled Children now runs the centre.

I think that all hon. Members referred to the possible out-sourcing of the management of Oxfordshire primary care trust. I shall use this opportunity to reiterate what we have already made clear. We want SHAs and PCTs to put forward proposals through "Commissioning a patient-led NHS", when it comes to the reconfiguration of PCTs. We want proper consultation on the proposals, and a model for organisational boundaries then to be determined. However, it will then be down to each PCT to propose how it will discharge its statutory functions. Only after some of the organisational changes are made will the PCTs consider how to make the changes, if they wish to do so, in running services.

Dr. Harris: I welcome that, which I recognise as the position put by Lord Warner in the Health Committee. I have two questions for the Minister. First, who is to blame for the fact that people were led to believe—it is clear in the SHA paper—that all this would happen very soon, long before the merger was complete and the PCT would decide itself? Secondly, did Ministers in the Department know at the time about the proposal, which has now been pulled, and did they say that it was unacceptable to make it so prematurely?

Ms Winterton: The Secretary of State has made it clear that the letter sent out on 28 July was not meant to indicate that the services provided by PCTs should suddenly be removed, but that we wanted proposals for organisational changes. If PCTs then wished to divest themselves of the provision of services, as opposed to the commissioning of services, they would do so only if they had fully consulted local people and felt that that was the right way forward for their local area. PCTs do not, therefore, have to divest themselves of services. I hope that that has now been made clear to all SHAs and will be reflected in the proposals that they put forward.

I shall now turn to the closure of the in-patient pain service beds at the Churchill hospital, which are part of a strategic review to look at ways of linking chronic and acute pain services and to ensure that the trust can continue to deliver high quality and integrated care, to which my right hon. Friend the Member for Oxford, East referred. The trust is considering how to provide access to in-patient facilities in an alternative location within the hospital. It is following due process in line with the trust's policy on organisational change and redeployment.

I understand that the closure of an orthopaedic ward at the Nuffield orthopaedic centre is part of plans to modernise service delivery. The trust has reviewed its operation to ensure that service quality is maintained following the changes. Again, the overview and scrutiny committee has been consulted and has determined that the proposal does not constitute a substantial change to services.

It being twenty-eight minutes to Six o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.

Westminster Hall

Thursday 17 November 2005

[MR. EDWARD O'HARA *in the Chair*]

Rehabilitation of Prisoners

[Relevant documents: First Report from the Home Affairs Committee Session 2004–05 HC193-I, and the Government's response thereto, Cm 6486.]

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Coaker.]*

2.30 pm

Mr. John Denham (Southampton, Itchen) (Lab): I am pleased to initiate this debate on the Select Committee's report on the rehabilitation of prisoners. I should say at the outset that the Committee's interest in the topic was stimulated by the right hon. Member for Maidstone and The Weald (Miss Widdecombe), who was a formidable prisons Minister in her time. She encouraged the Select Committee to take an interest in the topic but, for personal reasons, she had to leave the Committee shortly after the inquiry started. I hope that she feels that we have looked into the issues that she raised.

The report is lengthy and covers a large number of issues, so it might be helpful if I set out the main theme that I want to refer to in my opening comments. It is pleasing to see so many hon. Members here on a Thursday afternoon when there is a one-line Whip. It shows that the subject is of interest—*[Interruption.]* Some of my hon. Friends did not realise that there was a one-line Whip. I hope that they do not leave too soon.

The central issue in the report is that we know from many sources, including the social exclusion unit, that a released prisoner's ability to get a job, to have a home to go to and to maintain family ties is critical to the likelihood that they will not reoffend. Everyone accepts that the rate of reoffending by released prisoners is far too high. In simple terms, that means that far too much crime is committed in our communities by people who have already served a custodial sentence. We need to improve our ability to reduce reoffending.

Our report acknowledges the importance of the strands that I mentioned of work, housing and family ties—it also looks at other issues such as drug treatment—and we make recommendations on all three. I would like to acknowledge at the beginning—I will not deal with them in detail—the submissions that we have received for today's debate from Citizens Advice, Action for Prisoners' Families and the Local Government Association; they reinforce the importance of those issues.

There is important work to be done in all those areas, but the central theme of our report is how well or how badly the prison system prepares prisoners to get a job on their release. I shall concentrate most of my comments on that theme. Housing and family ties are extremely important and changes must be made; drug treatment needs to be improved; but it was on how well our prisons do in preparing people to work that we felt that the gap was largest between what is happening in our prisons today and what needs to be happening in the prison system in future.

I know that the Under-Secretary of State for the Home Department, my hon. Friend the Member for Slough (Fiona Mactaggart) shares my personal commitment to these issues. We both spoke recently at the launch of an Exodus project by South East England Development Agency which was aimed at prisoner rehabilitation. We both have an interest in the matter, but the gap between what the Committee found when going round prisons and taking evidence and the picture described in the Government's response to our report is uncomfortably wide. If this debate has one effect today, I hope that it will be to encourage her to look again at what is happening in our prisons and the way in which they are or are not preparing people for work. The Government's response does not reflect the very difficult reality that we found.

I want to make a few other background comments. Overcrowding was an issue that came up a lot during our inquiry and we describe some of the difficulties that arise from prison overcrowding. We acknowledge that the Government have put a new sentencing framework in place and we hope that if public confidence can be built up in that framework it will reduce the number of people who go to prison unnecessarily. We highlight our belief that a lot more should be done to reduce the number of people who go to prison on remand and do not ultimately serve a custodial sentence. We also highlight the large number of women going to prison for minor crimes. All those issues have an effect on prison overcrowding.

As far as we could see, on any reasonable projections prison overcrowding is with us for the foreseeable future. It is difficult to foresee in the next 10 years either the number of people sentenced falling rapidly or the number of prison places increasing quickly so that we will not be living with overcrowded prisons. A culture seems to have grown up in the Prison Service that we shall be able to deal with issues such as work when the prisons are less overcrowded. The Select Committee says that that view must be challenged. We must find ways in which to improve the ability of the prison system to help prisoners find work, even though for the foreseeable future prisons will be overcrowded.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): I thought that the right hon. Gentleman would be interested in some figures. In March, when the Government wrote their response to the Select Committee, there were 75,187 prisoners. This month, the figure has increased to 77,683—a net increase of 2,496 prisoners. All the problems that existed when he investigated the system and when the Government replied in March have now increased by that amazing leap.

Mr. Denham: Fluctuations will happen from month to month. We said in the report that the Government's longer-term projection shows the prison population stabilising at about 80,000, which will be the maximum capacity of the prison system. That depends on some fairly optimistic assumptions about sentencing patterns. Even that would represent a prison system that was functionally overcrowded. The message from our report is that, unfortunately, we must assume that that will be part of the backdrop for the next five or 10 years. We must then consider what we need to do to make the system work better.

[Mr. Denham]

We acknowledge the importance of drug treatment. I hope that hon. Members will speak on that issue during the debate. We must be careful not to create a situation in which the quality of drug treatment on offer to offenders in the prison system is of lower quality than the drug treatment that is offered to those who are entering the criminal justice system for the first time. There has been a substantial investment in drug treatment in some high-crime areas. I welcome that, but it is odd to have an apparent improvement in the quality of drug treatment available to newer offenders when we are failing to deal effectively with drug treatment for those who are already in the prison system.

At least three offenders out of five reoffend within two years. The number is often more for young offenders, which has a high cost for the individuals and society. Let us consider three strands that concern work. First, what do prisoners do when they are in prison? Secondly, what links can prisoners maintain with work outside, while they are in prison? Thirdly, how can they secure jobs on their release from prison? The Select Committee asked many prisoners to complete a prison diary. We carried out that innovative research because we considered that the average information on purposeful activity that was available from the Home Office did not reflect the many individual stories that we heard from prisoners about the activities that were available to them, the amount of time that they spent locked in their cells, and so on.

The Government can reasonably say that our exercise was not entirely valid statistically, but it highlighted the fact that substantial numbers of prisoners do not have access to purposeful activity and spend much of their time not gainfully employed. A lot of activity that is described as purposeful may be necessary within a prison such as cleaning the floors, but it does not equip them to obtain a job when they are released. The averages in respect of such activity tend to blur the way in which the system is failing a substantial number of prisoners. As the Government acknowledge, that may be worse for short-term prisoners and remand prisoners, who none the less are equally likely to reoffend and whom we should not write off within the prison system. If there were weaknesses in the Select Committee's prison diaries approach, I hope that the Home Office can rectify them by making sure that it is monitoring individual prison lives and not looking only at the overall averages.

We found that little in the prison regime equipped prisoners directly with the discipline or skills that were likely to improve their employability on release. That is a somewhat harsh statement because significant improvements have been made, for example in adult basic education in prisons. We acknowledge that in the report, and it is important. There is a big gap between providing that and giving individuals the confidence and the skills to get a job on release. We found that the nature of the prison regime does little to prepare people for the world of work.

The report is called "Rehabilitation of Prisoners", but many prisoners have never been habilitated in the first place—I hope that that is not an appalling use of the English language. They have never had steady skilled jobs, brought in regular money and all the rest of it. It may be that their time in prison is one of the first opportunities to bring some discipline and work-related learning into their lives.

David Taylor (North-West Leicestershire) (Lab/Co-op): My right hon. Friend is talking about the rehabilitation of offenders and the Rehabilitation of Offenders Act 1974. In 2002, the Home Office produced a report entitled "Breaking the Circle: A report of the review of the Rehabilitation of Offenders Act", which made proposals to improve the chances of those who had offended. The report's recommendations have yet to be implemented or turned to by the Government. Is that not the case?

Mr. Denham: As we say throughout our report, a number of good policy and strategy papers have been produced by the Government: by the policy unit at No. 10; by the Home Office; and by the Prison Service. If they were put together as a policy framework on paper, they would add up to a pretty good picture of what ought to be done. The difficulty is that many of them have not been fully or energetically implemented.

I remember going to one young offenders institution. There was a clear awareness among the young people we talked to about what type of skills would enable them to make an honest living when they went out. They could see the difference between those courses that enabled the boxes to be ticked and the national vocational qualifiations gained, and the sorts of skills that would enable them to get work, given that they had a criminal record. There is too little tailoring of the courses and training available to what would genuinely make prisoners employable.

More fundamentally, very few prisons offer the discipline of what the report calls a nine-to-five working day. We were impressed by what we saw at Coldingley in Surrey and by what we saw in prisons in Sweden and in Germany, which had what in the jargon is usually called "an industrial style of prison work". Such examples are very much the exception in our prison system and although there is a prisons industry strategy, which is supposedly being implemented, we found no real sense of energy, urgency or drive to put that type of widespread change in the prison regime into place.

We suggested that there could be new innovations; an agency could be set up to develop public-private partnerships for prison industries. That was given a half-hearted welcome in the Government's response; I hope that the Minister will be able to say more about the likelihood of its happening. The first core message is that unless we have a way of changing the fundamental regime in most of our prisons so that they offer a real work-like experience, it will be difficult to equip people with the disciplines and skills to find work outside.

I say in passing that we recommended that the economic potential of higher employment among people who are released from prison should be investigated. That was rejected by the Government, which is a shame. We said at the time of writing our report that it was slightly odd to be producing large numbers of unemployable people out of our prisons to be unemployed at the same time as attracting significant numbers of economic migrants from eastern European accession states or from around the world. We might win more resources for prisons if the full economic potential of making greater use of our prison population was fully taken into account.

There have been missed opportunities. I am told by people in business that 18 months ago one could make a good business case to an employer for employing ex-offenders because there was a labour shortage. Not enough was done at that time, and today people tend to say, "Well, there's a pretty large pool of people from the eastern European accession states, with skills, who can come here quite cheaply." The business case is now moving against the Government. However, even at this late stage, it would make sense for the Government to make a full economic assessment of the advantages to the British economy of ensuring higher employment rates among ex-offenders.

Mr. James Clappison (Hertsmere) (Con): The right hon. Gentleman made an important point when he outlined one of the economic benefits of training prisoners. Is there not another economic benefit, in that, according to all the evidence, prisoners are much less likely to reoffend if they find employment after leaving prison? That reduces all the costs associated with their offending.

Mr. Denham: The hon. Gentleman, who is a very constructive member of the Committee, is absolutely right; there is something about the economics of the entire system that strikes one as decidedly odd. It costs an enormous amount of money to run the prison system—the cost is well over £30,000 per individual in the system per year—yet we do not do half enough to ensure that offenders are not likely to be equally expensive when they come out because they reoffend. So, my first point is that the prison regime needs to change, not bit by bit, but starting with a fundamental rethink by the Government and a real drive to change the nature of the prison regime.

My second point is about the links between work and prisons while prisoners are serving their sentence. When we went to Germany, we saw the Tegel prison in Berlin. Committee members of all parties were impressed by the extensive system of day release for work in Berlin. It was at a level of security clearance that would not be allowed in this country. In other words, day release for work is not restricted to the category D prisoners whom we are used to going to work from our open prisons.

This is a difficult issue for Governments and Oppositions, because if a prisoner offended while out of prison, it would guarantee tabloid headlines, widespread criticism and all the rest of it. None the less, in Germany we were told that Tegel prison managed to operate the system with remarkably low offending rates by prisoners, even though those prisoners had a higher level of security risk than those whom we allow to go out of prisons. That is something that the Government should seriously explore.

One gets the impression—the Minister may be able to help us on this—that the Government have given a pretty blanket no to other than category D prisoners going to work outside prison, unless it is a prisoner on one of the new short sentences. I hope that that is not the case, because innovative thinking is necessary. Not everybody can be accommodated within ideas such as weekend prisons, which are now being piloted. Prisoners who are able to sustain a job while serving their prison sentence are much less likely to offend.

My final point is about securing employment at the end of the prison sentence. The evidence seems to be pretty clear that if prisoners know that they have a job to go to and can work towards it, they are more likely not only to go into that job but to be in that job in a year or two's time. The innovative work by National Grid Transco has demonstrated that beyond reasonable doubt. That model needs to be extended more generally.

Mr. Ian Taylor (Esher and Walton) (Con): I apologise to the right hon. Gentleman for not being able to stay for the rest of the debate for constituency reasons. Will he comment further on the National Grid young offender programme? If reoffending is reduced to about 7 per cent.—a massive reduction on the average for young offenders—surely the scheme could be self-funding, if it were rolled out across more than the 15 prisons that are now part of the National Grid scheme. Is the right hon. Gentleman satisfied that the Prison Service has taken that to heart? Although it responded to his report, the right hon. Gentleman's comments in that report were quite worrying to those of us who hoped that the scheme would be fully embraced by the Prison Service.

Mr. Denham: I am grateful to the hon. Gentleman for making that point. I am sorry to say that I am not satisfied with where we are with National Grid Transco, despite its proven track record, despite its ability to produce some remarkably low reoffending rates—among young offenders, who have a higher recidivism rate than adult offenders—and despite being financed entirely by the private sector, to the tune of about £10,000 per prisoner. The Committee was not convinced at the time, and I have not been since, that the Prison Service has taken on what is necessary to make the model spread.

There is not, to be fair, an absence of warm words about National Grid Transco from Ministers—from the Home Secretary and everybody else—but at the moment everything is being done other than the provision of funding or listening to National Grid Transco to find out how the model could be replicated. The private sector initiative is an odyssey, developed among the business community of our country. The problems seem not just to be an absence of Government funding for the programme but a desire in the Prison Service to invent a different way of doing a similar thing, involving the learning and skills councils, Jobcentre Plus and the whole panoply of state institutions. They may work perfectly well outside prisons, with different objectives, but are less likely to be able to engage with the private sector and make sure that the Transco model works.

The model probably only works for major corporate employers, and is not so easy for small and medium-sized enterprises to adopt. A quick and fundamental reassessment of the relationship between the Prison Service and the Transco approach to employment is needed if the benefits of the scheme are not to be lost. We found no hostility in our evidence sessions. Everybody

[Mr. Denham]

we spoke to from the Prison Service was positive about the initiative, but nothing seems to be happening. We need some central drive to make sure the model is spread.

I made a point earlier about the business environment becoming more unfavourable, largely because of EU expansion and the ability to attract people into jobs that could not be filled a couple of years ago. For an employer to employ an ex-offender is less obviously sound business than it was a couple of years ago. It is important that we move quickly to embed the Transco model in the rehabilitation programme in this country before the opportunity slips away.

I will not give more details about the Transco scheme. It is familiar to some Members and it is described in the report, and I suspect that others wish to speak about it this afternoon. It is perhaps symptomatic of a slightly "not-invented-here" response, which came up on a number of occasions during our inquiry when we were putting radical and innovative proposals and ideas to officials. I hope that the Minister will lend her considerable authority to an urgent review of what is happening.

In my remarks to my hon. Friend the Member for North-West Leicestershire (David Taylor), I referred to the various reports that have been produced over the years—the social exclusion unit report on reducing reoffending or, now, a national action plan on reducing reoffending. Those are not being driven through the system with great energy. Many have the right aspirations but no time scale, ill-defined resources and unclear delivery mechanisms. We will have to move faster if we are going to reduce reoffending rates.

When we were doing our report, we were in the early stages of the establishment of the National Offender Management Service, which is still working its way through the pipeline. As a Committee, we took the view that the principle behind NOMS was right—a system that starts from the assessment of the needs of the individual prisoner or offender and goes right through to rehabilitation. I would make the point that NOMS cannot easily be effective unless we are able to change the regime within the prisons and the arrangements that are available to get prisoners into work. NOMS will only be able to work with what it is given; at the moment those tools look inadequate.

David Taylor: My right hon. Friend has reached the important section of the report that deals with end-to-end sentence management. Does he not agree that until about 10 years ago probation officers expected to be closely involved in routine contact and sentence management? They would also write to, ring and visit prisoners, and that greatly helped the rehabilitation process. However, budgetary restrictions and overheads associated with the setting up of NOMS seem to be preventing them from doing that currently. Does my right hon. Friend agree that this is not a new idea, but it needs to be reintroduced with proper resourcing?

Mr. Denham: Of course, there has been a dramatic expansion in the number of probation officers over the past few years, but of course that goes with a greatly increased prison population compared with 10 years ago.

My point is that unless the people working in NOMS can get support—for example, from an expansion of the National Grid Transco scheme—so that they can direct prisoners towards jobs and be sure that they are doing them, it will be difficult for them to do what is being asked of them in respect of getting people back into work. The Committee supports the broad change of direction in the development of NOMS, but we must ensure that it has the tools to work with.

We must—this is by the bye—also remove from the system some of the sillinesses that gets in the way of delivering a coherent approach. I do not know whether it is still the case, but we were told that prisons scored half a mark on the rehabilitation target—whatever that was—for managing to get a prisoner an interview with a jobcentre. We can best do without that sort of box-ticking target that reveals nothing at all about how likely it is that the prisoner will end up getting a job; I suspect that my hon. Friend the Minister agrees with me on that. We must concentrate on measuring things that really make a difference to the life of the individual prisoner.

Work is central to the prison regime, and to achieving its objectives. I do not wish in any way to diminish issues to do with drug treatment, housing, family contact and so forth, but if we do not get the work strand right, it will be difficult to deliver on other things. I ask my hon. Friend the Minister to look again at what is happening. Is the pace of change fast enough? Is there sufficient focus in the prison system on this critical issue?

Lynne Featherstone (Hornsey and Wood Green) (LD): A Basic Skills Agency report found that up to 80 per cent. of prisoners were functionally illiterate. Does the right hon. Gentleman agree that that is also a main contributor, and that it needs to be dealt with even in advance of the work strand?

Mr. Denham: That is an interesting point. Functional illiteracy among the prison population is a major issue; it is one of the indicators of likelihood of offending. We acknowledge that the Prison Service has made great strides in the past few years in terms of adult basic education and skills. About 10 per cent. of all adult basic education qualifications are achieved in prison; that is significant.

The difficulty is that, if we look at this matter from the point of view of the individual, making somebody functionally literate may be a necessary step towards enabling them to get a job, but it is a long way from getting them into a job. Gaps appear to open up in the process when we look at the career of an individual offender and ask, "What happens next?" The way the system is managed, the Prison Service can tick its box and say, "We've got this prisoner to the level of adult basic skills that is necessary," but the next bit might not happen. That process probably creates a slightly more literate reoffender, rather than somebody who will go on to get a job.

The important thing is to join up the system. We should not move away from the focus on adult basic education as a starting block, but neither should we limit the system so that when people get to that educational level there is no further progression in respect of real work-related skills. Adult basic skills are an essential element of this system, but perhaps the system is not quite right at present because the focus has been almost exclusively on it, rather than on the things that need to follow on from it.

I have spoken for longer than I intended. I hope that I have set the scene in terms of some of the main themes in our report.

2.59 pm

Mr. James Clappison (Hertsmere) (Con): I am delighted that we have this opportunity to debate the report. It is an important report, and I support all its conclusions, and the gist of what its Chairman, the right hon. Member for Southampton, Itchen (Mr. Denham), has been saying.

The right hon. Gentleman mentioned the impetus that my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) gave to the Committee in terms of this report. When she was Prisons Minister, she was renowned for the number of prisons she visited, and I am sure that the present Minister is also no slouch when it comes to visiting prisons. Given the number of prisons that the Committee visited in the course of producing this report, I like to think that we have done justice to the impetus that my right hon. Friend has given us. I pay tribute to the energy, commitment and hard work that the Chairman has put into the report and the work behind it, which I am sure hon. Members will have been impressed with today.

As an Opposition spokesman, I had occasion to visit prisons, and before that I frequently visited them in a professional capacity. Every time I went into a prison I was impressed when I saw prisoners engaged in what is termed "purposeful activity". Unfortunately, that was often not enough. By the same token, I never failed to be anything but depressed when I saw, as I did all too often, prisoners either hanging around on wings or locked up in their cells. One of the most frequent causes of complaint to me from prisoners was the inordinate length of time that they spent banged up in their cells. I believe that there have been improvements in that regard, but much more needs to be done.

It seems to me that time spent either hanging around on prison wings or simply locked up in cells is unlikely to have much rehabilitative effect. I, and I think most members of the public, would prefer to see prisoners who have to be in prison doing something constructive that will give them a better chance of staying out of trouble in the future. I am sure that all forms of rehabilitative activity have their place, including addressing offending behaviour, but the strongest and most useful form is working.

As I suggested to the right hon. Member, there is a good deal of evidence to show that prisoners who work in prison and go into work as soon as they leave prison are much less likely to get into more trouble. There are no panaceas for reoffending, because in many cases prisoners have led disordered lives, have come from unfortunate home circumstances or have personality problems or other cause of their offending. However, if they get into the habit of work while they are in prison, the chances of their staying out of trouble once they come out are much increased.

Susan Kramer (Richmond Park) (LD): The hon. Gentleman may not know that Latchmere resettlement prison, which is in my constituency, has a very low reoffending rate of about 25 per cent., even though the prisoners are mostly long-term servers and have therefore committed some of the most serious crimes. The last year or 18 months at Latchmere is used to get them not only into work but into work in the community where they will be living. That enables them to take on financial responsibility for their families ahead of rejoining them, and thus to reintegrate into the family circle.

There are only 207 places at Latchmere, the largest of the three resettlement prisons. Does the hon. Gentleman believe that, combined with his other proposals, the expansion of resettlement prisons of this kind could make a real difference to reoffending rates?

Mr. Clappison: I am grateful to the hon. Lady for that contribution. We could not visit all the prisons and we did not visit Latchmere, but it sounds as though it is doing important work. It certainly supports the Committee's view on this issue. I am sure that what the hon. Lady said is right. I believe that the Home Office has evidence from research done a few years ago into the value of employment on release which shows that it reduces the risk of reoffending by between a third and a half, which I think is better than any other form of rehabilitative activity.

Mr. David Drew (Stroud) (Lab/Co-op): Perhaps I may introduce chapter 12 of the report, which is about women in prisons. Stroud is next door to the constituency of the hon. Member for Northavon (Steve Webb), who has Eastwood Park prison in his constituency, which has had some difficulties over the years. When I have been there, I have realised that a particular issue about women in prison is how often they are moved around the system. Sometimes that adds to the problem of never being able to go home; such women may have been living with a violent partner, so they may have to be thinking of starting another life.

I agree entirely with what the hon. Member for Hertsmere (Mr. Clappison) says about needing to prepare people for when they leave prison, through work and work-related activities. However, that is particularly difficult for women, who, as they are moved around the system, do not know exactly where they are likely to be released. Does the hon. Gentleman accept that the Government have to pay really close attention to that, because such women are the most vulnerable?

Mr. Clappison: The hon. Gentleman makes a valuable point about women and work. Moving women around the system is undesirable also because it tends to break up the contact between the woman, her home and any children involved. I was going to mention later, but shall mention now, that the Committee has suggested that the Government should set a target for reducing the number of women prisoners. I do not know whether that is seen as radical or not.

[Mr. Clappison]

As the hon. Gentleman will know—he takes an interest in these matters—the number of women prisoners has gone up by more than the proportion of prisoners as a whole. That is somewhat surprising, given that women, as we all know, are much less likely to commit violent or sexual offences and are probably much less threatening offenders. The increase has never been properly explained, but if we all put our minds to it we could find a way of reducing the number of women in prisons or help them by putting them in prisons nearer their homes. We could also look into the question, which will come about through intermittent custody, of women spending only part of their time in custody and being able to keep in touch with their families more.

Mrs. Gillan: Given the work that he has done on the Select Committee, does my hon. Friend agree that when women are put in prison, there is a disproportionate effect on their families?

Mr. Clappison: Absolutely.

Mrs. Gillan: Often, the children have to be taken into care and that starts the cycle again. It is therefore imperative either to try to keep women in the community so that their families can remain intact, or at least to arrange things so that there is a continuation of family care, so that we do not put a new generation at risk or risk the family being totally broken by the time the woman comes out of custody.

Mr. Clappison: I am absolutely delighted that my hon. Friend, who serves on the Opposition Front Bench, is putting forward what are undoubtedly very important public policy reasons for trying to deal with women in a different way, as far as is possible. Those are important points, and my hon. Friend made them extremely well.

Mr. Nick Hurd (Ruislip-Northwood) (Con): I congratulate my hon. Friend, the Chairman and other members of the Select Committee on focusing on this important issue and the way in which they have done so.

I want to discuss transfers, a problem that is not restricted to women. If I read the report correctly, a recurring concern of the Committee is the rather ad hoc and premature process of transfers. If I read the Government's response correctly, they do not recognise that as a major problem. Is my reading accurate and is my hon. Friend satisfied with the Government's response?

Mr. Clappison: My hon. Friend makes an important point; he has an important interest in this issue because of his background. He is absolutely right. The Government's response was depressing on that issue. However, I should be fair to them. My hon. Friend may not be aware—it was not part of our report—that the Home Secretary came before our Committee last month. I put to him that very point about the high and increasing volume of transfers, which shuttle prisoners around the system and disrupt their chances of getting any education or worthwhile work activity. To be fair to the Home Secretary, he was far more responsive to the Committee than were the somewhat defensive remarks in the Government's response to the report.

I am not making a partisan point, but it is fair to say that the Government's response to the report was a little too defensive on a number of issues. Other things that the Government have been doing and saying have been slightly more encouraging.

To come back to my main point about work, if one baldly asked the question, "Are we doing enough to provide work for prisoners in prisons?", the answer would have to be, "No, we could all do much more." I agree with the right hon. Member for Southampton, Itchen that we need a greater sense of urgency from the Government and more practical results. I do not doubt that they have good intentions, but they need to be translated into results.

Our report makes uncomfortable reading as far as purposeful activity is concerned. In paragraph 37, we said:

> "disturbingly high proportions of prisoners are engaged in little or no purposeful activity."

In paragraph 28, we noted that the Prison Service admits that it is has met its key performance indicator only

> "once in the last eight years."

I should add that the key performance indicator for purposeful activity is hardly one that sets the world alight. For all the forms of purposeful activity—which total about 30, including work, education, washing the floor and all the rest of it—the Government set a total of 24 hours a week for prisoners. That has been met only once in the last eight years. I suggest to the Minister with all due respect that the solution is surely not to abandon the key performance indicator.

The report also says that

> "it is difficult to avoid the suspicion that the KPI has been dropped to avoid embarrassment arising from the Prison Service's continuing failure to meet the target."

I know that the Government's response rejected our comments on that. However, when a target is not met the solution is surely not simply to get rid of the target and then choose other targets which people think might be met; surely it is to make more effort to reach the target.

The Government have good intentions, and I give them credit for taking an interest in the subject, but we need a commitment to carry those good intentions through. What the Committee said, and what the Chairman of the Committee said in his opening remarks, is also supported by the conclusions of the prison industries review and the prison diaries, to which he referred and which is a worthwhile experiment. The prison industries review, instituted by the Government, supports the conclusions that we reached.

I can do no better than to quote paragraphs 153 of our report, which said:

> "We agree with the Prison Industries Review that it is 'indefensible' that the Prison Service cannot find enough work or purposeful activity for prisoners. There continues to be an unacceptable disparity in the provision of work opportunities for prisoners across the prison estate. Whilst a maximum of just over 30% of prisoners may be involved in some form of prison work activity, only a third of those have been placed in prison workshops, the type of work activity which most closely reflects 'real working life'."

We go on to suggest that all this shows that involving prisoners in work schemes has not been given sufficient priority.

Drawing on what we say in the report, what the prison industries review said and what the prison diaries also revealed about the lack of sufficiently serious work, I emphasise three points. They are implicit in our report. First, I believe that work in prison should resemble as closely as possible work outside prison. That is why it is so important that more prison workshops are up and running and that more of the work is in workshops where prisoners receive training rather than do functional activities concerned with prison life itself, such as mopping floors.

I do not shy away from the question of paying prisoners an appropriate rate for their work. That could be of benefit to everyone. It might enable some prisoners to pay compensation to their victims. If it gets the prisoners into the idea that they can earn money honestly as opposed to dishonestly, that can only be a good thing for the future. It is interesting that in the comment that I have seen on our report in the press and elsewhere there was not the reaction that some people might have thought. The public would accept that paying prisoners and getting them into the idea of making an honest living is a good thing, which in the long run could save a lot of money.

Secondly, I believe that work in prison should, as far as possible, include the training of prisoners in appropriate skills; that is self-evident. Thirdly—this point has already been made by the right hon. Member for Southampton, Itchen and the hon. Member for Richmond Park (Susan Kramer)—work should be linked wherever possible to employment outside prison.

I echo the remarks that the right hon. Member for Southampton, Itchen made about the Transco approach; the whole Committee was impressed by that. I believe that the Prison Service's "custody to work" initiative deserves support. I praise the Government for setting it up, but I hope that they will follow it through and support that approach. I draw some encouragement from what the Home Secretary said when he appeared before the Committee, but he and the Government will be judged on what flows from the report, on the progress made in establishing more work in prisons, on giving prisoners training and on linking all that, as far as possible, to prisoner employment on release.

Again, I make common cause with the right hon. Member for Southampton, Itchen. I do not shy away from more day release if it is necessary to get prisoners into jobs at the end of their sentence. I do not believe that that is a soft option, and I certainly agree with the right hon. Gentleman about trying to implement such schemes as much as possible, and not finding obstacles to put in the way.

We visited a prison in Germany that ran an extensive day release work programme. More than 70 per cent. of prisoners on the scheme who went through the training in prison, some of whom went on to day release, continued to work for their employer when they were released from prison.

So, there are strong public policy reasons for supporting the scheme. There is a great deal to be gained. I do not think that giving prisoners work in prison is a soft option. I do not think that it is a soft option to reward prisoners, or let them out of prison so that they get used to work. There could be a great deal to be gained from that. One has to be realistic; such schemes will not solve all reoffending. However, they are by far the best way of reducing the reoffending rate and the best way of giving some prisoners a second chance, particularly the younger prisoners. There are great benefits for us all. I certainly impress on the Minister the gist of what the Chairman of the Committee said.

The Government need to have a sense of urgency about the issue. They need determination to translate their intentions into results. We need workshops in prisons and we need prisoners to work. We will wait to judge the Government on that, but there needs to be real commitment. The test for the Government will be whether they can translate their intentions into practical consequences, whether they can sweep away the obstacles to getting prisoners into work and whether giving prisoners training gets the priority that most right-thinking members of the public would say that it deserves.

3.18 pm

Mrs. Janet Dean (Burton) (Lab): I am pleased that we have this opportunity to debate the report on the rehabilitation of prisoners, and I, too, commend my right hon. Friend the Member for Southampton, Itchen (Mr. Denham), the Chairman of the Home Affairs Committee, for his hard work in conducting the inquiry.

Recommendation 122 of the report summarised the changes needed to improve the prospects for rehabilitating prisoners. In order of priority, they are:

> "(i) a major drive to provide work and work-like regimes and training within prisons;
>
> (ii) an extension of this provision and other rehabilitative interventions to short-term and remand prisoners;
>
> (iii) significant improvements to drug and alcohol treatment;
>
> (iv) independent inspection of mental health provision; and
>
> (v) specific provision to address the needs of minority and vulnerable groups."

One of the main conclusions of the Committee is that the overcrowding in our prison system has a hugely damaging impact on the delivery of rehabilitative regimes across the prison estate. Overcrowding means that it is less likely that prisoners will be held in prisons close to their home, and that will restrict contact with family and friends, as well as making it harder to have a coherent pre-release strategy.

Overcrowding means that it is less likely that prisoners will be engaged in purposeful activity, as other hon. Members have mentioned. The Government acknowledged in their response to the report that the Prison Service has regularly missed the target for purposeful activity in recent years. Overcrowding also produces a so-called churn in the system, whereby prisoners are moved at short notice to other establishments, thereby interrupting the work that has been done with those prisoners. Having said that, I agree with my right hon. Friend that we can consider how to improve matters in spite of overcrowding.

[Mrs. Janet Dean]

Conclusion 5 of our report says:

> "We are critical of the management of transfers of prisoners across the prison estate which appears to be more ad hoc and pragmatic than strategic in design. The very high levels of transfers have a direct and significant negative impact on rehabilitation measures, both through disruption caused to intervention programmes and failure to provide prisoners with the particular interventions they need, as identified through assessment and sentence planning."

We were impressed by the way in which transfers take place in Germany. Where the prison system is based on the federal system, prisoners are transferred back to their home region when they are convicted. It brings all the advantages that would benefit the rehabilitation of prisoners in this country, such as reducing transfers during sentence, allowing prisoners to retain links with families and enabling sentence and rehabilitation planning, including settlement on release.

The Committee's report stressed the need for real work opportunities in prisons, as others have mentioned. In conclusion 29, we stated:

> "We endorse the conclusion of the Prison Industries Review that:
>
> 'Industrial workshops are one of the best means, within prison walls, to reflect real working life. A proportion of the prison population will never have been exposed to real work before, and this may be their first opportunity to gain some transferable employment skills. In order to advance the resettlement agenda prison work needs to be targeted at those who are least likely to want to work. These individuals should be allocated for work, particularly on work initially that requires little training. They should not be ignored if they are difficult, or lack motivation. They should be the target audience of industries, and will benefit most from prison work. They have the potential for most return in terms of reduced re-offending on release.'"

As my right hon. Friend the Member for Southampton, Itchen said, we were impressed by what we saw on our visits to Her Majesty's prison Coldingley, where prisoners can obtain transferable qualifications and skills and gain experience in a real working environment. I was pleased to read in the Government's response to the Committee's report that the prison has now adapted its regime to allow part-time working, with time given to other rehabilitative activities, including education. The report recommends that the Coldingley system be used as a model for other prisons, as well as expanded to cover prisoners who are reluctant to take on prison work.

Members of the Committee were impressed also by the collaboration with private companies such as Transco, bringing skills training into prisons and young offenders' institutions. The scheme not only makes the rehabilitation of those serving custodial sentences more possible, but it can address the skills shortage in many places.

Besides the development of more work opportunities, the Committee also felt that there should be pilot schemes that pay prisoners more realistic wages. The schemes should not make the prisoners better off while in prison, but give them the experience of paying tax and living costs, and thus better prepare them for life outside prison. More realistic wage levels could help to address the concerns of some private businesses that prisons can undercut the prices at which businesses produce goods.

One major cause of criminal activity is drug addiction, and I am pleased that the amount of Government money made available to offer treatment to those in our communities who wish to get off drugs has increased dramatically in recent years. However, the majority of prisoners have drug and alcohol problems, and they should be addressed. That applies to short-term prisoners as well as those serving long sentences.

In conclusion 75, the Committee stated:

> "We recommend that every prisoner should receive health care screening, including mandatory drug testing, on admission to prison".

Although the Government did not accept mandatory drug tests for all prisoners, their response to the Committee's report provided the reassurance that screening procedures on admission shall identify drug misusers. I welcome that, and I am also pleased by the Government's statement that following a pilot in 2004, a drug rehabilitation programme for short-term prisoners specifically is being introduced.

Progress is being made. The OASys model enables better information about prisoners to be transferred with them between establishments and when they leave prison. Will the Minister confirm whether the roll-out of connectivity between the Prison Service and the probation service is now complete?

One of my main concerns, which is highlighted in the Committee's report, is the increase in the number of women prisoners and the even greater isolation they can have from their families. Although it is true that only 6.1 per cent. of the prison population are women, the annual average number of women prisoners has increased by a massive 173 per cent. since 1992, compared with a 50 per cent. increase in the number of male prisoners during that period. In the 10 years from 1994, the average number of women in prison in England and Wales rose from 1,811 to 4,487. Most of the women prisoners are mothers and primary carers, so many children are affected by the absence of their mother. More than 30 per cent. of women prisoners have suffered sexual abuse.

The majority of women prisoners are in prison for non-violent offences and are therefore not a danger to others.

Mrs. Gillan: The hon. Lady touches on a point that is close to my heart. Does she agree that it is worrying that about a third of women prisoners lose their homes and possessions? When they come out of prison, they have no home to go to and their possessions have usually been disposed of.

Mrs. Dean: Yes, I would agree with that. Isolation and imprisonment for women causes more problems because most of them have primary caring responsibilities. They might be escaping abuse in their home, and if they come out and find that they have no home and that their children have been taken into care, it is even more difficult for them to get back on their feet.

We must look at better ways of punishing women than just locking them up. We need to consider more effective community punishments for women and men; we cannot keep on building prisons. Intermittent custody offers the greatest benefit to women prisoners because it enables them to continue to mother their children. However, they have the greatest problem in accessing such an option because there are fewer women's prisons and a relative sparsity of offenders. Many women would have to travel long distances to reach their place of custody.

The answer may be to provide small local units or it may be to restrict the number of women given custodial sentences, which is what the Committee suggested. I hope that a new sentencing regime will provide more opportunity for community sentences.

Mr. Hurd: The report acknowledged that there is a public relations challenge in getting across to the public that community sentences are not a soft option. Does the hon. Lady feel that the Government have taken that on board, and did the Committee come up with any constructive ideas on how that message could be put across?

Mrs. Dean: I think that the hon. Gentleman has been reading my notes because I was just about to say that we need to ensure that the general public are made aware of the benefits that community sentences can bring. The hon. Gentleman will note that conclusion 11 states:

> "To ensure confidence in the new sentencing regime, there must be public education about the new sentencing measures, and publicity about actual sentences imposed, to demonstrate that they are robust and legitimate alternatives to prison in terms of punishment, public protection and rehabilitation."

In that respect, I commend the work of SmartJustice, a representative of which I met the other day. SmartJustice is a five-year campaign supported by the Network for Social Change and run under the auspices of the Prison Reform Trust. It is involved in increasing public awareness of alternatives to custody and working with the popular press to take a less punitive and more rational approach to crime. It gives talks on crime and punishment throughout the country to a wide variety of groups, including community and civic groups, such as rotary clubs, faith groups and schools.

SmartJustice for Women is a targeted campaign that was launched at Holloway prison on 27 July. I believe that the Minister was present on that occasion. SmartJustice says that it is involving women's groups in the campaign, including Soroptimist, the townswomen's guilds, the National Federation of Women's Institutes, the Mothers Union, Maternity Alliance and the National Council of Women. I hope that those involved will be instrumental in raising public awareness of the alternatives to prison. I hope also that, through better sentencing and rehabilitation of prisoners, more treatment for drugs, improved education and, in the long term, through tackling the root causes through early education and tackling deprivation, we can at least stabilise the prison population.

3.31 pm

Tony Baldry (Banbury) (Con): The hon. Member for Burton (Mrs. Dean), my hon. Friend the Member for Hertsmere (Mr. Clappison) and the other members of the Home Affairs Committee, under the chairmanship of the right hon. Member for Southampton, Itchen (Mr. Denham), have done the House a considerable service with their report on the "Rehabilitation of Prisoners". It must make a welcome change for them—a release—from having to carry out pre-legislative scrutiny on yet another asylum and immigration Bill or yet another criminal justice Bill. That seems to be their normal diet.

I take an interest in this subject partly because I practised as a barrister for a number of years and represented a number of people who then went to prison and partly because the first non-governmental organisation that I ever subscribed to was the National Association for the Care and Resettlement of Offenders, but most importantly, in the context of this debate, because I have Bullingdon prison in my constituency. I want to comment on Bullingdon in more detail later.

We must recognise that the punishment element of prison is the loss of one's freedom. The punishment is going to prison. Prison itself should not be a further punishment. The punishment should be the removal of freedom. My hon. Friend the Member for Hertsmere said that quite often, if prisoners are given good treatment, we have to deal with the type of knee-jerk reaction found in the *Daily Mail* or *The Sun*. However, we have moved on from Victorian times. We are now in the 21st century and we need to trumpet clearly the message that the punishment is the removal of freedom.

We must also recognise that the average stay of most people who go to prison is 23 months. Although they may be taken out of the community for a period of time, it is not necessarily that long. At present, we have a vicious circle of overcrowding and transfers in the prison system that make it much more difficult to help to rehabilitate offenders and, as a consequence, too many of those in prison reoffend once they leave.

We have not yet heard much mention of the recent report by the social exclusion unit, but I think that it shows that more than half—some 58 per cent.—of all prisoners are convicted of another crime within two years of release. Tragically, that figure is as high as 72 per cent. in the case of young men aged between 18 and 20. Those figures are tragic for us as a community. They mean that, clearly, prison is not succeeding in rehabilitating people.

The social exclusion unit made several recommendations, particularly with regard to helping ex-prisoners to find jobs. As my hon. Friend the Member for Hertsmere said, getting a job on release reduces the risk of reoffending by between one third and a half. Most of the recommendations from the social exclusion unit have not been implemented. We need to hear much more clearly from the Government what strategies they have for reducing overcrowding and reducing the need to transfer prisoners constantly between prisons in the system, and what more they are going to do to help to ensure the working of rehabilitation programmes in prison.

Paul Boateng is now the high commissioner to Pretoria, but when he was Minister of State at the Home Office, he said, in a Prison Service briefing in June 2000:

> "Too often I hear of good projects in one prison rejected by another; of inconsistency of funding and a lack of coordination . . . I want to see some strategic developments".

We would be interested to hear from the Government what the strategic developments are.

[Tony Baldry]

The prison population is now at a record high, at somewhere near 77,000. It has grown by more than half in the past decade, and numbers are rising by an average of 250 prisoners a week. The Select Committee states in its report that

"it is clear that overcrowding is having a hugely damaging impact on the delivery of rehabilitative regimes across the prison estate, both in terms of quality and quantity of appropriate interventions."

It goes on:

"We are critical of the management of transfers of prisoners across the prison estate which appears to be more ad hoc and pragmatic than strategic in design. The very high levels of transfers have a direct and significant negative impact on rehabilitation measures, both through disruption caused to intervention programmes and failure to provide prisoners with the particular interventions they need, as identified through assessment and sentence planning."

There seems to be a vicious circle of overcrowding, which leads to transfers, among other things. The combination of overcrowding and transfers makes it difficult to rehabilitate prisoners, which means that prisoners leave prison not having benefited from the experience very much, and that leads to high reoffending rates. That is crazy, and something needs to be done about it. I shall make a few suggestions.

I am sure that most colleagues will think that my first suggestion is reactionary, so I shall start with that one and come on to the more liberal ones shortly. There are many foreign nationals in our prisons—some 10 per cent. of the prison population—and I suspect that that is a consequence of an increase in drug trafficking, more people involved in drug offences and so on. However, there is no justification for keeping overseas nationals in our prisons. When they finish their sentences, the burden should be on them to demonstrate to the courts why they should not automatically be deported to the country from which they came.

Mrs. Gillan: My hon. Friend might be interested to know that foreign nationals make up more than 10 per cent. of the prison population. At the end of March, when there were 9,194 foreign nationals in prison, the figure was 12 per cent. The Home Office does not have a grip on the situation: at any one time, there are some 1,200 people in prison for whom it has not been possible to ascertain a nationality, so the figure is even larger than the one he quoted.

Tony Baldry: Whether the figure is 10, 11 or 12 per cent., it is a significant percentage. We should make it clear that the burden will be on overseas nationals who have committed offences to convince the courts that they should not automatically be deported to the country of their citizenship at the end of their sentence. Then, if they are inclined to reoffend, they are less likely to reoffend in the United Kingdom. It is as simple as that. Any foreign national who breaks the law in this country such that it merits their going to prison forfeits their right to remain in the country.

Much good work is being done with the rest of the prison population.

Mr. Denham: I have a genuine query. Although I chaired the Committee, I may have misunderstood the report. My understanding is that those who are sentenced to more than two years generally are deported at the end of their sentence, and that the problem with those who are sentenced for less than two years is that the courts rather than politicians have judged, on the basis of various international conventions, that that is not a sufficiently serious sentence to deport. I may be wrong about the law on that, but perhaps the obstacle is the court's interpretation, not of the convention on human rights but of other international conventions.

Tony Baldry: The right hon. Gentleman reinforces my position. At present, the courts decide whether a person should be deported, and the sentencing practice of judges in such cases varies greatly from Crown court to Crown court. We should change the position, by statute if need be, so that there is a presumption that any foreign national whose offences in this country merit a prison sentence should be deported at the conclusion of that prison sentence.

Bullingdon prison is in my constituency. It is a sizeable local prison for men and one reason why I wanted to take part in this debate is that I do not think that those who work in the Prison Service have their achievements trumpeted often enough. Being a prison officer or prison governor must be a tough job. Prison staff work with people who, by definition, do not want to be where they are. They must often deal with people who are vulnerable and who have a history of personality difficulties. Treating them with dignity and firmness must often be testing, particularly if prisons are overcrowded.

Bullingdon prison makes every effort to try to help people to prepare themselves for the world outside. For example, it involves the St. Giles Trust, which has a contract to provide accommodation advice to prisoners. Interestingly, much of that advice is given by prisoners who have been trained to NVQ level 3 by the trust. It does its best to provide education and work opportunities. As Sue Saunders, the governor of Bullingdon prison, explained:

"Education is pivotal to prisoner resettlement and is provided throughout the"

prison

"both in the classroom and workplace. Through working closely with Milton Keynes College, we fulfil a provision for Basic and Key Skills and Wider Key Skills in the workplace. In addition Vocational Training is provided within all industrial areas across the prison. That currently equates to over 60 qualifications in a wide spectrum of subjects and areas of work. Where self-study in cells is identified as the most appropriate way for the individual to learn, the education contractor offers peripatetic learning where tutors support the student. In addition to this all prisoners have a minimum access of 20 minutes per week to the library.

Having moved away from providing 'traditional' prison work, we are now focusing on providing qualifications to prisoners within our workshops. An example of this is the relocation of the Industrial Cleaning Workshop into the main prison, giving the workers a real life environment by providing cleaning services across the prison. This has been recognised by the Adult Learning Inspectorate who stated that this training provided real work experience in a way that would not normally be seen in a prison environment. In addition we also deliver in excess of 500 qualifications in this area.

> In conjunction with colleagues from the Probation Service we now provide an access to work course: Transit. The aim of the course is to offer prisoners who are able and willing to find work, extra support and guidance to help them achieve their goals. This includes helping prisoners to understand the process of applying for work, writing CV's and completing application forms as well as helping with interview skills.'"

The prison has

> "secured the services of Job Centre Plus for three days a week, offering advice and guidance on employment issues as well as a job brokering service."

Sue Saunders continued:

> "On 4th October, Bullingdon held its second Job Fair. 12 Potential employers and over 150 prisoners who are approaching release attended this and the feedback from all . . . was very positive."

As a consequence, a third job fair is planned for early next year.

Bullingdon prison also runs a two-week debt management course every eight weeks that covers income and expenditure budgeting, how to read statements and payslips correctly, and the importance of saving and planning finances. Trading standards at Oxford county council runs a bespoke money management course at Bullingdon consisting of four two-hour sessions each on budgeting, banking, accounts and borrowing.

That all seems excellent and well in support of what the Prison Service now has as part of its motto: unlocking potential and releasing success. It was not, therefore, surprising to me that Martin Narey, the chief executive of the National Offender Management Service, gave Bullingdon prison a glowing reference in his report, in which he said:

> "There is some innovative and significant work taking place for the remand population. Rather than allowing remands to be marginalised—frequently inevitable in many"

local prisons—

> "Bullingdon is giving some of them an opportunity to sort their lives out."

Martin Narey thought that the multi-skills workshop at Bullingdon was "first class" and commented that it was

> "unusual to meet so many prisoners so enthusiastic about the training they were receiving and the quality of work was extremely high. A significant number of prisoners have made very impressive progress to NVQ level 2 and 3 qualifications in printing and related skills. Significantly, a number of them had achieved category D status, but were very keen to stay at Bullingdon to continue their training."

What he says after that, however, is the sting in the tail that causes me concern:

> "Regrettably, prison population pressures mean that it is unlikely that we will be able to keep them at Bullingdon. This is tragic. Bullingdon are developing offender management on the lines of the national offender management model and are well placed to operate successfully in a commissioning environment. And not for the first time, I thought the work being done by RAPT to arrest drug abuse, was outstanding."

It is sad that the work of a local prison where, by every standard, the governor and the prison staff are doing excellent work in terms of advice on housing, rehabilitative training and getting people back into the world of work within the available resources is undermined by a combination of overcrowding and prisoners being all too frequently moved around the prison system. That is genuinely tragic.

Martin Narey concluded his report with comments, which should be trumpeted, about the governor and staff at Bullingdon prison, praising

> "the consistent enthusiasm of every member of staff I met and the frequent evidence of prisoners being treated with dignity."

I have a footnote on that. I frequently find myself to the left of the Labour party, which is an increasingly uncomfortable position. Martin Narey argued two years ago for Bullingdon to remain in the public sector, and it has. I believe that prisons should be in the public sector, for this reason: my experiences with the proposed accommodation for asylum seekers at Bicester was searing, for whenever I sought information from the Home Office about what was being proposed, I was told that it was commercial in confidence. I emphasise that, because last time I said it, the *Hansard* reporter recorded it as "commercial incompetence".

One of the institutions that should be most transparent in its activity and delivery in our society is a prison. We should know what is happening in prisons in terms of the inputs and their outcomes. I have yet to be persuaded that handing institutions such as prisons over to Group 4 Securicor enhances the rehabilitative process of Her Majesty's prisons. However, that is just a parenthesis. There is no necessary consequence that private is good and public is bad. I believe that those who work in the public sector in prisons do a good job.

The thrust of my submission to the House this afternoon is simple. The best way to get the prison population down is to stop reoffending. If those in prison ceased to reoffend, our prison population would drop considerably. If consistent efforts were made at rehabilitation and ensuring that those who left prison had a better chance of accommodation, employment and life skills, the likelihood of their reoffending would drop and thus the probability of our prison system being overcrowded would be reduced.

Although Ministers do not have it entirely in their gift to control the total prison population, the Prison Service could certainly make greater efforts to ensure that people, whether men or women, do not spend the whole of their prison experience being shunted around from one prison to another. Each prisoner should be treated as an individual. The Home Office and the Prison Service should take pride in ensuring that people leave prisons with the best possible skills and qualifications in order to tackle the rest of their lives crime free and in society with the rest of us.

3.51 pm

Dr. Roberta Blackman-Woods (City of Durham) (Lab): I congratulate the Select Committee on its excellent and timely report. I thank my right hon. Friend the Member for Southampton, Itchen (Mr. Denham) for securing the debate. I am interested in the subject because I have a community prison, a high-security prison, a women's prison and a youth offending centre in my constituency.

Does my hon. Friend the Minister concur with the sentiments about women prisoners outlined in paragraph 297 of the report? It says that the

> "majority of women in prison are in prison for non-violent offences and have never been a danger to the public."

[Dr. Roberta Blackman-Woods]

In paragraph 308, the Select Committee suggests that offending behaviour programmes need to be adapted to meet the specific needs of women prisoners and, in particular, to take note of their life experiences and the fact that many of them are victims of abuse, and that that can be a long-term problem.

Such comments are echoed by the governor of the women's prison in my constituency. She has explored with me ways in which the Government can deal not only with the mental health problems that many women prisoners experience, but how their self-esteem can be improved. She argues that, unless women's self-esteem is improved and they are more independent when they leave prison, they are likely to reoffend. The governor expressed concern about the lack of emphasis that is placed on women in prison to prepare them for work. Too often, programmes focus on developing basic skills. Some women will need that training, but insufficient emphasis is placed on their being prepared for work outside prison or on linking any of the schemes within prison to outside employers.

I draw attention to the work of SmartJustice. In my constituency, it has been working with the prison as well as it can to implement the new sentencing regime, so that community sentences are considered more appropriate for women. Hon. Members have said that prison is an inappropriate punishment for women, particularly when they are not a danger to anyone except themselves. When their children have to be taken into care, that has enormous ramifications for their family and wider society. I should appreciate the Minister explaining how the Government will carry out the Select Committee's recommendation of setting a target to reduce the number of women in prison.

I wish to make a few comments about education. It is clear from visiting prisons in my constituency that the Government are putting additional resources into prison education. That has been particularly successful in the teaching of basic skills. However, we have some way to go in terms of making vocational education in prison work, and particularly in ensuring that it leads to a job outside prison. Several Members have commented on the Transco scheme, and I would like the Minister to say whether that will be rolled out across the country. It seems to be particularly successful in reducing reoffending rates. It is also important in that it connects prisoners to work and to work environments when they are in prison.

We have all read reports that show that although prisons can train prisoners and give them qualifications, including vocational qualifications, that will not necessarily lead to them getting a job outside prison. I would like the Minister to comment on how vocational education will be monitored, especially in terms of the extent to which it reduces reoffending and leads to prisoners finding meaningful work.

3.56 pm

Mr. Nick Hurd (Ruislip-Northwood) (Con): I did not serve on the Committee, I have no prison in my constituency and, as will become painfully obvious, I do not know a great deal about this subject, but I am drawn to it by the simple statistic that three in five prisoners reoffend within two years. That starkly highlights that the problem we are discussing represents a great waste of both money and lives. I congratulate the Committee on throwing a spotlight on this important issue.

I listened closely to the opening remarks of the right hon. Member for Southampton, Itchen (Mr. Denham), and it seems to me that there is a major cultural problem within the Prison Service that needs to be tackled. I noted that there were comments throughout the report—more in regret than anger—that the Government might not attach great enough priority to that issue; in particular, there was concern about the dropping or reclassifying of targets, such as public service agreement target 5.

One of the keys to making progress on rehabilitation is getting to know our prison populations better. Information technology has an important role to play in that. I read with interest about the OASys programme, and I look forward to the Minister's comments on the process of connectivity in that respect, not least because I suspect that I am not the only Member present who has concerns about the track record of the Government in implementing and co-ordinating IT programmes, particularly through the Home Office.

I was shocked by the statistics on drugs. Regardless of whether 55 per cent. or 80 per cent. of prisoners enter prison with serious drug or alcohol problems, it is clear that drugs use is a major driver of reoffending, and tackling it must therefore be at the heart of any Government strategy to get serious about the problem that we are discussing.

Susan Kramer: I have talked with my local prison governor, the local police and local community safety staff. Although a lot of extra money has been made available for drug rehabilitation for prisoners, similar programmes with the same kind of energy do not seem to be available for tackling the alcohol problem that so many prisoners have and that is far more widespread than drug problems.

Mr. Hurd: I thank the hon. Lady for that comment. I am not in a position to address her point, but I hope that the Minister will do so in her closing remarks. Although the report places a heavy emphasis on drugs, arguably, it does not place enough emphasis on alcohol.

I welcome the introduction of drug rehabilitation for short-term prisoners. I would like the Minister to expand a little on the comments that the pilot that triggered the expansion of the programme was helpful. What is the statistical evidence about the effectiveness of such programmes?

I also welcome the Government's comments on the targets for increasing capacity in terms of drug rehabilitation. However, as we have grown to learn, targets are one thing, and meeting them is another. I would also be grateful if the Minister could update us on the progress that has been made, particularly in achieving the March 2006 target of 9,000 offenders on drug rehabilitation programmes.

Overcrowding seems to be a hugely important issue that is clearly undermining the whole process of rehabilitation, and I agree with the comments of the previous speakers. As a society, collectively, we need to get more comfortable with revising the culture of sentencing. We need to go back to the basic principle that prisons should be for those who are dangerous to the community. I would like to associate myself with those saying to the Government that a significant effort needs to be put behind the message that community sentencing is not a soft option.

There seems to be no getting away from the need to increase capacity in our prisons and to build new prisons. I will be interested to hear how the Minister refutes the charge, which is regularly made, that the Government prison-building programme is a case of too little too late. I would be interested to hear her views on the degree to which the Government are prepared to involve the private and voluntary sectors in that expansion of capacity.

Lastly, I would like to introduce a separate concept—apparently absent from the report and from the work of the Committee—which is the possibility that increasing an offender's awareness of the impact of their crime on victims could have a beneficial effect on future behaviour and reduce the likelihood of reoffending. I do not know whether the Committee addressed that issue—I have not had time to read all the submissions—but I point the Minister to the work of the Sycamore Tree Project, which is under the umbrella of the Centre for Justice and Reconciliation. There seems to be some statistical evidence that such an approach can introduce significant changes in attitudes to offending, putting us back on the path to recognising that we must get people off the conveyor belt of crime if we are to reduce our prison population.

4.2 pm

Lynne Featherstone (Hornsey and Wood Green) (LD): I too welcome the report and add my congratulations to the Committee and to the Chairman. My party's position on such matters is close to theirs.

The prison portfolio came to me recently—I am recent altogether. Early on I sponsored a visit to Parliament by an American author, Michael Jacobson, who had written a book on downsizing prisons. The prison population in New York, I think, dropped dramatically. Part of that was to do with not putting people in prison in the first place if their crimes were so minor that they were better treated by community sentences or restorative justice, as many Members have said. Also, those offenders would then not be going to crime schools. There is an advantage from that point of view. What was clear from my meeting, which I sponsored with a Labour and a Conservative Member, was that we all agreed, much as has been the case in the Chamber today.

There is a great consensus that prison does not work and that the offending rate—60 per cent. recidivist—is not a way forward and has led to the overcrowding. The political climate in which we work outside such discussions here is not helpful and is destructive of what many Members have said about getting across the message that community sentences are tough. They are not soft on crime or prisoners. Politicians are going to have to grow up if we are to join hands across the issue and deal with some of the necessary measures for prisons.

When speaking to people, I have used an example. How well developed would a human being be if they were locked in a room, not talked to and not given skills? Would they be a well developed human being who could retake their place in society or would they be irresponsible for the rest of their lives, a burden to the state and almost certainly reoffend? If people are talked to, they understand the message; they do not have a problem with that.

On Tuesday or Wednesday of this week I went to an all-party parliamentary group where the Home Secretary signalled that he was moving towards the sort of proposals that we have been talking about. That is welcome, and I look forward to the Minister's comments on that.

I have been to Holloway prison and I was impressed with the governor and with the work being done with the women there. However, it was clear to me even as a novice that the sentences that women were given—mostly under six months—were incredibly detrimental to a sensible way forward. A sentence of that length is not long enough to get them off drugs or give them educational skills, but it is long enough for them to lose their homes and possibly their children, despite best efforts and a new 24-hour reception centre at that prison, which is next door to my constituency. I also commend the work of SmartJustice, whose members I have also met. It is doing a fantastic job.

At Holloway, I spoke to a group of women called "the listeners", who have volunteered to listen to other women prisoners who need someone to talk to. They do not proffer advice. These women were serving two, three or four-year sentences, possibly longer. I sat down and talked to them for a while, and every one of them wants to have a career in counselling; two were taking university degrees. It is a real step forward. I would say that a good percentage of those women will not reoffend, because they have something to look forward to—a place in society. That is to be welcomed.

We have all said today that the system is not working. We must realise the benefit for society of placing rehabilitation at the centre of the prison system. Only then will we see a dramatic drop in rates of reoffending, which I understand costs about £11 billion.

Hon. Members have touched briefly on education, but, as the right hon. Member for Southampton, Itchen (Mr. Denham) said, education alone is not enough. People must be given the fundamental skills with which to move on, not simply to get back into work but to understand what they are doing.

It is a tremendous leap for someone who is not used to a working life to go from three and a half hours of work activity in prison to an eight-hour working day. Members of Parliament may not understand that, because we do a much longer day. I was interested in what the right hon. Gentleman said about the German system, which seems very advanced, but I wonder whether letting prisoners out on day release would begin to be acceptable politically. As I have said, unless we learn not to attack one another for mentioning such things, we shall never get anywhere.

[Lynne Featherstone]

We must expand the number of prisons involved in commercial work.

Mr. Clappison: I am listening carefully to the hon. Lady. She mentioned prisoners being let out on day release and the German example. I do not have the details to hand, but I believe that in the German case, where a lot of prisoners were going out on day release, the rate of offending by such prisoners for absconding or the like was very low.

Lynne Featherstone: We can learn our lesson from Germany. It is clearly succeeding where we are not. Extending the use of tough community sentences will be good. There can be no better way to rehabilitate prisoners than by moving them into the community. That is the best place for them.

In conclusion, we need to help offenders, in particular young people, to avoid reoffending by increasing the resources for education, training and skills. Basic literacy, numeracy and communication skills are incredibly important. This is a complex world and, although simply having a job is a start, the likelihood of keeping it without other support is slim. We do not want people to slip backwards.

I look forward to hearing the Minister address some of the points that I have made and would welcome hearing what action she proposes to take, what funding is proposed and what the time scale is for action and change. I would also welcome an assurance that downgrading targets will not be the Government's answer to not reaching them. At present that is a significant failing.

4.10 pm

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): I do not know where to start. I usually do not have the luxury of so much time on my feet, but hon. Members will be pleased to know that I do not intend to take advantage of it. I too am interested to know what the Minister has to say about the report. I appreciate that the Minister who will respond to the debate does not have direct responsibility for prisons.

The Parliamentary Under-Se[illegible]ry of State for the Home Department (Fiona Mactagg[illegible]): I share it.

Mrs. Gillan: The Minister shares responsibility with Baroness Scotland in another place. No insult was intended to the Minister; I was not quite sure which of the two had the main responsibility in the Department. There is no doubt that the Minister has a job on her hands, as has Lady Scotland. The evidence for that is in what I consider to be one of the most comprehensive reports by the Home Affairs Committee for some time.

The right hon. Member for Southampton, Itchen (Mr. Denham) is to be congratulated—I merely echo the words of other hon. Members when I say that—on the scope and breadth of the report and the depth in which the Committee has examined the issues and problems affecting prisons. In common with a couple of my hon. Friends, I also started my career in prisons. As a young articled clerk I was dispatched off to Brixton nick, as we used to call it in those days, to visit clients of ours who had fallen on hard times. I am afraid that many clients of the firm to which I was articled ended up spending much longer periods of time at Her Majesty's pleasure.

What struck me 12 months ago when I was given the brief of visiting prisons is that they have not changed that much. That is quite frightening. I appreciate that it is mostly dictated by the physical nature of the prisons—the fact that so much of the estate is made up of old-fashioned Victorian establishments. However, there was a definite feeling of déjà vu when I walked into the first of the prisons that I visited. There was a lot of déjà vu when I entered Holloway—although I was particularly impressed by some of the work being done there, not least the work to deal with mental health problems.

The report, to which the Department responded in March, makes pretty uncomfortable reading. There is no doubt that although great strides are being made in some respects, there are enormous problems, and the Government need to tackle them before there is a catastrophe—although the current offending rate is itself a catastrophe.

As my party's spokesmen on the subject, I want to say that too many people take a neanderthal approach to the subject. They say, "Prison works. Lock them up. Throw away the key." They forget, first, that those in prison are human beings, and, secondly, that there is a cost to society. If anyone says, when I come up with ideas for rehabilitation or keeping people out of prison, that I have gone soft and am left-wing and wet, it is not true. It costs more than £37,000 a year on average to keep a man in prison. The Minister will correct me if I am wrong, but every prison place that she has had built since 2000 has cost £99,839. That is a significant cost to the taxpayer.

To those costs must be added the cost in human misery and family break-up, the cost to victims of crime, and the cost to the economy as a whole. I am not going soft when I suggest that perhaps we should not lock too many people up, or that we should do something with them when they are inside. I do not subscribe to the views of people who say, "Shut them in a room, take away their television, don't give them education; they must pay their debt to society." They are paying their debt to society by being inside a prison. I do not think that anyone in this Chamber would want to spend more than a few hours inside any of our prison establishments.

In England and Wales we have the highest imprisonment rate in western Europe, with 145 people in prison per 100,000 of the population. That is more than France, which has a rate of 91 per 100,000, and Germany, which has a rate of 96 per 100,000. According to the most recent figures that I have, which are for 2003, the average age of those sentenced to custody was 27. More alarmingly, nearly one quarter of our prisoners are 21 or under.

As we have discussed, the number of women in prison has doubled over the past decade. Before I came into the Chamber, I checked how many female prisoners were in our establishments on 11 November, and it was 4,599. That is a considerable figure, compared with previous years. More frighteningly, Home Office research shows that approximately 66 per cent. of those women are mothers. In that respect, the point that I tried to make in an earlier intervention is very pertinent. It is estimated that more than 17,000 children each year see their mothers put in prison. When we separate them from their mothers in that way, there is a risk that they will end up on the conveyor belt to crime. One of the social characteristics that identifies people who finally end up in prison is that they are victims of family break-up, and, in this case, it is the state that has broken up the family. With more than 17,000 children a year affected, we are very much preparing the seed bed in which we will grow our future prisoners, and we should not be doing that.

Prison has a poor record in reducing reoffending. Three out of five prisoners, or 61 per cent., are reconvicted within two years of being released. The frightening thing is that for young men and boys under 21 the reconviction rate stands at 73 per cent. That means that we have put a phenomenal percentage of people in prison, done nothing with them and then allowed them to come out and return to their life of crime.

Everyone who has spoken in the debate has mentioned the serious problem of overcrowding. At the end of August, 81 of our prisons—57 per cent. of the estate—were overcrowded, 13 were at more than 150 per cent. of their certified normal accommodation and 11 had populations over their operational capacity. The situation has not got better; indeed, it has got worse. As I said when I intervened on the right hon. Member for Southampton, Itchen, 75,187 people were in prison when the Government responded to the report in March. By 11 November, that figure had increased to 77,683—an increase of 2,496. Usable operational capacity stands at 78,341, and that means that there are only 658 places left, which is quite alarming. Far from home detention curfew being used to free up capacity in our prisons, there has been a drop in the imposition of HDCs; there were only 3,178 on 11 November, compared with 3,417 in March.

If we compare the prison population now with that 12 months ago, we see that there is an enormous difference. In November 2004, there were 75,023 people in prison. In the Minister's March response, the figure was 75,352, so the prison population was holding steady. I had discussions with various people in the prison sector, who were all a bit surprised by that. They could not understand why the figure was holding steady; they had expected an increase and did not know why there had not been one. Of course, the increase has now kicked in in spades, judging by the figures on the Home Office website.

The overcrowding of the prison estate is very much linked to the issues of reoffending and rehabilitation. If the system is overcrowded and has no capacity, and buildings are used that are not fit for purpose or have been patched up rapidly—that has had to happen as the prison population has increased—it does not provide an environment in which modern interventions can be made in prisoners' lives to enable them to go outside and become useful members of society.

The Minister plans to build more prisons, which I thoroughly commend. What sort of innovative thinking is she putting into that? I have looked at examples of new prison builds produced by the Design Council. They are not perfect, but they have a particularly interesting concept. The current prison system—I know that I am generalising—is 80 per cent. about security and 20 per cent. about learning, but the Design Council was looking at designing buildings that would create an environment 80 per cent. about learning and 20 per cent. about security, because some of the security problems in the old hospital-style prison system can be designed out of buildings.

The Home Secretary addressed the all-party group on penal affairs in the Moses Room the other day. I went along and was pleased to hear that he had a vision. He started by saying that he intended to re-examine the entire prison estate. I would like the Minister to put some flesh on the Home Secretary's vision, which was welcomed by all parties in both Houses of Parliament—Members of both Houses were there—because it is yet another vision. I hope that the Minister will forgive me, but I am slightly tired of visions; I have been hearing about them since the Carter report two years ago, and I do not see that vision being translated into action on the ground.

Mr. Denham: I would like to reinforce that point. I hope that this view came across in my earlier comments. The story that we have had from Ministers, particularly in the past six to nine months, and the Home Secretary's important speech to the Prison Reform Trust, set out a vision of how the system should be, which accords with a great deal in the Select Committee report. We need to acknowledge that getting to grips with the system and the people who run it, many of whom are good people, is an enormous change management job for Ministers. The Prison Service is a huge organisation that is very complex and difficult to manage. Our report was aimed every bit as much at getting the people who run the system to see the possibilities as at criticising what Ministers were saying to us.

Mrs. Gillan: I am sympathetic to that intervention. I agree entirely. I suppose that I should have said this at the beginning, but I am worried that we are talking about the rehabilitation of offenders against a background of unprecedented change and movement within the prison and probation services anticipated by Ministers, but against the background of the vision in the Carter report two years ago. When I go around prisons and when I talk to probation and prison officers, prisoners and prisoners' families, I do not see, two years down the line, the results that were expected from the major change management programme.

The administrative centre was set up at extraordinary cost, but there has been little communication with the people who work in the system. I might return to the issue of the National Offender Management Service and where it is going. The Minister has an opportunity to respond on that as well.

Many hon. Members spoke about women in prison. I want to touch on the issue of women and children. Some 57 per cent.—nearly six out of 10—of women released from prison in 2002 were reconvicted within two years of release. Those are the latest figures that I have. I understand that that is an improvement. It was better at

[Mrs. Gillan]

one stage, but there were fewer women in prison. We now have larger numbers of women to set the targets against. What frightens me, particularly with women—although the same applies to men—is their dislocation from home and the disproportionate distance from their family and support structures at which they are held. Many are damaged individuals who have been living with domestic violence or in violent relationships, are single mothers or have been tied up with groups of people such as drug dealers, but nevertheless they are held an average of 62 miles from their home environment. That is not conducive to their resettling and coming out of prison to a productive life.

I alluded to the fact that a third of women in prison find that they have lost their homes and possessions. I want Members to think briefly about the effect on a woman who finds that she has lost absolutely everything, even the family photograph of her grandmother who is dead, or any small personal possession that means something to her. If we are to concentrate on rehabilitation, the state has to consider how to preserve somebody's life.

Many such women find that their flat has been cleared out by the housing authority, their life packed up in a black plastic bag, and their memories, everything that held them and their anchors thrown away. That is difficult for a sane person to deal with. However, it is very difficult for someone whose mental health is fragile. That takes me to my next point. I am greatly concerned not just about drugs and alcohol but about the mental health of our prison population. Many prisoners have mental health problems and it is obvious that the percentage is much higher in the prison population than in the general population.

It is alarming to know that 72 per cent. of male and 70 per cent. of female prisoners have two or more mental health disorders. That is a frightening statistic. To put it bluntly, it tells me that we no longer treat the mentally ill in a hospital environment, but lock them up in prison. From going round some of the establishments it has been obvious to me that, despite the best efforts of prison governors, staff and those dealing with mental health issues, many people who are incarcerated should not be in prison in the first place. They are certainly not in an environment where they will get the correct interventions.

I was at one young offenders institution the other day, which shall remain nameless. I was told of a young man who was so badly brain damaged and ill that no mental health establishment would take him. Although he had finished his sentence, he was still effectively in prison. That is pretty frightening in the United Kingdom in 2005.

The number of staff working in mental health also concerns me. About 300 mental health in-reach staff work in and across the prison estate in England and Wales. I query whether that is enough, considering the statistics. Effectively, 50,000 people in prison have mental health issues that need dealing with. The problem is that when those inside a prison deal with people with mental health problems, they do exactly the wrong thing.

Prison regimes do little to address the mental health needs of prisoners. Research has found that 28 per cent. of male sentenced prisoners with evidence of psychosis reported spending 23 hours or more a day in their cells, more than twice the proportion of those without mental health problems. If we are to talk seriously about rehabilitation, the Government have to get a grip on that.

We have talked about moving prisoners around the country. The evidence that I found with the Select Committee is that there is so much churning and, because of overcrowding, people get moved at short notice. Indeed, I came across a situation the other day when six weeks before the end of a sentence a prisoner was moved 100 miles away. All the efforts that had gone into preparing them for release were destroyed. The drugs and alcohol treatment programmes in the prison system are not only inadequate but they are interrupted by the churning. The more overcrowding there is and the more that prisoners have to be moved around the country, the more interruption there is of the very programmes that will facilitate a reduction in reoffending.

I would like to know how many prisoners are moving around the country at any one time. That might be apocryphal, but when the overcrowding figures were two or three away from the total capacity of the prison system a prison officer said to me, "Well, we do not know how many are sitting in vans and being run between prisons and between courts". So, we could well be in the danger zone without knowing it. It is a problem and it needs to be addressed.

Education and training are the key. We have heard many tributes today to the Transco programme. It has been the thrust of most of today's contributions that education, training and real commercial work is where we should be looking. I have looked at the Transco programme and I cannot speak too highly of Dr. Mary Harris, who has done a first-class job. The programme is being spread out into 15 prisons, but I thought it was being spread out into a lot of industry sectors. The last time that I looked at the plans and the last time I talked to Dr. Harris, I understood that there were plans for it to be spread out.

I think that the right hon. Member for Southampton, Itchen hit the nail on the head when he said that we might have missed the boat on this. There is evidence that many more people are coming in to work in the trades that would have been suitable for prisoners. I hope that the Minister will comment on that and perhaps set out what she thinks we could do to address the matter at this stage, bearing in mind the background.

I took on board the right hon. Gentleman's request for an economic study from the Minister. He gave me the impression that he was referring to one on a national basis. I would go further and ask for it on a local basis, for the simple reason that when I visited a prison in Doncaster I was impressed with the emphasis that it put on training for skills that would be relevant to the new and expanded airport. The local economy is important when we consider which training programmes would be suitable.

Mr. Denham: We were given an example as a Committee. We went to Aylesbury young offenders institution, where people made the point that there was an enormous demand for labour at the Heathrow fifth terminal project but that the institution did not have the capacity to do training in the relevant skills. That was a good case of where people could have been supplied into a major project, which will employ tens of thousands of people over years. However, there is no ability in the system to spot the opportunity to put the investment in place and to meet the demand.

Mrs. Gillan: Let me take the right hon. Gentleman back. I talked about the prison estate, the Design Council and new prison build. Another thing I picked up going round the prison system, is that when we build new prisons we are not building the warehousing and the workshop units that can go with them. Companies can go to such units to provide training or real work in the prisons. More thought must go into prison design, particularly if we are really to focus on rehabilitation.

On basic skills—reading and writing—there is the work of something such as the Shannon Trust, which encourages prisoners to teach prisoners. There is a huge stigma about illiteracy; if people cannot read and write, they do not always want authority figures to teach them how to do so. Work such as that of the Shannon Trust is excellent. It will help with rehabilitation, but it is not the entire key. Operations such as the training operation run by my constituent, Harry Quinton, in various prisons are very helpful. I have seen the work that Amersham and Wycombe college, which is in my constituency and is just down the road from the Minister's constituency of Slough, does in prisons. I have been very impressed by that. Thought must be given to what each individual wants.

That brings me to the NOMS situation and the Carter report. Like many people who take an interest in the subject, I was most impressed by the Carter report. The principle behind the report is right. I hate the term "end-to-end offender management". It depersonalises things; it is new Labour speak. However, I like the idea that once individuals are in the custody of the state, the state will assess their needs and track them through the system; and that even if individuals manage to break out of the system, when they come back they are captured and the information that the system has on them is reapplied. It is not rocket science.

I cannot believe that the Prison Service system cannot get prisoner A from B to C accompanied by his or her file. Having spoken to people in the Prison Service, I know that prisoners can arrive at a prison very late at night without the accompanying documentation. For instance, a woman may arrive at 10 pm and say, "I have two children; what has happened to them?" That happens now. We need a system, particularly if the state is acting in loco parentis, that takes an individual's needs into consideration and looks at that person's long-term needs.

Assessment is the key. I thought that NOMS was going to give us that, but two years down the line it has not done so. It has given us metamorphosis. It has given us a series of restructured bureaucracies, including regional offender managers. It has not communicated with prison officers or probation officers. The probation service is almost in emotional meltdown. I hope that the Minister will consider the problem.

We have a system that holds more than 75,000 individuals in prison, and the staff are demoralised. We have one of the highest levels of sickness among front-line staff, and we have a high turnover of prison governors. The average length of stay for prison governors is about 18 months. Indeed, and with respect, we are now on our seventh Prisons Minister since 1997. Continuity of care in the system seems to be sadly lacking. I am holding back, Mr. O'Hara; I have used much stronger language on other occasions about the fact that the system is falling apart.

We also need desperately to consider the position of foreign nationals. We have more than 9,000 of them in our prisons. That was mentioned earlier, and it has been addressed. We need innovative thinking. It will be no surprise to the Minister that we have more than 2,500 nationals from one country. We should have real negotiations with that other country, perhaps about building a facility in that country and letting people serve their sentences there.

No foreign national who has served a sentence here should be allowed to languish in prison because the Government have not deported them, even if there is a deportation order; they deserve to be released back into the community. They may have lost the right to be here, but in some cases they cannot be returned to their home country. I perfectly understand that.

Restorative justice was mentioned earlier by my hon. Friend the Member for Ruislip-Northwood (Mr. Hurd), whose family has taken a distinguished interest in it for many years. I think that restorative justice is rather exciting. It shows people the effect of their crime, which can stop them in their tracks. I would like to go further, and consider something like the North Carolina system. There, before a person is tried, a form of restorative justice is used whereby the criminal and the victim agree to meet and decide on a course of action and restoration. It does not replace the criminal justice system, because if the person who has allegedly committed the crime breaks his or her agreement with the victim, he or she will stand trial in the normal fashion and face the penalties of the law. That sort of innovative system must be considered carefully.

The prison system is dangerously full and over-stretched, and there is every indication that the situation has deteriorated since the Committee made its evaluations and the Minister responded. We need a Minister who will take a grip on this area, starting, as the Home Secretary said, with the rationalisation of the prison estate, and take a cold, hard look at the costs in human misery and the financial costs of the way in which we treat prisoners in prison and how we put them back into society. We must be better placed in 2005 to turn people out of prison with the potential to be net contributors to rather than net drainers on our society.

The new technology may help the Minister, and I encourage her to visit Salford and the Group 4 Securicor satellite tracking pilot, because satellite tracking

[Mrs. Gillan]

combined with the tag is the way forward for keeping people out of prison. It may even be the way forward for controlling truanting children. Truanting is where the conveyor belt to crime starts. If one could use new technology to check that a child goes to school, one could perhaps intervene early enough to prevent the prison population from expanding.

The Government, sadly, have had eight years. I thought that with their rhetoric before they came to power in 1997, they would at least have taken a healthier or more successful approach. Sadly, "tough on crime and tough on the causes of crime" has resulted in an explosion in the prison population, and that has resulted in more individuals reoffending. That is recognised within Government and throughout all parties represented in this Chamber.

I hope that there will be some co-ordination. I hope that you will forgive me for saying so, Mr. O'Hara, but it might take a good woman to do the job. There are two good women now in charge of prisons. I know that that makes uncomfortable reading, but I have known the Minister for many years, and I should like to think that she and her colleague in the other place could make a difference. I am very interested to hear what she has to say.

4.43 pm

The Parliamentary Under-Secretary of State for the Home Department (Fiona Mactaggart): I thank the hon. Member for Chesham and Amersham (Mrs. Gillan) for the gracious remarks at the end of her speech. I have really enjoyed the debate, because it has reminded me that when I first took on this responsibility, I was somewhat of an oddity. When I spoke to anyone about what we did in relation to prisons, I asked, "What impact did it have on reoffending?" Sometimes, if not always, people were surprised by that total focus.

An aspect of government, which was highlighted by what my right hon. Friend the Member for Southampton, Itchen (Mr. Denham) said about the size of the change programme, is that one can forget such drive and the point at which one started. I should like to say thanks to all hon. Members who have contributed to this debate, because my pointy stick, which is concerned with how much difference can be made to reoffending, has been sharpened by today's events.

The clear vision set out by the Home Secretary in his speech to the Prison Reform Trust on 19 September has helped. He said that we must see radical improvements in the delivery of sentences, focusing on how best to tackle the individual's offending behaviour. One problem with this mass system, which was obvious from what the hon. Member for Hornsey and Wood Green (Lynne Featherstone) said, is that it sometimes misses out the impact on the individual. We must focus on that. We must have clear goals for a sentence, and ensure that there is a plan for a particular offender's sentence which reduces the likelihood of their reoffending.

That is not an easy challenge. As hon. Members have said, offenders are drawn disproportionately from the most socially excluded members of society. They have often experienced long-term disengagement from services, and they have histories of poor relationships with those who might help them. By tackling some of the educational, housing and health inequalities from which they suffer, we aim to help them to re-establish themselves and to contribute to society. We cannot deal simply with those disadvantages. I welcome the way in which the debate has focused on employment out of all the issues highlighted in the Select Committee report, which was pretty wide ranging. It is right that our debate did so.

How have we done so far? Hon. Members referred to our targets. The 2004 Home Office strategic plan set out our target to reduce reoffending by 10 per cent. by 2010. We believe that we can meet that target. Adjusting for the changes in the population, 3.2 per cent. fewer prisoners who were discharged in 2001 were reconvicted within two years of release, compared with the position in 2000.

The hon. Member for Chesham and Amersham referred to the datedness of the figures, an issue that was raised in the Committee's report. At the moment, we use a very brutal measure of reoffending—the two-year reconviction rate—to measure our success against public service agreement targets. We need to get better at this. The research report on frequency and severity has been received and the recommended methods are being applied to larger data sets so that we can decide whether there are different ways of measuring reoffending, as the Committee recommended. We will have to use the standard reconviction rate. That is our PSA target. We are not trying to duck those targets. We have not missed anything that we have changed. We must examine such issues as the severity and frequency of offending and the length of time before reoffending and see whether we can do better.

We have had to invest as well as set the target for reducing reoffending. Spending on our prisons has increased by more than 25 per cent. in real terms since 1997. We now spend £300 million a year on rehabilitation regimes in prisons, and our spending on probation has also increased by 39 per cent.

We recognise that extra resources are not enough, so we have made three radical changes in our approach to working with offenders. First, we have changed the structure of sentences. For the first time, reform and rehabilitation is a statutory purpose of sentencing, to which the courts must have regard when handing down a sentence. Community sentences will be better targeted on rehabilitation as well as on punishment, so a young person can be required to take education classes or attend a drug course as part of a community sentence.

All prison sentences will be followed by a much longer period of supervision in the community. Hon. Members referred to work in prison and in the community not being joined up. The change will allow rehabilitation work begun in prison to be carried on in the community, creating the throughput that the Select Committee report implied was necessary.

As I said, my right hon. Friend the Member for Southampton, Itchen focused on the job part of the job-home-family equation in reducing reoffending. He was anxious that there was a gap between reality and the report, and that what prisoners did all day did not always match the report of what they had done. That is one of the reasons why we have done one of the things about which my right hon. Friend is also a bit suspicious: we have focused a lot of the work on what has to be done in prisons, because we know that that is sustainable. We have sought to make sure that if someone's positive activity is working in the prison kitchen, they will get a qualification to accompany that. If they do cleaning, which a lot of the positive activities involve, the prisoner can get some of the NVQ cleaning qualifications. I recognise that such qualifications are not as high level or likely to lead to substantial incomes as some of the industry schemes. Nevertheless, we know that we can sustain them and that they can provide people with employability.

One of the points that the Select Committee made was that a specialist agency should be created outside prison industries to co-ordinate investment and marketing for prison industries. We share the concern that we should draw on the expertise of the business world for that, and we have been restructuring prison industries to help us seek more commercial partners for support. A new sales and contracts scheme has been developed and is working with the private sector to develop the case for involving commercial partners. That seems to take very long, but we have to do it well.

In the south-west, a pilot is developing a regional strategy for prison industries that will respond better to the needs of business and offenders there. The Isle of Sheppey project has considered the issue in the context of market testing and trying that within a cluster of prisons.

Hon. Members referred to the importance of locality; we are getting clever about that. Commercial partners are being engaged to update the workshops at HMP Wymott; the Committee and hon. Members mentioned such workshop investment. My right hon. Friend the Member for Southampton, Itchen talked about the employment opportunities that terminal 5 creates. In the south-east, the regional offender manager is leading work on engagement with construction industries.

We are making progress, although perhaps not as much as everybody in this Chamber wants. However, the picture is better than is suggested by what I have heard from hon. Members. We have heard a lot about Germany, which does some of these things well. However, every day, more than 1,500 prisoners do real work outside prisons for more than 500 different employers. We want to improve that figure, but let us not forget what we have already been able to do. Many longer-term prisoners will be given such an opportunity before they are released.

Mrs. Gillan: Those 1,500 prisoners are generally long-term prisoners close to their release dates, so that work is part of the rehabilitation process. Is the Minister satisfied that at any one time—even taking into account cleaning and laundry work, as well as that done in prison industries—only a third of those held in our prison establishments are working? Does she think that that figure will remain about the same or will she try to improve on it? It is only a third.

Fiona Mactaggart: We need to do better. Work is not the only positive activity. For a number of prisoners, education is a critical part of positive activity. We have made real progress in making education more work-like. It is important to recognise that most people in prison fell out of the education system. If education is education-like, such prisoners have absolute expertise in taking no notice of it because that is what they have done all their lives. If we just offer them education that looks like education in schools, it will slide off the sides. So we have been trying to use education that is like work to engage prisoners. For example, I saw in a prison that I visited not long ago a build-a-kitchen project. It was designed to help young offenders meet their basic skills requirements in literacy and numeracy, but they were not told that. They were told that they could get on to a popular scheme—there was a waiting list for it—to learn how to build a kitchen. Young men quite like the idea of learning how to build a kitchen, and, in the process, they were able to acquire key stage 1 and 2 qualifications. In addition to work, we are improving education by making it work-like.

People have asked whether we are meeting targets on purposeful activity, or whether dropping programmes meant that we had conceded that we were failing. The outturn in 2004–05 was 24.2 hours. Everybody knows that this year, to date, there has been a substantial increase in the number of people in prison—that has been a subject of this debate. However, the average increased to 25.4 hours during that period. I agree that that is not enough. Nevertheless, it is a significant percentage increase at a time when the system is under a great deal of strain. It is a 5.8 per cent. improvement on 2003–04, so we are going in the right direction.

I do not believe that we can offer a nine-to-five day in prisons. In fact, I do not want to make that the focus of how we deliver programmes. We need to focus on more purposeful activity, on work and on real skills that will enable people to be more employable, and we need to build relationships with employers. However, if the only way that we can succeed is by offering nine-to-five employment, that will create significant strains on prison regimes.

I am interested to learn of prisons—and they exist—where the regime has been adapted to enable prisoners to do real work on night shifts. We are capable of adapting, but we cannot have that as the core target. If we do, we will be less inventive and make less progress.

Mr. Denham: I am grateful to my hon. Friend for dealing with this point head on. In many ways, nine to five is an illustrative phrase rather than a detailed timetable to be met. Prisons are 24-hours-a-day, seven-days-a-week operations. There is all sorts of flexibility. Does she accept that it is important for the Government to promote a concept of what a prisoner's typical week should be like in terms of their activities and quality use of time? No one really minds whether it is nine to five or different times of the day, but it is difficult to accept that a regime in which different activities are scattered

[Mr. Denham]

somewhat haphazardly through the week will provide the routine and discipline that are necessary to equip prisoners for the world of work outside.

Fiona Mactaggart: My right hon. Friend is right that things such as predictability and organisation, and teaching prisoners to organise themselves, are critical. I have been involved with the National Grid Transco scheme from the beginning, and was probably the first constituency MP to hand out certificates to graduates. I was pleased to hand out some certificates earlier this year, including one to Karen Bignall, who I suspect is the first black woman gas engineer. I was very pleased to give her a certificate.

Mrs. Gillan: She was probably better than the men.

Fiona Mactaggart: She certainly ran the team—that was obvious. She was older than the others, and she kept them in their place in an impressive way. I heard something interesting from a Transco foreman that made me think that perhaps we should not be paying for Transco's training programme. The foreman said, "We want more of these people because, unlike most teenage boys, these ones get up and arrive on time." Why is that? Because we send them there with prison officers; let us be clear about that. They get up and arrive on time. They are carefully selected, of course, and that is perfectly reasonable. One result is that it means that other offenders want to get into the selection band, too, and that is an important tool if we are to affect behaviour.

It is true that the scheme is not as widespread as we would like. It was in place in five prisons at the time of the report; now, it is in place in 15 prisons in England and Wales, and in one, I think, in Scotland. However, the scheme is not the only card in the pack. Later, I shall speak about our ambition to create a set of alliances with civic society, employers and others. Transco is working with some 50 other employers to look at ways in which its model can act as a pioneer, as it were, for more work with employers, and we want to be able to work with those employers. There is, of course, an issue of scale, and that is one of the reasons why we must make sure that the activity that prisons need to deliver includes qualifications.

Mr. Hurd: If 24 hours is not good enough, but a nine-to-five day is not practical, what is a reasonable aspiration for an ambitious Government?

Fiona Mactaggart: I have not set a target. Earlier, I talked about focusing on the individual prisoner; I suspect that, for a prisoner with profound mental health needs, doing more than a small amount of purposeful activity might sometimes be a substantial strain. In a way, I am uneasy about having crude targets, but we certainly need to improve on where we are, and we will make sure that we continue to do so. We measure the situation carefully in every prison.

I am aware of the work of the Select Committee that pointed out issues such as the fact that sometimes getting from cell to workshop took up a large chunk of the available time. We are trying to drill down to those issues, so that the purposeful activity is as purposeful as possible. That is certainly one of the things that I always ask about when I visit a prison.

The hon. Member for Hertsmere (Mr. Clappison) focused on whether we are meeting the key performance indicators on purposeful activity; I dealt with that, and share the view of most hon. Members that work is the strongest form of rehabilitation. He was generous to recognise the Home Secretary's commitment, in his speech of 19 September, to community prisons. That, in part, is the trigger to enable us to achieve some of the things that we have talked about. In an estate strategy, we should ensure that prisons point more towards the community and are more engaged with it. The kind of partnership that can exist with local employers really can make a difference.

I was in Wormwood Scrubs the other day and was struck by how close it is to the BBC. It occurred to me that it would be interesting to see whether there could be a much better partnership between the two—in fact, I do not think that there is any partnership between them at all. I do not know; I did not actually ask. It was as I was leaving that I saw the geographical connection. It is not unusual for a prison to have a major employer quite close and, where that is the case, we need to do better work to ensure that the prison engages with that employer. We should see whether there are particular things that we can do.

Mrs. Gillan: Is the Minister saying that she will look favourably on creating new, smaller prisons that are closer to the local community? If so, is that why recently there has been no move on the two sites for very large prison establishments for which planning permission is held? Can she share her vision of the way forward on prison building? Is it huge, American-type jails, or smaller, community-focused projects that have a better chance of rehabilitation and that keep people closer to the communities that we eventually want them to come out into?

Fiona Mactaggart: The hon. Lady said earlier that she heard the speech that the Home Secretary gave to the all-party penal affairs group, in which he said that he is looking at an estate strategy that will attempt to deal with some of the issues.

There is not a one-size-fits-all arrangement. Our local prisons serve the courts, so they have the most intense churn. Prisoners are required to go to and from court hearings and so on, so those prisoners who have only a few weeks of their sentence left to serve are moved from those prisons.

Can we create court-serving prisons and community prisons? We do not have a blueprint yet, so we are looking at the physical estates to see whether they can be created. Is there a place for some big prisons? Hon. Members have referred to the number of foreign national prisoners. Some of those foreign national prisoners are people who have close family links with, and long-term ties, to the UK. A substantial number of them do not have those links and are here temporarily, so I do not think it matters very much where they are placed. Obviously, we must deal with, among other issues, good order and an appropriate regime.

The Home Secretary has a vision for community prisons. One reason behind that vision has featured strongly in this debate. Prison is punishment enough on its own. We can work with the prison community to solve problems in our communities. If we can organise it, part of prisoners' rehabilitation and reparation can be to provide some solutions. A bit more civic energy will sometimes be required to deliver those solutions. The Prison Service cannot do it alone. People must work with businesses, the local authority and community groups to find ways in which we can work with the prison community. We must do that while also continuing to serve the courts and continuing to keep the most dangerous offenders absolutely secure. Those are the challenges that we face in order to devise a new prison system.

My hon. Friend the Member for Burton (Mrs. Dean) and the hon. Member for Richmond Park (Susan Kramer) asked about women offenders. The number of women in prison had been soaring at the time of the report. Interestingly, the female prisoner population was 4,672 on 4 May 2004. It has never been that high since. Therefore it was at its highest level around the time when the report was published.

I agree with hon. Members that it is essential that we deal with women who offend in a way that works. I am pleased that this debate is happening on the day on which I have announced a review of how we deal with a particular group of women in the system. That group is one that gives us the most distress—very vulnerable women who are poly-drug users; those who have been victims of abuse; and those who are not coping well in prison and are in prison partly because they did not cope well outside of prison. We must look carefully at those women, who are at high risk of self-inflicted death in prison, to see whether we can do more.

Let us not forget that we have already done quite a lot. We have established a women's offending reduction programme, which gives women offenders a special focus. We are making more than £9 million available over the next four years to set up community based one-stop shops to meet the needs of women offenders and divert them from prison so we can do targeted work with them. We are also considering other groups, such as young adult offenders, for whom we have set up a project. That is part of targeting services at the offender, because different challenges arise in reducing reoffending in each offender. We are right to recognise the importance of work to reduce reoffending, but people's families are also a powerful engine for reducing it, and maintaining family connections is important.

We have spoken a little about information technology. The present prison information system does not include whether a prisoner has children, so people do not automatically know that. At the initial interview, with a good reception, governors will check and find out whether a prisoner has children, but we do not have an IT system that can record that. The challenges faced by children of prisoners are substantial. Being the child of a prisoner is one of the most predictive factors for future offending. That is a real challenge.

The hon. Member for Bullingdon focused on foreign national prisoners—

Tony Baldry: Banbury.

Fiona Mactaggart: Forgive me. The hon. Member for Banbury (Mr. Baldry) will recall why I accuse him of being the Member for Bullingdon. He spoke generously about what Bullingdon prison does; it has a good impact and let me reassure him that it is not alone. We have been able to sustain most of the qualities in that prison and the other prisons that he so generously praised.

The hon. Gentleman also said, "As well as being the soft guy, I want to be the tough guy, and I want you to be more effective in dealing with foreign national prisoners." We have done that, but I am not complacent about it.

Last year, we introduced the early removal scheme, which provides that foreign nationals who meet appropriate criteria can be removed up to 135 days before their normal release date. They are released for removal. More than 1,500 prisoners have been removed under that scheme since July 2004, with a saving of some 300 prison places. We have prisoner transfer agreements with 90 countries and agreements with a further four have been reached but await ratification. We can also use repatriation.

I have to tell the hon. Gentleman that his sounding tough was as nothing compared with how the Home Secretary sounds on this subject. My right hon. Friend is determined to ensure that we reduce the number of foreign nationals in our prisons. However, that is not always to be done by deporting everybody. Some foreign nationals in prison have spent their whole lives in the UK and are not serving long sentences. It would be a breach of someone's human rights automatically to deport them if their family were British but they happened not to be.

Rather than inventing a new system to deport people automatically without taking notice of the courts—judges would feel that that was treading substantially on their toes—we need to get on the case more efficiently and effectively where the courts have recommended deportation, or where there are mechanisms by which people can be removed appropriately. For example, they may not have further permission to stay in the UK if they were here as a visitor when they offended and had overrun their permission. That is a substantial priority.

We also need to reduce the foreign national prisoner population. We have made some progress on that. The number of foreign national prisoners from Jamaica—which provides the largest number—has declined because of much more effective drug detection systems at Kingston. The most effective way to reduce the foreign national prison population, much of which is associated with drug trafficking, is to reduce drug trafficking. We need to speak to the Governments of countries where drug trafficking is endemic and is producing problems in our prison system and find out how they can collaborate with us to deal with these issues.

[Fiona Mactaggart]

The hon. Member for Banbury raised the question of the private and public challenge—should prisons be public? I absolutely agree with him that there should be transparency in respect of prisons. In some of his remarks, he prayed in aid Martin Narey. I was told by Martin Narey that one of the things that private sector prisons have done is challenge, in ways that are imaginative and progressive, how we do things in public prisons. That has led to the introduction of powerful innovations that have improved the way we organise our prisons. However, I share the hon. Gentleman's view that how we deal with the people we incarcerate should be as transparent as possible, and that it should be possible for Members of Parliament and members of the public to examine that.

My hon. Friend the Member for City of Durham (Dr. Blackman-Woods) spoke movingly about women in prison. When I visited a prison in her constituency, I had the terrible experience of meeting a very vulnerable woman prisoner who later killed herself. That experience has made me even more determined to ensure that we stop sending women prisoners to places that are inappropriate for them—such as Durham prison. We must put a lot of energy into providing more appropriate places in our prison estate for women, and also into ensuring that sensible sentences are available that connect the community and imprisonment much more intelligently than at present, so that there are fewer women in prison—and fewer men. One of the custody-plus initiatives will lead to everyone having six months of supervision—and perhaps only a matter of weeks in prison in order to give them a jolt. That could make a real difference to many people.

Mr. Denham: My hon. Friend the Member for City of Durham also mentioned Transco, which the Minister touched on briefly before moving on. I was hoping that she might return to that issue. So far, she has told us that she is not inclined to fund the scheme; instead of committing herself to its expansion she talked loosely of alliances that are being put in place. The people who developed the National Grid Transco scheme are confident that it could expand a lot with greater Home Office backing. The alternative Home Office strategy of various alliances is not likely to be so successful. Will the Minister return briefly to this point, and give us further assurances that there will be serious discussions with Transco—I do not think that they have taken place yet—about the expansion of its approach?

Fiona Mactaggart: On 22 November, we will launch that series of alliances. Transco will, effectively, be the leader of the corporate alliance—the employers' alliance. As it will be in that position, it will be able to influence greatly what we do. I hope that that reassures my right hon. Friend. The strategy is not just a bit of paper; it is a clear strategy. It is not being dictated by us; it is being developed in partnership with businesses and industry, and we recognise the leading role of Transco in that.

The hon. Member for Ruislip-Northwood (Mr. Hurd) made a key point about the power of computers to track what is going on. On the OASys system, we will have completed connectivity by the end of the financial year. That will take longer for the National Offender Management Information System—NOMIS. I am pushing hard to ensure that we improve all our IT systems in prisons so that we get better information about prisoners' lives and careers.

The hon. Gentleman talked also about whether we were determined to use the capacity of the voluntary and private sectors to make a difference. That is the case. It is one of the opportunities that we perceive in the new regime of offender management. If we are managing the sentences of people not only in prison but in the community and there is a seamless transfer, there are more opportunities to facilitate community-based, voluntary-led sentences, which can be more effective at rehabilitating offenders than some of what is done in prison.

The hon. Member for Hornsey and Wood Green echoed the comments on the importance of community sentences, particularly short-term sentences. I think that we all struggle with that issue. We have been ensuring that all prisoners are assessed to identify their pressing needs for housing, basic skills, health care, drugs treatment and job search and benefits advice right at the beginning of a short-term sentence to try to prevent them from losing their home and possessions. I am talking about making clear at the beginning of a short-term sentence whether people can sustain a tenancy, for example, during the sentence and about making housing advisers available to ensure that they can.

I believe that when custody plus comes into effect next year, we will be better able to deal with the needs of this group of people in respect of reoffending, because all of them will have at least six months' supervision in the community, even if the average sentence is only six weeks. The hon. Member for Chesham and Amersham critically said that offender management had sometimes seemed more about a headquarters operation than something on the ground. Actually, it cannot be on the ground until some of the new sentencing regimes are in place, but we need to ensure that we are prepared for it to be there. We need to ensure that we have in place the kind of interventions that can make a difference. Under the new community order, for example, we can sentence people to going to school, as it were. Doing that might make more of a difference than many of the things that we do currently.

The hon. Lady mentioned the cost of prison places. They cost different amounts depending on what is being done, but the cost of a full new prison place is normally estimated at £76,000. The normal figure per year is £37,000 for all costs, but clearly the cost is different for different kinds of prison.

The hon. Member for Chesham and Amersham talked movingly about people losing their tenancy and possessions. We are improving housing advice. I spend a lot of time talking about advice and people may say, "What difference does advice make?" Actually, with good, powerful advice, tenancies that would otherwise be broken by a prison sentence can be sustained. Housing advice is now available in more than 120 prisons. As a result, the proportion of offenders released from prison without accommodation to go to has dropped by one third. That is an important achievement. Since April, local prisons have been required to carry out a housing needs assessment for every prisoner, including those on remand. All those things will begin to help.

The hon. Lady referred to home detention curfew and the fact that the figure for those on the scheme has hovered at about 3,000—it is 3,100 currently; it was 3,400 previously. I share her view that home detention curfew is under-used. I suspect that recent reductions have probably been caused by tabloid stories of cases in which someone on curfew has offended in a serious, horrible and outrageous way. I recognise that with a curfew there is always a risk of that. We need to improve our risk assessments. The chief inspector of probation has highlighted the need to do so in the probation service. I assure the hon. Lady that I am determined, as new technology offers us these new opportunities, to do more effective risk assessments, so that we can use them to the full. The rehabilitative impact of working in the community could then be supervised, so that people can maintain employment and so on.

Mrs. Gillan: I agree with the Minister entirely, but the success of an HDC depends on the back-up services that go with it. One cannot rely simply on the cuff around the prisoner's ankle. There must be both adequate risk assessment and adequate service from the probation service. That is where the weak link is.

However, I am particularly excited, and I hope that the Minister shares my excitement, about the satellite tracking that accompanies an HDC. I believe that it will provide all sorts of benefits, including encouraging those whose paths have been tracked by satellite to plead guilty to a crime, when the company can place them exactly on the corner of a street where the assault or crime took place. Therefore, I hope that the Minister will fully embrace new technology and use it with the offending population and others, such as truanting children. I hope that she will take that on board as well.

Fiona Mactaggart: As the hon. Lady knows, we are conducting a pilot of satellite tracking. She would not expect me to commit to adopting it until we have studied the pilot. One problem with pilots is that sometimes they say that things are more difficult than they look on paper and sometimes they say that they are easier. However, it is sensible to learn the lessons of pilots before the schemes are rolled out. Otherwise the roll-out may not work so well. I ask the hon. Lady to watch this space. I share her enthusiasm for the use of new technology, but I am not committing to anything until I know how it works in practice.

The debate has shown that across the House there is a determination that prison should do what it says on the tin—reduce reoffending. As members of the public, we want less crime. We want to feel safe in our homes. That is not necessarily achieved by a prison regime that locks people up. Of course while they are locked up, they are not offending, but if, during that time, we do nothing to reduce the likelihood of their offending again on release, the present chronic and shocking levels of reoffending—the historic, appalling levels of reoffending—will continue. That is why we must be determined to reduce reoffending.

I believe that the alliances that I have referred to will help to do that. An employer-led alliance working with offender managers and the prison service will ensure that, practically, we can do what we would like to do with employers. We must work with civic society—local authorities and others—to deal with issues such as reparations and restorative justice, to which some hon. Members have referred. We must also use the strength of the voluntary sector and general society.

The Select Committee called for an annual progress report, and I expect our report to be published next week. I hope that my right hon. Friend the Member for Southampton, Itchen does not consider that disrespectful. It would have been nice to be able to publish it in time for this debate, but he is well aware that these things roll on with their own timetables and suddenly bump into other things, so I apologise for that. It will show what we have achieved in the areas that can affect reoffending, and I shall ensure that it is made available to members of the Committee for them to consider.

It being half-past Five o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.

Westminster Hall

Tuesday 22 November 2005

[John Cummings *in the Chair*]

Contaminated Brownfield Sites

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Cawsey.]*

9.30 am

Mr. Malcolm Moss (North-East Cambridgeshire) (Con): I am most grateful for the opportunity to debate the crucial problem in my constituency of land contamination. It has a direct and personal effect on the lives of some of my constituents and wider implications for the Environment Agency and the Government in respect of pollution issues and the Government's brownfield site development strategy.

The contaminated site is a mainly owner-occupied residential area in the village of Littleport, near Ely in east Cambridgeshire. Part of the site was previously a coal-gas works, while the remainder was adjoining school playing fields. Its industrial use ceased in the 1960s and housing, as well as a fire station, was built on the site between 1967 and 1992, with little or no clean-up works being undertaken at any stage. Thirty-one families now live in houses on the site, which they are unable to sell or remortgage, and their children are prohibited from playing in their gardens. Theirs is truly a truly nightmare scenario: they live in fear for their health, but are unable to move on in their lives. In fact, their properties are completely blighted by the discovery of contamination by chemicals that are frequently associated as a by-product of coal-gas production, but the legislation that by rights should be helping them is proving both obstructive and unworkable.

The residents are unable to pin down who is responsible for the contamination, as the two sites in question have changed hands many times, including between private and county council ownership. The Gas Board, later British Gas, never cleaned up its part of the site. The local district council's planning department gave both outline and detailed planning consent for housing on the site. The National Home Builders Registration Council denies any responsibility and the last developer/builder on the site has gone bankrupt.

Although the environmental health department of East Cambridgeshire district council considers that the contamination poses no increased health risk for the majority of residents, potential buyers of the properties are deterred by information revealed in local land charge searches. In fact, that all came to light about three years ago as a result of diligent searches by a prospective purchaser's solicitor. The local council, whose responsibility it is to investigate the contamination at the site, has been endeavouring since the problem was discovered to find a solution that would result in remediation of the site. It maintains that it has been hampered by inadequate guidance from both the Department for Environment, Food and Rural Affairs and the Environment Agency, which has prevented it from resolving the situation.

The main stumbling block is that the contaminating compound found on the site, benzo(a)pyrene, is so widespread at levels exceeding the standard acceptance criteria in the gardens of properties beyond the footprint of the original gasworks—those built on the former school playing field. The council is unable to define accurately the area of land contaminated as a result of the industrial activity, because higher than acceptable readings of the compound were discovered on some properties outside the development site. It seems highly unlikely that the contamination readings outside the site are even associated with the gasworks. They are far more likely to be attributable to the anthropogenic practices of past residents, who spread the ashes from domestic coal fires on the garden areas.

It is firmly believed that further sampling and analysis of soil from properties around the gasworks site would merely extend the area found to contain the contaminant, presumably until the edge of the village and greenfield land was reached. Working within the guidance available could therefore entail remedial work to hundreds of houses in Littleport where levels of the contaminant are present without any conceivable link to the activities of the former gasworks. If we extrapolate from that scale to the national level, we could catch hundreds of thousands, if not millions, of older properties that were in existence when coal was our primary domestic fuel.

The widespread presence of the compound is causing huge problems across the whole contaminated land sector—a sector that is fundamental to achieving the Government's national brownfield redevelopment targets. Benzo(a)pyrene is one of a large group of polycyclic aromatic hydrocarbons formed by the incomplete combustion of organic materials. Man-made sources include motor vehicle engines, coal and wood fires, refuse incineration, and even cigarette smoke. It is often present in ash. The overall conclusion of a health working group in 1987 was that benzo(a)pyrene was probably carcinogenic to humans. There were no adequate human data then and, to my knowledge, there are still none, but there was

"sufficient evidence of carcinogenicity in experimental animals".

It therefore comes as no surprise that acceptable threshold doses of the compound for both oral and inhalation routes have been set at very low levels indeed.

Benzo(a)pyrene is of paramount importance in the investigation of contamination at the gasworks and the associated site in Littleport. The governing legislation for land contamination of such a nature was first introduced under the Environmental Protection Act 1990—or, more particularly, part IIA of that Act, which finally came into force, after extensive statutory guidance was issued, on 1 April 2000. Unfortunately, that was some eight years after the latest houses at Littleport were built. The guidance addressed such issues as what constitutes contaminated land, what course of action will be required, to what extent remediation will be required and who will have to bear the costs.

An essential ingredient of that guidance was the role of the Environment Agency and ultimately DEFRA in defining soil guideline values. Those values are designed to answer the question: does the soil concentration of contaminant x pose a risk to human health or the

[Mr. Malcolm Moss]

environment? Unfortunately the Environment Agency has yet to issue its soil guideline values for benzo(a)pyrene and the current rate of production of SGVs—there have been none since December 2004—suggests that it is unlikely to do so in the near future. Perhaps the Minister can say something about when that particular SGV might be published.

In the absence of an SGV for benzo(a)pyrene, local authorities have had to fall back on the contaminated land exposure assessment—CLEA—model, which sets an acceptable level for benzo(a)pyrene of 1 mg per kg of soil. The readings at Littleport of between 6 and 15 mg per kg are unfortunately well in excess of that. However, in a document of April 1986 entitled "Notes on the Redevelopment of Gas Works Sites", the interdepartmental committee on the redevelopment of contaminated land—the precursor to the CLEA—set trigger concentrations for polycyclic aromatic hydrocarbons, including benzo(a)pyrene, at a threshold of 50 mg per kg of soil in domestic gardens, and the trigger for remedial action at a remarkable 500 mg per kg. It is therefore not surprising that among both polluters and the polluted there is considerable confusion about the appropriate levels of risk for benzo(a)pyrene.

In reality, SGVs allow levels of contaminants that under current interpretations represent an acceptable level of risk; they do not signify the level of unacceptable risk. Unlike the Netherlands, the UK does not have an intervention level at which the regulatory authority must intervene and remove the risk presented by the contaminated land. In the absence of other Government guidance, however, the release of SGVs by the Environment Agency has naturally led the regulatory authorities to use those figures as cut-off levels. Any levels that exceed the SGV are considered unacceptable, although that was not the intention. As I have already said, that has the potential to blight huge swathes of pre-second world war housing in this country.

DEFRA has warned councils that determinations based on a simple exceeding of SGV levels will not necessarily satisfy a legal challenge. The test is how far above the published level the concentration of soil contaminant would have to be to meet the definition of "unacceptable". DEFRA guidance published by the Environment Agency is silent on that issue. That worst-case scenario may be appropriate for brownfield, undeveloped sites, but for existing sites—not redevelopment sites—it is not practical, because the levels are very low and are often exceeded by background, naturally occurring contamination across the United Kingdom. Those whom the figures should help—regulators, developers, private companies and the general public—do not find them particularly useful and their investigations may be significantly hindered by them.

The first requirement is that the contaminated land sector be given a full complement of SGVs for all contaminants of concern; currently only about half have been determined. Secondly, some indication is needed of what level above the SGVs would be considered acceptable. Perhaps two levels need to be set for each compound—a target level and an intervention level—like the Dutch do. If it is decided that that approach cannot or will not be adopted, some more comprehensive and practical guidance on how to use the existing SGVs must be issued to provide a clear steer to investigating authorities. Until clear advice and support is available, local authorities have to proceed without all the necessary SGVs, which in their present form are of limited use anyway.

The regulators are in a very difficult position as they struggle to approve site-specific reports prepared using figures borrowed from various sources, including the Dutch, the now defunct interdepartmental committee on the redevelopment of contaminated land—ICRCL—recommendations, various American studies, and the out-of-date CLEA model. The reports may then be disputed by the Environment Agency, which inevitably is reluctant to approve standards that vary from those that it has published as guidance. The system is incomplete and already out of date, which puts a huge strain on the resources of local authorities and the Environment Agency and means that basic investigations do not always reach a conclusion, because the system is not sufficiently structured. As a result, developers, councils and council tax payers end up paying more for investigations.

Recently the rate at which remediation notices are issued has dramatically decreased nationally, as many councils choose to wait for more substantive guidance before proceeding with determinations. However, in the case of the Littleport site, the financial implications for the residents living there are too severe to delay progress to the determination of this site. Under the regime of part IIA of the Environmental Protection Act, local authorities and the Environment Agency have increased responsibilities to investigate contaminated land, but the programme is often driven by their own resources. To increase the efficiency of that process and make the implementation of the regime less onerous, the determination of contaminated land issues needs to be evaluated according to a more structured set of values for any site. The rate at which councils are tackling sites is extremely slow, partly as a result of the strain on resources that the process puts on individual authorities. If the demands placed on local authorities are considered too great, the answer might be to place more emphasis on the Environment Agency to deal with more sites, particularly the more complicated ones. However, if that were done, the Environment Agency's resources in this sector would need to be significantly bolstered, as it is grossly understaffed in certain regions.

The current position on benzo(a)pyrene is untenable. Multiple local authorities, and the Environment Agency in the case of special sites, are pursuing site-specific solutions. To increase efficiency, it is essential that a solution be put in place to allow more joined-up working between the different tiers of authorities. Sites could be assessed much more quickly with less strain put on resources if a partnership approach was advocated by all levels of government. That would help ensure that the silo mentality was eliminated and that all parties were committed to reaching agreement on the best practical solution in each case. It is therefore vital that the Health Protection Agency and the Environment Agency support local efforts to reach practical solutions and adopt an approach that recognises the need for local public accountability in each case.

The interests of members of the public affected by the contaminated land legacy should be paramount, yet on the one hand, given the presence of contaminants above the published thresholds, residents find their properties defined as contaminated and therefore blighted, and on the other, even if a subsequent, site-specific risk assessment finds that the contamination presents no additional risk to their health, the residents will still not be able to sell their homes. That has been the situation for nearly three years at the Littleport site, as the local authority struggles to make sense of the regime in the face of understandable public concern. If the process of investigation does not proceed to determination, the perception of health risk will continue to blight the properties; if determination proceeds, a legal challenge may arise. I trust that the Minister agrees that that is a totally unacceptable situation, not least from the point of view of my constituents, who are now desperate for a solution that will release them from that living hell.

It is simply not good enough to tell the residents to take the matter to the courts, because universal standards for contamination have not been produced and the residents do not have the financial resources to fight a protracted case. Their plight is not of their making and it behoves legislators to rescue them from their nightmare. I look forward to a positive response from the Minister.

9.47 am

Jim Dobbin (Heywood and Middleton) (Lab/Co-op): I congratulate the hon. Member for North-East Cambridgeshire (Mr. Moss) on securing this important debate. I shall keep my contribution as brief as possible, as I am aware that the hon. Member for Rochdale (Paul Rowen) might want to catch your eye later, Mr. Cummings.

I asked a question at Prime Minister's questions last week on 16 November and last night I received a response, which I am grateful to the Prime Minister for and I shall make sure that it gets to the right quarter. My question concerned the contamination of a site proposed for building development in Rochdale. I live in Rochdale; the hon. Member for Rochdale is my Member of Parliament, so I take all my complaints to him. I live close to the site, which is called Spodden valley and was the site of the world's very first and largest asbestos textile factory—first a Turner Brothers factory, then a Turner and Newall factory. It was the largest employer in the town in its time.

Many people in Rochdale, including local people who had never worked at the factory but were exposed to its environment, have died as a result of the asbestos produced; asbestos was produced on the site from the 1870s until the 1990s. As we know, asbestos is now outlawed throughout the European Union. The factory site produced high levels of asbestos dust, including asbestos fall-out that escaped from the factory buildings and settled on the factory and the surrounding land. The surrounding land included disused coal mines and was used for dumping large amounts—potentially tens of thousands of tonnes—of asbestos waste on the site.

The entire Spodden valley, which is approximately 72 acres, was sold by the administrators of Turner and Newall in April 2004 to property developers MMC Estates Ltd. An offshore company, Rathbone Jersey Ltd., which is a subsidiary of Countryside Properties plc, entered into an option agreement at the same time. In May 2004, contractors working for the developers began destruction of the woodland to the north and south of the site, but felling was halted by the intervention of the Forestry Commission and the local council because of their concerns. A reaction to the woodland destruction and concern about disturbance of soil that could be contaminated with asbestos was the formation of a local group, Save Spodden Valley. In December 2004, Countryside Properties (Northern) Ltd., Rathbone Jersey Ltd. and MMC Developments Ltd. submitted an outline planning application for demolition of all the buildings on the site and replacement with more than 600 homes and community facilities, including a children's nursery. That is when the problems started.

The planning application was put on hold by the local authority pending an environmental impact assessment commissioned by the authority. I understand that the results of that assessment were due this month. Throughout 2005, there has been a continuous series of BBC reports and *Private Eye* articles. Although the developers denied that there was asbestos on or around the site, it has been reported that they knew about exposed asbestos since at least September 2004 and about a 2003 site-contamination drawing suggesting contamination throughout the site. Those are the concerns of the local community.

I am directly involved because it was recently decided to move some of the 3,000 tonnes of rubble, which is a huge amount. Discovering the extent of the contamination of that rubble by asbestos is difficult; it seems to be a secret. I am not sure whether the agencies are allowed to publicise the results of tests, but the local community is finding it difficult to obtain the information.

The issue for me is the transfer of that rubble through the constituency of the hon. Member for Rochdale and the length of my constituency, and its eventual dumping in the Viridor landfill site in the constituency of the hon. Member for Bury, North (Mr. Chaytor). There is a hazardous waste cell on that landfill site that can take some of the rubble, but I do not know how much. The issue for me is: how safe is it to transfer that rubble by road through two constituencies and into a third? Assurances were given in the Prime Minister's letter that all checks have been carried out, but the local community is not convinced and tried to have an injunction put on the transfer of the rubble last week and the week before but failed to achieve that. A public meeting will be held in the town tonight because of people's concerns. They have experienced the problems caused by asbestos for a very long time.

I hope that the Minister will look at the matter in the light of what I have said. I am sure that if the hon. Member for Rochdale is allowed to speak he will support what I have said.

9.54 am

Paul Rowen (Rochdale) (LD): I thank the hon. Member for North-East Cambridgeshire (Mr. Moss) for initiating this debate. It is timely, not least because if the Government's targets for house building are to be achieved, it will be necessary to use more brownfield sites. It is important that the guidance given by

[Paul Rowen]

Government Departments is clear and deals with some of the complicated issues to which the hon. Member referred and which cause concern when sites are proposed for development. As the hon. Member for Heywood and Middleton (Jim Dobbin) said, I am particularly concerned about that because a site in my constituency had the world's largest asbestos factory.

Hon. Members may be aware that I had an Adjournment debate on the issue earlier this year. It is interesting that a Minister from the Office of the Deputy Prime Minister was put up to answer at that time, but today we have a Minister from the Department for Environment, Food and Rural Affairs. The ODPM, DEFRA and the Department for Work and Pensions, and four Government bodies—the local authority, the Environment Agency, the Health and Safety Executive and the Health Protection Agency—are involved in dealing with sites of this nature. It is clear that there is a lack of co-ordination and guidance in dealing with sites as complex as the Spodden valley, and that considerably hinders development of them.

We must be clear about the issues, to which the hon. Member for North-East Cambridgeshire referred. Like the hon. Member for Heywood and Middleton, I would like to discuss the effects on the Spodden valley. DEFRA has not yet issued clear guidance on safe levels of asbestos in the ground. As we speak, the rubble that he referred to is being moved from Rochdale through Heywood and Middleton to Bury. Unlike the first time rubble was moved, there has been a good deal of co-ordination between the Environment Agency and the HSE this time, but it has been voluntary.

I am pleased to say that this time there has also been co-operation from the developer. The method statement that he produced has not been released. When I spoke to him, he said that he was willing for it to be released, but neither the HSE nor the local authority are prepared to release it. The Freedom of Information Act 2000 applies to Government agencies, but it seems not to apply in this case. As the hon. Gentleman said, there is a great deal of concern about what is going on, given the past actions of the developer. If brownfield sites such as this one in Rochdale are to be developed safely, we need clear guidance from the relevant Departments.

I understand that the Environment Agency has prepared guidance, but it is up to the ODPM and DEFRA to issue it. When one is dealing with a site as big as this one—as the hon. Gentleman said, up to 650 houses, a nursery and industrial premises are planned for it—the lack of guidance is extremely serious. Can we have some co-ordination between Departments?

Guidance must be issued on safe levels of contamination and even on how levels of asbestos are to be tested on the site. Then there must be clear guidance on the stages of remediation. Such guidance is not given at present, and that causes great concern. No one has said that they do not wish the Spodden valley site to be developed. However, the development should be done carefully and with transparency, and that is not happening.

As has been said, the local authority paid for the environmental impact statement in this case. The developer paid £2,500 to submit his planning application, yet the local authority will have spent £70,000 to carry out the survey. Clearly, the old maxim that the polluter pays does not apply in this case. I hope that the Minister will respond to some of these concerns so that not just the Spodden valley site but other sites can be developed safely. We all wish to see that.

10 am

Mark Hunter (Cheadle) (LD): I, too, congratulate the hon. Member for North-East Cambridgeshire (Mr. Moss) on securing this important debate. I know that the issue has affected a number of his constituents and he appears to have uncovered a flaw in the system for dealing with contaminated land. It is only right that we should seek to pursue a "polluter pays" policy on contaminated land, but in this case the principle appears not to have been enforced in the way that was intended.

I want to broaden the discussion slightly and praise the Government for their endeavours in bringing brownfield sites back into use. That is a worthwhile policy and the Government are making some progress. It is clear that there are a large number of reasons why we should not let the kinds of difficulties that we have heard about undermine what my party believes is a crucial aim. Given the finite amount of land resources available to us in Britain, brownfield development is an obvious and correct policy. That is why I am interested to know how seriously the Government take proposals put forward by my party, and supported by a number of respected and independent bodies, to alter the VAT regime so that we can do away with the frankly ludicrous situation in which it is often more expensive to repair an old house than to build a new one. It is still cheaper to build new houses than to convert the estimated 1 million dwellings that could be brought into use which are located above shops, the conversion of which would go a long way towards filling the black hole in housing provision. I would be interested to know whether the Government intend to publish the report by Grant Thornton, which I understand effectively sounded the death knell for revitalising over-the-shop living. It would make interesting reading.

It is also my belief that the tax regime does not provide the incentives that we need to encourage development on brownfield sites in the first place. Despite some of the problems that can be encountered when dealing with brownfield sites, we simply cannot ignore the fact that that is the only game in town if we are serious about meeting the housing challenge at the same time as protecting our natural heritage. Are the Government still considering proposals for a planning gain supplement, as proposed by the Barker report, or a planning tariff to encourage brownfield over greenfield development?

On development on contaminated land, all the evidence of which I am aware suggests that we are dealing with a hopeless lack of knowledge about the precise location of the land involved. That lack of knowledge has led to the type of unfortunate situation that we heard about this morning. In my constituency, a planning application on the site of a disused landfill site has caused much local controversy. It is my view, and it was the view of my predecessor in Cheadle, that the local authority lacks detailed knowledge of what went into the tip when it was in use. We should not allow a major development on the site without far more details on the level of contamination.

Following detailed work at the end of last year, my hon. Friend the Member for Lewes (Norman Baker) found that local authorities across the country had uncovered only the tip of the iceberg when it came to identifying contaminated land in their localities. The problems can be traced back to the mid-1990s, when a certain Environment Minister, the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), cancelled plans to develop a toxic land register. With greater vision from a previous Government, we might have avoided many of the problems that an increasingly large number of hon. Members will face over the coming years.

I would be interested to learn of the progress that has been made by local authorities on inspections under part IIA of the Environmental Protection Act 1990, which was referred to by my hon. Friend the Member for Rochdale (Paul Rowen). I understand that the first round should be completed by 2006. It would be interesting to hear the latest progress report and to know the scale of the problem. It seems that this is yet another case of extra burdens being placed on councils with a complete lack of resources to back up the requirements. We cannot forget the danger that some of the chemicals that we are talking about pose to human health. After all, that is the most important aspect of the problem. In many cases, such chemicals can cause terrible damage.

In conclusion, a lack of knowledge has caused the problem to arise and it is imperative that we have clarity about its scale so that other residents do not suffer as some already have. More importantly, people need to know more about the location of contaminated sites to protect the health of current and future generations. That does not appear to be happening at present.

10.6 am

Bill Wiggin (Leominster) (Con): I congratulate my hon. Friend the Member for North-East Cambridgeshire (Mr. Moss) on securing the debate. He spoke with great feeling about his constituents in Littleport near Ely and the difficulties that they face because their houses are built on the site of an old gasworks. It is extremely difficult for people who are unable to sell their homes and who live in fear for their health. They are unable to escape such health hazards, and, through scientific developments, by-products from coal and gas production will become easier to identify as time goes by.

My hon. Friend asked who was responsible and made it clear that the responsibility was historic. It was difficult to pin down one group who should or could foot the bill for clean-up. It is a great shame that the guidance from DEFRA and the Environment Agency is so confused. Although we all have benzo(a)pyrene in fires in our homes, in the right concentration it can be extremely dangerous. He did an extremely good job in identifying the problems involved and I have a great deal of sympathy for those poor people in Littleport. I hope that the Minister will tell us who will help them.

The hon. Members for Heywood and Middleton (Jim Dobbin), for Cheadle (Mark Hunter) and for Rochdale (Paul Rowen) spoke with great feeling about their constituency cases, although I have to take issue with one minor point of the hon. Member for Cheadle. He said that the burden could fall very heavily on local councils. That is incompatible with his party's policy on local income tax, given that local councils with the worst contamination have constituents with some of the lowest incomes. I am sure that he will forgive me for saying that.

The debate provides us with a valuable opportunity to discuss the brownfield situation in England and the Government's disjointed strategy. The development of brownfield sites, contaminated or not, can play an important role in reducing the housing shortage and preserving our environment. Current Government estimates suggest that 3.8 million new homes will be needed in England by 2021, and if we are determined to preserve the green belt, we will have to develop brownfield sites.

In 1998, the then Department for Environment, Transport and the Regions set a target for 60 per cent. of new dwellings to be built on previously developed land, often referred to as brownfield land, by 2008. The real test is whether we can achieve that target. I believe and hope that we are likely to reach it, but to do so it will be necessary to build on contaminated land. I am concerned about the effectiveness of current Government policy towards contaminated brownfield sites.

The national land database, which is co-ordinated through the Office of the Deputy Prime Minister, estimates that 64,130 hectares of brownfield sites are unused or may be available for development, of which only 28,650 have been deemed suitable for housing. In some localities in England, brownfield sites constitute a significant proportion of land use. For example, in Wolverhampton, about a third of the area in the Short Heath and Wednesfield South wards has been classified as brownfield. Overall, brownfield density in parts of Wolverhampton is nearly 15 per cent., in parts of Sunderland it is 11 per cent. and in parts of Bradford it is 9 per cent. Nevertheless, given the industrial past of many of those sites, the Government do not keep accurate central records on the number of sites that are contaminated. Records are only collated at local government level. Moreover, details of developments and remediation for contaminated sites are dealt with through a variety of Government organisations, including the Rural Development Service and the Environment Agency, as well as local government. To clarify the situation, we must have records from central and local levels.

We must also know which Department is overseeing the remediation of contaminated brownfield sites. Is it DEFRA, with a responsibility for the environment, the ODPM, with its responsibility for planning matters, or even the Treasury? The Department of Health and the Department for Work and Pensions were also mentioned. One of those Departments at least must take the lead.

It is hardly surprising that with all those different organisations, authorities and Whitehall Departments managing brownfield sites and their remediation, local authorities have failed to make full use of funds available for investigation and contamination clean-up. Although the Environment Agency estimates that there are between 5,000 and 20,000 contaminated brownfield sites in the UK, not all are brownfield. We must know from the Government exactly how many there are.

[Bill Wiggin]

In a report published in 2000 which surveyed eight locations throughout England, the national brownfield sites project found:

> "The highest remediation cost is attributable to those sites that are categorized as contaminated and/or derelict."

Additionally, the Environment Agency has stated that the cost of developing brownfield land is more expensive than greenfield. It stated also:

> "The regulatory complexities of reclaiming some brownfield land may . . . be a barrier to new development."

Contamination is a major problem environmentally and economically. It must be redressed so that development can take place. We must know the costs, and only the Government in Whitehall can provide us with that information. I hope that the Minister will ensure that those figures are produced. Once the costs are known, effective action can be taken. We should like to know when it will take place.

The Government could make progress on cleaning up and developing contaminated brownfield sites by adopting policies, such as tax incentives, that are designed to encourage private investment, especially in areas where the economic costs of clean-up deter investment. Some 55 per cent. of brownfield land is privately owned and 28 per cent. is publicly owned.

If land is to be developed and, if contaminated, cleaned up, the Government must use a range of economic instruments to promote such activity, particularly in the private sector. If they were to promote clean-up and development of privately owned brownfield sites, the stability that it would offer would provide private developers with the confidence to invest.

When there are plans afoot to develop brownfield sites, currently developers must make provisions for the investigation of contamination and the clean-up of those sites. The Government could help by making the planning process easier and by performing their own studies to ensure that contaminated land is cleaned up effectively. The Environment Agency advocates that, favouring economic incentives such as corporation tax relief and landfill tax exemption. Developers can qualify for tax incentives from the Treasury, such as a 50 per cent.. relief for "qualifying land remediation expenditure." None the less, the Government could do more, including offering VAT relief for new developments. Such incentives would be particularly constructive in promoting developments in the north-east, where many developers are deterred because the high costs of clean-up and red tape do not always make projects economically viable. Those incentives could also be repeated to support the remediation of publicly owned brownfield sites.

I understand that the business regulation team has formed a taskforce to consider the possibility of granting a single remediation permit for brownfield developers, and I hope that it will cut through the red tape and bureaucracy that restrains development. None the less, I am concerned about the implications of the decision in the European Court of Justice to classify contaminated soil as landfill. It opens up a new set of red tape and bureaucracy that may serve only to replace any savings made by the business regulation team. I hope that the Government ensure that the decision of the Court does not damage the prospects for brownfield development. I should be interested to know from the Minister how the Government have responded to its decision.

We want to continue to develop brownfield sites, making them available for residential and business use. We must ensure that the Government can facilitate the clean-up of such sites, so that they become available for development. We know how much land is brownfield, but we need to know from the Government the cost of clean-up. My hon. Friend the Member for North-East Cambridgeshire and the hon. Members for Heywood and Middleton, for Rochdale and for Cheadle spoke with great expertise and with dismay at the situations in their constituencies. I hope that the Minister will turn his energy and his efforts to assisting the existing situation and the future of brownfield development.

10.15 am

The Minister for Climate Change and the Environment (Mr. Elliot Morley): I congratulate the hon. Member for North-East Cambridgeshire (Mr. Moss) on his grasp of a complex subject. I understand the pressures on his constituents, which he ably articulated, and the problems identified by my hon. Friend the Member for Heywood and Middleton (Jim Dobbin) and the hon. Members for Cheadle (Mark Hunter) and for Leominster (Bill Wiggin). I will try to deal with the issues raised.

I welcome the general support that has been expressed for the Government's policy of utilising brownfield sites. Like the hon. Member for Cheadle, I think that it is important because it takes pressure off greenfield sites and releases land that is essential to housing development to meet the needs of communities in England. We have made good progress, having exceeded our target of 60 per cent. of new build on brownfield sites—the current figure is about 66 per cent. That will change as more and more houses come on stream, but it is welcome that those figures are being achieved.

Tackling problems associated with brownfield sites is therefore important. Some perfectly reasonable points have been raised in the debate. It is always worth examining mechanisms that can be used to encourage developments on brownfield sites and a range of measures are available. It would be reasonable to develop a single permit for remediation to ensure that there is not undue bureaucracy in dealing with brownfield sites, particularly their remediation.

I will try to deal with some of the detailed technical points that were raised. I disagree that there is confusion between Departments and a lack of clarity. Part of the problem is that local authorities, not unreasonably, want a simple system with a threshold figure over which there is contamination and under which there is not. That would be nice, but sadly the situation is a bit more complicated than that. The problem with having a single number above which action would be taken relates to the concentrations of any substance. We have been talking about benzo(a)pyrene—or BAP, which is an easy abbreviation and which I shall use from now on. The hon. Member for North-East Cambridgeshire made the fair point, which the Government accept, that the substance is widespread, so the fact that the substance is being detected does not necessarily mean that the land is contaminated to an unacceptable degree. I understand why he asks what the unacceptable figure is, but that is the point at which things become quite complicated. That does not mean, however, that we should not examine the situation.

The concentration of any substance that might give rise to unacceptable risk varies according to a range of factors and from site to site. Such factors include the exact form of the contaminant, the way in which the land is used—or is proposed to be used—the depth at which the substance is present, the nature of the soil, how the substance might get into the body and whether there is a pathway by which a source of harm might reach a vulnerable receptor and thereby cause harm. Each site must be examined individually and there must be a risk-based approach on each individual site. That is where the problem emerges. It is not appropriate to have one figure that can be applied to every contaminated or brownfield site in the country. There needs to be a more sophisticated approach than that.

Guideline values are needed, as the hon. Gentleman rightly said. They have to be devised for human health risk assessment. The present values are generic, whereas all the sites and their circumstances need to be considered. Soil guideline values are not binding; they are indicative—a tool to be used in assessments. Some local authorities fail to understand that, and it might be useful to try to make the guidance a bit clearer for them. The mere presence of contaminants does not mean that a risk—let alone an unacceptable risk—is present.

Bill Wiggin: The Minister has just identified what he thinks the problem is, but I have been imagining what it must be like to live in Littleport. What the Minister says is not right. I agree that when it is determined that there are bad things in the soil in different places, there will be different levels of those bad things and they will have a different impact in each place. However, I disagree with him on this point. What is the point in having guidelines on what that may or may not be harmful to people's health that might not be understood properly or might be used in such a way that they have a negative impact on people's sense of well-being or the value of their property—which in this country is probably the most significant investment that anyone can make?

Mr. Morley: It is certainly true that there can be an impact on the value of property, which is why I have a great deal of sympathy for the constituents of the hon. Member for North-East Cambridgeshire. However, I understand that the former National Rivers Authority advised his local authority that the site was contaminated. Why the proper examination and site impacts were not done at that time is an issue, but that is in the past, so it does not help the people who are living there now.

Mr. Moss: To clear up that point, the then NRA advised looking at water movement, but there was no problem with water on the site, so that does not feed through to the present problem, which lies in the upper metre of soil. It is suspected—there is only anecdotal evidence—that material from the school playing field was mixed with contaminant from the adjoining gasworks site and then respread into the gardens of the houses that were built in the 1990s. The groundwater issue was looked at, but there is no groundwater problem.

Mr. Morley: I accept what the hon. Gentleman says, but it would not be appropriate for me to go into the background of the case. How we do these kinds of assessment is the issue that I am trying to address. I am also trying to answer the questions that have been asked and comment on the Rochdale case to which my hon. Friend the Member for Heywood and Middleton spoke.

As I was saying, the mere presence of contaminants does not mean that risk—let alone unacceptable risk—is present. That can be determined only through detailed investigations on site and the risk assessments that are made. That can be a complicated and painstaking process, but getting it right can save unnecessary remediation and disruption. That is relevant to a point made by the hon. Member for North-East Cambridgeshire. That work has to be done for individual sites.

That point also applies to the site in Rochdale. There has to be an environmental impact assessment, which I understand the local authority is doing; that is a sensible and responsible move. There are strict regulations about on-site remediation. Regardless of whether BAP or asbestos is involved, hazardous material has to be disposed of in a licensed site in a separate cell. In terms of lorry and other vehicle movements, there will be a role for both the Environment Agency in relation to waste licensing, and perhaps for the Health and Safety Executive in making sure that the vehicles are properly sheeted and there is proper dust control. A range of regulations exist to protect our constituents. Sadly, clearance of major sites involves a lot of lorry movements—not much can be done about that. The question is whether we want derelict sites to be left derelict as an eyesore for many years, or whether we want them to be developed and accept short-term disruption, which is inevitable in any site remediation or management. I believe that all of us as Members of Parliament experience that from time to time.

Paul Rowen: No one disagrees that a site must be cleared up, but sometimes developers are prepared to exploit loopholes and the lack of manpower in the Health and Safety Executive and the Environment Agency. We have talked about moving rubble. Why is the rubble being moved when the environmental impact assessment has not been completed or the planning application approved? At present there is little that the local authority can do, short of taking out an injunction to stop it happening.

I agree that remediation will vary from site to site, but there must be a clear set of guidelines setting out the process to be followed if brownfield sites are to be developed, otherwise developers will exploit the loopholes and the gaps between Government agencies and Departments.

Mr. Morley: I would not condone any attempt to exploit loopholes in the law and regulations or to find shortcuts. However, I emphasise that there are clear regulations relating to site management and clearance.

Our policy is to encourage remediation of brownfield sites on site and the reuse of rubble, which can be used as hardcore for roads or as building material;

[Mr. Morley]

increasingly, it is graded. It is for the developer to choose how remediation is carried out, but with landfill tax and the new regulations on hazardous waste, transporting rubble to a licensed hazardous waste site is an expensive option for the developer. I should have thought it would be worth the developer's while to consider the option of on-site remediation and the reuse of building waste. The circumstances vary from site to site, but DEFRA goes to great lengths to encourage on-site remediation. We are seeing major changes in the way in which sites are now remediated on site, as opposed to the dig and dump of the past, and I welcome that.

It is important to get the assessments right and to ensure that necessary action is taken. We are arguing about thresholds and about what is acceptable and what is not as it relates to the impact on house prices and the costs of remediation, but we must ensure as part of the evaluation that no shortcuts are taken that cause risks to human health. I know that the hon. Member for North-East Cambridgeshire will agree.

Mr. Moss: I accept that the individual characteristics of a site such as the geology and the soil should be taken on board. If there is a CLEA model that says that the acceptable level of benzo(a)pyrene, which the Minister acknowledges is widespread, is only 1 mg per kg of soil and the compound is known to be carcinogenic, surely someone living in a house and garden where the reading is 15 mg per kg will panic. The matter is now in the public domain, so nobody will buy such houses unless somebody somewhere says—this is where the Government must take responsibility—that the risks to health arise at a level well above 15 mg per kg. The government must say that the figure is a tolerance level—that people can live there quite easily—and that with remediation, the problem goes away. That is the comfort zone that my constituents need, and I hope that the Minister can give me some idea of how he and his Department intend to satisfy that need.

Mr. Morley: I will do my best. I understand what the hon. Gentleman says. As he fairly pointed out, there are some sites where the values are way above the scale and where there is no argument about the level of contamination. To be more precise, the argument comes when one is within a band. As I mentioned, the situation will differ from site to site because of the factors that I outlined.

Let me explain to the House the procedure for risk assessment. Both part IIA of the Environmental Protection Act and planning policy take a risk-based approach to deciding when action needs to be taken in relation to contaminated land. On some sites, the risk to human health arising from exposure to contaminants is clearly an issue, particularly when the level of those contaminants is way above the scale. That is the most important factor in judging potential consequences for human health, so we have to assess the risk. To help with that, DEFRA and the Environment Agency have jointly published a series of technical guidance documents specifically about contaminated land assessment. That guidance relates to the CLEA framework and reports linked to it.

Sometimes the criticism is made that the risks have been overstated and that is when we get problems. Clearly, there has to be an element of precaution in our approach. The guidance documents take into account the views and knowledge of many expert Government bodies—notably the various UK committees on toxicology—as well as various EU committees, the World Health Organisation and work done in other countries. That is where the Health Protection Agency comes in. There is no confusion in terms of the number of agencies involved—there is a number of agencies, but they have specific responsibilities. The Health Protection Agency is an expert body on health risk, and we need its input. The Environment Agency is the expert body in relation to site management and regulation; that is what it is for. The Health and Safety Executive advises on risks to workers on site and people in the adjacent neighbourhood.

The technical materials have to be understood and used properly, because we are talking about a complex scientific area involving human toxicology, the science of soil, how substances behave in soil, how substances can reach humans to do them harm, and, of course, what the site is being used for. It is a fact that, for a carcinogen such as BAP, there is no risk-free level. As we acknowledged, that substance and many others are widely present, sometimes in areas where there is no particular industrial history, as the hon. Member for North-East Cambridgeshire pointed out. We cannot deal with every site that contains these substances; we have to use judgment, practicality and a degree of realism in dealing with the issue.

Soil guideline values are a key element. They go to the crux of what the hon. Gentleman said about how we can give better guidance to local authorities. I come back to the point that published SGVs are generic values. They can help to simplify risk assessment, but they cannot reflect all the factors on a site. In broad terms, exceedance of a properly applied value will indicate to an expert risk assessor that further investigation and remediation may be needed, but it does not mean that it is automatically needed, as is often assumed. That is the part that guidance plays in the risk assessment. I repeat: exceedance does not mean that land must automatically be remediated. SGVs are not legally binding numbers. They are not intended to be limits that must be met. Local authorities often think that they are absolute figures and limits—that is a fairly common misconception—but I emphasise that they are not. They are a tool to help to deal with the issues on site.

Mr. Moss: I am listening carefully to the Minister. Local authorities that are tasked under current legislation to look at site contamination accept that SGVs—if they are published; only half are—are to be used as guidelines and are not necessarily threshold levels. However, for gardens in which BAP is present, as it is in Littleport, there is a CLEA level of 1 mg per kg of soil and an earlier ICRCL recommendation of 50 mg per kg as an upper limit before any action needs to be taken. That is a huge difference and that is why confusion is arising.

Someone associated with the Government—whether at the Health Protection Agency or the Environment Agency—should say that in that particular soil type, at a depth of up to 1 m, a particular concentration of BAP is not hazardous to health. I am sorry that this intervention is long, but this is important, Mr. Cummings. The Minister said that there is no acceptable level of BAP because it is carcinogenic. If it is present, it is a problem. However, the risk assessment for health needs to be made—

John Cummings (in the Chair): Order. Interventions should be brief, Mr. Moss.

Mr. Moss: I am sorry, Mr. Cummings. I agree. I shall sit down.

Mr. Morley: I understand where the hon. Gentleman is coming from, and I shall try to address what he says. The issue is complex and I am trying to go through the points methodically for him.

The legal test in contaminated land legislation comes under part IIA of the Environmental Protection Act. It is based on the notion of an unacceptable intake of a substance. If the calculations are properly applied, as I said, exceeding the SGV will not automatically equal unacceptable intake, because there is a judgment to be made about what is unacceptable. That judgment would be easy in the case of a huge exceedance, but in many cases it is difficult to make. A judgment has to be made on the level of risk and therefore of contamination, and the SGVs are a tool to use when doing that. The question raised, not unreasonably, by the hon. Gentleman is how to make the issue clearer to local authorities. I accept that we need to give more help to assessors, who generally work for the local authority, to decide whether a concentration in soil will give rise to an unacceptable intake under the legislation. The debate is about definitions and risks.

Paul Rowen: Can the Minister indicate when the SGV for asbestos will be published? That is certainly an issue for the Spodden valley site.

Mr. Morley: I think that I can answer the hon. Gentleman's question. The issue is being worked on as part of the new draft of SGVs also deals with BAP. The publication of the draft, which looks at all SGVs, has been held up because of the widespread nature of BAP, which we have to take into account. However, it is intended to publish the revision when the issues have been properly addressed in further guidance that the SGV taskforce is expected to recommend on that point. The Environment Agency recognises that an SGV for asbestos is a high priority and that we need to produce it as quickly as possible. The unreleased document that the hon. Gentleman mentioned in relation to the Environment Agency is not an SGV, but, pending the revised SGVs it has been made available to local authorities that have had asbestos cases to deal with. The document is an attempt by the Environment Agency to help local authorities deal with their present pressures. However, a new SGV is being developed for asbestos and BAP. Although I do not have an exact date for its publication, I understand that the intention is to get that done as quickly as possible.

That work is part of our efforts to ensure that we have clear SGVs and give local authorities the best information possible. The SGV taskforce was originally set up to advise on how guidance could be framed to assist assessors to make their judgment on a scientific and authoritative basis. Ideas are being developed by taskforce members—the HPA in particular has a big input—and they will be considered by the taskforce collectively in the near future. We hope that the taskforce will make some specific recommendations for the Government to consider.

I will ensure that, if appropriate, we put work in hand to develop and produce further guidance without delay. Following this debate, I will ask for an update on progress on the various work streams and on time scales to ensure that there are no undue delays. These are important issues and those who have spoken in this debate have made a persuasive case about why we need that revised information as quickly as possible.

Mr. Moss: Because benzo(a)pyrene is so widespread and because the existing threshold figures are so low—I repeat the 1 mg per kg figure—if we did trial testing in half the gardens in this country, we would probably get readings above that level. If benzo(a)pyrene is a carcinogen people in those properties will be worried, and if word gets out those properties will be blighted. Because benzo(a)pyrene is so widespread can the Minister not make it a priority to consider this compound above all others, to ensure that we do not blight huge swathes of the country because we have got our figures on this compound far too low?

Mr. Morley: I accept the hon. Gentleman's point. If benzo(a)pyrene is widespread, as seems to be the case, and if its presence in low levels in gardens at different depths is not likely to present any risk to people, we should take great care that we do not blight large areas of the country. That would not be in any of our interests and it is certainly not the Government's intention to do that.

The hon. Gentleman returns to the point about an appropriate level. All I can do is repeat the point that I made. There will be different risks in relation to different levels. That is why it will be difficult to have an absolute number and say that one point below that things are okay and one point above it they are not. I am speculating in advance of the report, but there may well be a band relating to where greater care has to be taken. The SGVs give some indication—

Mr. Moss: We have not got one for benzo(a)pyrene.

Mr. Morley: There is guidance now and the SGVs are being updated to make them more sophisticated because it is recognised that that is a particular problem. The SGV taskforce has addressed risk levels, which the hon. Gentleman talked about. The taskforce considers that there are two clear and urgent needs in relation to SGVs. First, there is a need to restate the basis on which SGVs are derived and presented. That is because of the perception of a degree of confusion among users about the relationship of SGVs and the health criteria values, which relate to toxicology to the relevant legal test in the part IIA regime, which is the test of the unacceptable intake in table B of chapter A of the statutory guidance. That is one of the points that the hon. Gentleman has been making and the taskforce clearly recognises it as one of the priorities for it to address. Secondly, the taskforce is exploring the production of additional

[Mr. Morley]

technical material that will enable assessors to address more directly the legal test of deciding whether an intake is unacceptable. Those are complex issues legally, in relation to the definition of terms, and technically, in relation to toxicology.

Our discussion illustrates why this country has a legacy of brownfield sites that have been left undeveloped for many years. Until recently there was no guidance on brownfield sites. We are having a fairly complicated technical discussion about the present guidance, so hon. Members will understand the difficulties that arose in the past, when there was no guidance at all. A step forward has been taken but I accept that some issues need to be addressed.

Mr. Moss: We are nearing the end of the debate, which has been useful in many ways. If the Minister were the MP for my constituency and he had to face the residents of Littleport tomorrow, what comfort would he give them?

Mr. Morley: I would tell the hon. Gentleman's constituents that the Government have given financial assistance to their local authority to do some of the technical work relating to the site. He mentioned the original developer and we would expect it to be liable because the polluter-pays principle applies. It is the developer's responsibility to ensure that the site is suitable for building; if there is a problem, it is the developer's responsibility to rectify it. In many cases, the developers are no longer around, which appears to be the case in the hon. Gentleman's constituency.

The hon. Gentleman will know that there are funds available through the ODPM for dealing with remediation of contaminated land. It depends on the circumstances, but his local authority can make a bid for the remediation work once it knows the extent of the problem and the steps that need to be taken. To offer encouragement to the hon. Gentleman's constituents, I would say that support is available once the nature of the problem has been identified. It is necessary to identify and understand the nature of the problem and that work is currently under way.

The work has to be done properly because we do not want a long-term legacy for people who live in houses on brownfield land. If there is to be remediation—it sounds as if there may well have to be—it should be carried out properly so that there is a permanent solution. The hon. Gentleman's case is not unique; there are similar sites throughout the country and we are keen to ensure that they are dealt with and that we identify and remove unacceptable risks to human health and the environment. We seek to bring damaged land back into beneficial use and to ensure that cost burdens faced by individuals, companies and society as a whole are proportionate, manageable and economically sustainable.

I doubt that many constituencies do not have sites with similar problems. On the edge of my constituency in the former borough of Glanford, there was an enormous contaminated site on the site of an old fertiliser factory. The site was not only contaminated with a range of chemicals but had the added piquancy of anthrax. The former council thought that it had struck a very good deal with ICI, the former owner, by buying the site for £1. It was very pleased with the deal because it wanted to develop the land for housing. In return for that £1, however, the local authority took on all the liabilities for the site. As I pointed out, it was perhaps not such a bargain after all. Indeed, that turned out to be the case, because a lot of the site was so heavily contaminated that it could never be used for housing. However, it has been turned into a fantastic nature reserve, so I am pleased with that. I thought that it was quite a good outcome, although there was one problem. Glanford was merged into North Lincolnshire unitary authority, which then took over the liabilities. The site was leaching pollutants into the River Humber, and as North Lincolnshire council now had responsibility, it faced prosecution from the Environment Agency because of the contamination coming off the site. There are all sorts of problems with these sites, as I know, and I have a great deal of sympathy with the points that hon. Members have made.

Mr. Moss: I wish to put a couple of points on the record. I think that the Minister said that my local authority, East Cambridgeshire district council, could apply for money from ODPM or DEFRA funds for the full remediation of the site. Secondly, after remediation, there must be some kind of scientific comfort zone, whether in the form of threshold levels or SGVs, which we still have not had for BAP. Otherwise, the blight will continue, because it will be common knowledge that the site had a problem. We must be able to say that it now has a clean sheet and is no longer a health risk.

Mr. Morley: On the first point, I confirm that funds are available from ODPM—not from DEFRA. There is a fund that local authorities can apply to. How much they get and for what depends on the individual circumstances and the basis of the application, and is a matter for the local authority and ODPM.

I can give the hon. Gentleman some longer-term comfort. DEFRA and the Environment Agency have published the contaminated land exposure assessment, the CLEA, which I think he mentioned. That is a methodology—a series of reports—of which the SGVs are just one part. It provides a scientifically-based framework for the assessment of land contamination and the risk to human health. That technical guidance also applies when we are considering regulatory action of proposals for development of the land.

Under the CLEA methodology a wide range of guidance is available, not just from the Government but from external experts. The SGV taskforce is also considering the most recent guidance, contaminated land advice note 2/05, which addresses the short-term points, and a development team is working on additional technical guidance. It remains to be seen what will emerge from that work. However, as the CLAN indicates, it is recognised that we need something to bridge the gap between a tox value and an SGV properly applied. It also suggests how that will inform the assessor and what the legal test demands where part IIA of the Act is applied to an area of land. That should deal with the point about the long-term assessment in relation to the risks.

As I mentioned, a number of sites fall into the category mentioned by the hon. Gentleman, many of them in the north-east because of its industrial legacy. In the majority of those cases, I am not aware of any long-term problems following remediation in the majority of those cases. There may well be cases of which I am unaware, but once action has been taken to deal with remediation, there should be no reason for long-term blight. It is uncertainty and doubt which tend to cause blight on people's houses. As we have seen in the debate, the doubts that can blight property values include questions about what figures mean and whether they mean that is contaminated or not. It can be difficult, but when those questions have been resolved and the contamination level and therefore what needs to be done have been clearly assessed, and when remedial action has been taken, the sites do not just technically comply with requirements in relation to contaminated land, but they legally comply with them as well. Post-remediation, there really should be no problem with the long-term future of those properties. I hope that that reassures the hon. Gentleman and his constituents.

Apart from applications for grants relating to the land, funding is available to help local authorities with their investigation, as well as the remedial costs. DEFRA has some funds available under the contaminated land capital projects programme. I am reluctant to make them public, but the hon. Gentleman has dragged the existence of that money out of me. About £17 million is available to local authorities for carrying out their duties to investigate contaminated land in their area and seeing to its remediation. The Government's revenue support grant helps to cover local authorities' revenue expenditure. An element for that work was added to the RSG in 1997 to support the introduction and implementation of the regime. However, the local government finance system means that the RSG is not ring-fenced to particular functions; it is distributed on a generalised formula.

The hon. Gentleman may like to know that East Cambridgeshire district council bid in 2004 for the Littleport site and received £17,000 for the investigation. A further bid was made in 2005–06 for just over £17,000, which was also approved. Those sums of money are for investigations to help the council to decide whether the land presents an unacceptable risk, and therefore needs to be formally determined as contaminated land under part 2A of the Environmental Protection Act 1990.

DEFRA has issued a letter of intent for a successful bid. Once expenditure takes place on site, a sum is added to the Government's RSG settlement. Support is based on the notional cost of borrowing money and of paying it back over 20 years, and distributed in accordance with the RSG formula. The relevance of this, as I mentioned, is significant harm. So I can tell the hon. Member for North-East Cambridgeshire that there are guidelines, and that they are being revised. Some of the points raised in the debate are being addressed through the taskforce. There is financial help to assist councils in addressing those issues, and providing the reassurance and security that his constituents, and those of other hon. Members, clearly want.

Caste Discrimination Overseas (Government Policy)

11 am

Jeremy Corbyn (Islington, North) (Lab): I am grateful for the opportunity to discuss this subject. It affects a vast number of people throughout the world and there are various ways in which we, as a major industrial trading power, can help to eliminate such a scourge. I wish to declare an interest. It is not in any sense financial, but I am a trustee of Dalit Solidarity Network UK. My hon. Friend the Member for Wolverhampton, South-West (Rob Marris) is also an active member of that organisation. I have attended several conferences on the network's behalf in this country and I have also spoken at Dalit Solidarity Network events in Mumbai in India.

The work of the Dalit Solidarity Network is to give voice to a group of people mainly in India and Nepal, but also in other parts of the world, who are grievously discriminated against. It puts pressure on European and north American Governments to do something about that and to use the international legal system, through the United Nations and the United Nations Committee on Human Rights, to give strength to the cause.

Caste discrimination is an hereditary system of discrimination that comes from a perversion of the values of Hinduism in India and which, in the case of Africa, is a similar corruption of mentality, but just as brutal in its discrimination. The number of people throughout the world who suffer caste discrimination is astonishing. Those who are seriously discriminated against amount to 300 million people. That number is equivalent to the population of the United States of America or to the population of all of western Europe. Those people lose out on education, housing, employment and job opportunities. They lose out on life. They suffer death by violence, death by poverty and death by illness because health care is not available to them. As a planet, we condemn 300 million people to the worst living standards and to have shorter lives than would otherwise be the case. Discrimination has brutal consequences. It is hard for us in the west to understand fully how bad the position is.

A Dalit is the modern form of untouchable. When translated, it means broken people. The magazine *New Internationalist* quotes Narayanamma, a toilet cleaner in India. It says:

> "'In the rainy season,' the woman began, 'it is really bad. Water mixes with the'"—

excrement—

> "'and we carry it (on our heads) it drips from the baskets, on to our clothes, our bodies, our faces. When I return home I find it difficult to eat food sometimes. The smell never gets out of my clothes, my hair. But this is our fate. To feed my children I have no option but to do this work.'"

The magazine then well describes the differences in modern India. For example, major railway stations have internet connections, western cappuccino bars, fast food restaurants, people in smart suits and so on. However, 100 m away from those areas, to the backs of the stations and the toilets, are groups of people using the most primitive equipment and who are treated in the most disgusting way. They are the "untouchables"—the Dalit people, who exist throughout India because of a

[Jeremy Corbyn]

perversion of the values of Hinduism and because it suits the wealthy and powerful to ensure that they continue to exist.

It is not as though the problem has not been recognised. Let me outline the social indicators. The infant mortality rate is 83 per 100,000 for Dalits and 61.8 per 100,000 for non-Dalits. The child mortality rate is 39 per 100,000 for Dalits and 22 per 100,000 for non-Dalits. The figure for undernourishment is 54 per 100,000 for Dalits and 41 per 100,000 for non-Dalits. The level of self-employment in agriculture, rather than employment as day labourers, is 16 per cent. for rural Dalits and 41 per cent. for rural non-Dalits. The level of self-employment in non-agriculture is 10 per cent. for rural Dalits and 14 for rural non-Dalits. The poverty rate exemplifies the pattern, and the level of poverty that exists among the Dalit people throughout Indian cities and villages is appalling by any stretch of the imagination.

As if the poverty and the discrimination are not bad enough, the violence that goes with it is shocking. Many stories could be quoted, and many issues are raised in various local and international media on the subject, but I will just quote a 31 August report, which states:

> "In one of the worst ever instances of caste violence in Haryana, upper caste villages belonging to the Jat community in Gohana village near Sonepat burnt down 60 houses of Dalits today. The officials, however, say about 40 houses were burnt."

That pattern of practice by officials is normal. The Dalits were attacked because it was "apparently suspected" that a Dalit murdered somebody else the previous week. The report continues by detailing the murder, violence and the burning of homes that occurred. Unfortunately, such events are common.

That is not to say that India has not sought to address the problem. Gandhi clearly recognised the discrimination against the untouchable people. During all his marches he sought to seek them out and to work with them. He also sought their protection in the Indian constitution, which, ironically was written by Ambedkar, a Dalit. I shall return to that.

It also must be said that India, as the home of the majority of Dalit people in the world—the majority of people who suffer from caste discrimination—is reluctant to have the issue raised internationally. It is to the credit of the Dalit Solidarity Network worldwide and of the Dalit movements in India that the issue was finally brought more to the world's attention in the 2001 summit against racism that was held in Durban.

The Indian Government moved might and main to prevent the subject from being raised in India at all. They said that caste discrimination was not the same as racism and that it should not be equated with what had happened in apartheid South Africa or with the degree of discrimination that existed in the southern states of the USA before the Civil Rights Act. They said it was not of that order and that it was more of a cultural issue. It might well have a cultural basis—or a perversion of such a basis—in where it started, but the reality is that it condemns generations of people to a second-class existence when they should be able to have a first-class one.

It is also important to recognise that the problem is now being more widely understood. Such discrimination does not apply just in India, but in Nepal—I will discuss that a bit later—and parts of west Africa, notably in Burkina Faso and Senegal. The same degree of discrimination applies, with the same degree of people not being allowed to go into restaurants or cafes, not being allowed to use the same utensils as other people and not being allowed to undertake any skilled work—only for such people are the foul jobs of cleaning sewers, sweeping streets and that type of thing.

The Foreign and Commonwealth Office also recognises that. The excellent Library briefing for the debate includes an extract from the FCO human rights report of 2005, page 213 of which states:

> "In many parts of India caste discrimination remains a problem, despite being outlawed under the Indian constitution of 1950. Dalits—formerly 'untouchables' but now known as 'scheduled castes'—make up 16 per cent of India's population (this is approximately two and a half times the population of the UK). A proportional number of seats in both union and state assemblies are reserved for scheduled castes . . . However, many people continue to view Dalits as below the caste system and they are among the most disadvantaged and vulnerable of all Indians. Dalits have poor access to public services such as education, health".

The report mentions that Dalits are reduced to jobs such as "manual scavenging". It also points out that when aid is delivered when a natural disaster, such as the tsunami, takes place, the solution to the problem, obviously, is to assist people at a time of desperate emergency. However, in assisting those people, who loses out but the Dalit people? They are last in line to get water, food, clothes and a place of safety in which to live.

There was a national public hearing on 30 August in Chennai, Tamil Nadu on discrimination against Dalits in tsunami relief and rehabilitation. I shall not quote the entire document, as it is long, but I have selected some of the observations made by the jury of experts who assessed the effects of tsunami relief. It said:

> "The jury panel observed that there is discrimination in distributing relief and rehabilitation during tsunami. Particularly the revenue officials and the district administration that were carrying out the relief operations have neglected the requests made by Dalits and not provided the relief materials."

The report goes on to state that

> "the relief materials distributed to the Dalits have been plundered"

by others, and that the

> "district administration appointed for monitoring the distribution was inactive and silent in curbing these atrocities . . . During our visit to the tsunami affected areas, we could see that the temporary shelters constructed by both the Government and the NGOs have segregated the Dalits and the fishermen.
>
> We feel that it is the duty of the Government to bring peace and harmony between the communities where already exists the concept of discrimination. Instead the relief operation carried out by the government of Tamil Nadu has widened the division between the Dalits and non-Dalits."

Those millions of people around the world who responded so magnificently to the tsunami disaster did not give their money so that it could be distributed unfairly. They made a humanitarian gesture to ensure that everybody got a fair share of the aid, but the Dalit people certainly did not get a fair share. When my right hon. Friend the Minister replies, I hope that he will offer some assurance on that. I am not blaming the British Government. The concern is whether the aid got through fairly, and, clearly, the evidence is that it absolutely did not.

Despite Indian objections, the Durban conference managed to raise several important issues. I want to deal with what is, obviously, a terrible scourge on the face of the earth. First, I recognise the strong position of Indian law and the Indian constitution on the matter. However, the reality at town and village level, and in society, is that the scheduled caste reservation system, which provides for reserved places in state and federal elections and other things in India, works for a small number of people but not for the majority. It does not work for the majority of Dalit people, who continue to be extremely badly treated.

To address the issue, we should consider the Ambedkar principles, which were drafted after a great deal of debate among the community in India, among the exiled community and among the Dalit Solidarity Network worldwide. The Ambedkar principles are based on the work of Ambedkar, a brilliant man who was the author of the Indian constitution. I shall not read all of the document, as it is long, but I shall quote parts of it. Those who have been involved in Irish issues over the years will recognise some similarity with the MacBride principles on employment practices which were eventually introduced in Northern Ireland. They helped to reduce the discrimination that clearly existed there. The principles state:

> "The Signatories of these Principles, building on existing national anti-discrimination laws and policies and in the spirit of internationally recognised human and employment rights will . . . Include in any statement of employment policy a reference to the unacceptability of caste discrimination and a commitment to seeking to eliminate it . . . Develop . . . a plan of affirmative action, including training on caste discrimination for all employees and making specific reference to Dalit women".

Then there is this important principle:

> "Ensure the company and its suppliers comply with all national legislation, particularly in relation to bonded labour, manual scavenging, child labour, pay specific attention to the role that caste relations might play in legitimising or covering up such forms of labour, and contribute actively to the implementation of existing anti-caste laws such as the Civil Rights Act and the Prevention of Atrocities Act."

Supplementary principles were approved later, at a conference in Kathmandu in November and December 2004. I shall quote a few of them, because they are important:

> "Ensure that all corporate support to community development programmes and other charitable activities in caste-affected countries or areas includes the participation of Dalits and requires that they receive at least an equal share in any benefits . . . Avoid abuse of local resources to the detriment of local communities, e.g. water, energy . . . Aim to ensure nothing is done which may drive local communities towards ecologically insensitive activities or the desperation of violent protest".

It is easy to stir up violent protest against people. In some parts of the world, that is a cheap way to develop a political career. Those demands are stated because there is a high amount of foreign investment in India and it is important that the situation is addressed. The support of the global companies that are investing in India is needed.

Dalit Solidarity Network UK produced a solid report on caste discrimination in the private sector. It lays down a number of demands that should be made of the private sector companies that invest in India. It has started talks with HSBC bank, Lloyds TSB, Standard Chartered and Barclays about their investment strategies. We have also sought to put what pressure we can on the International Labour Organisation to do far more to protect Dalit people and those who suffer caste discrimination around the world, and to support the activities of the Dalit Solidarity Network.

This matter has also been brought to the attention of the United States Congress. A submission was made to it in which the following points were made:

> "The Indian government 'condones, ignores and in some instances, has even promoted . . . massive catalogues of human rights violations . . . All too often, enforcement of laws protecting human rights has been weak or non-existent' . . . While most Dalits lived in extreme poverty . . . Hindu extremists resented gains made by this oppressed group which benefited from education and medical programmes launched by Christian missionaries."

That leads to further violence against individuals. The report continues:

> "Amnesty International's Asia advocacy director T Kumar told the hearing that the Indian government should fully enforce laws against discrimination on the basis of caste and descent, and rein in groups, including the police, which he said had discriminated against Dalits."

So the problem has been brought to the attention of western Governments, the European Union and the United States.

There is a point that I hope the Minister will address. The subject has been raised at the United Nations. India is required to report to the UN on what it has done in terms of anti-discrimination activities since 1998 to eliminate systematic discrimination against the scheduled castes and the poorest people in India. So far as I am aware, India has yet to report.

The British Government have raised the matter at least once with the Indian Government during bilateral discussions, and I would be interested to learn what further contact the Minister has had with the Indian Government and what requirements are placed on our representatives at the UN Committee on Human Rights and at anti-discrimination conferences of the UN to ensure that we take the problem seriously in terms of implementing the UN charter on human rights and our anti-discrimination undertakings, and of our overseas aid policies and strategy and our investment strategy.

On 24 October, Dalit Solidarity Network UK sent a letter to the Minister for the Middle East, which said:

> "As far as we can understand what is happening, the Study"—

the study that the UN required—

> "has not yet got underway. This appears to be due to a combination of bureaucracy and lack of resources. We are hearing that the necessary Consultation Workshops, to be held in Africa and Asia, cannot go ahead until the Commission has agreed the necessary resources next March/April. This will be a year into the life of the Study, and such Workshops could not then be arranged presumably for another six months".

We must have far more action far more quickly and far more vigorously to ensure that that dreadful situation is addressed properly.

I should also be grateful if the Minister outlines the Government's thinking on the possibility of amending race relations laws to make caste discrimination illegal. There is some evidence—quite hard to collect—that although the degree of caste discrimination in India is extreme, it exists in other parts of the world, such as communities in western Europe, including this country. We must address that problem, uncomfortable and

[Jeremy Corbyn]

difficult though it may be. Discrimination is wrong, period, whichever group or community and whomever suffers from it. We would do the world and those poor unfortunate people who suffer caste discrimination a good service if we took a more vigorous attitude towards discrimination and led on those matters.

In 2004 I had the great privilege of attending the World Social Forum in Mumbai. It was attended by more than 100,000 people. They were mostly from south Asia but, as a world forum, there were also delegations from elsewhere. The opening coincided with the completion of a Dalit rights march throughout India. The people recreated the great marches of Gandhi and demanded justice. Their joy, the sense of recognition that those people received, and their sense of liberation when they got to the forum is something that will always live with me. Some of the same people attended the conference in Durban, and they travel around the world doing their best to bring about justice for those people. It is up to us to do what we can.

One Indian President, Narayanan, made it to President despite being a Dalit—an untouchable. He did so by good luck, brilliance, force of circumstances and the incredible generosity of one or two individuals who helped him throughout his life. After he ceased to be President, he gave an interesting interview in which he was asked what he thought about the Dalit people. After describing the horrors that they faced, he was asked how their situation could be changed. He said:

> "Revolution has to come from below—through education and through protest from the oppressed people. We need to gather much more momentum, from world opinion, human-rights groups, etc. We need to give up the bitterness and move on. To be proud of being Dalits. Learn from the Black Panthers, the Black is Beautiful movement. Assert Dalit pride. Only then will we learn to express and assert ourselves. I believe that ultimately we will overcome."

That is a brilliant statement from a man who has been to the top of the mountain and become the President of his country.

I hope that the Government, the House and the country join in that campaign to end the scourge of discrimination based on caste which afflicts 300 million people throughout the world.

11.23 am

Rob Marris (Wolverhampton, South-West) (Lab): I congratulate my hon. Friend the Member for Islington, North (Jeremy Corbyn) on securing the debate. He has achieved what I was not able to, and I am delighted to be discussing this important issue in front of a number of people who have come along to listen to our debate.

I shall start with a quotation from my hon. Friend the Minister for Trade, who has responsibility for trade promotion and inward investment at the Foreign and Commonwealth Office in addition to his ministerial role at the Department of Trade and Industry. In a letter dated 31 August to the Rev. David Haslam, who, as chair of Dalit Solidarity Network UK, of which I am a member, is listening in the Chamber today, my hon. Friend said:

> "Caste-based discrimination is a contemporary form of slavery."

He is absolutely right. We fought hard to get rid of slavery 150 years ago. Slavery is a moral outrage, and there is a material-analysis reason for getting rid of it. As well as the moral outrage and the destroyed lives, slavery is an economically inefficient way of organising a society. That is what the American civil war was about: morals and a materialist analysis. We should bear that in mind when we campaign against caste-based discrimination.

A year ago, I had the great pleasure of visiting Punjab state in India on a private visit, where 55 per cent. of the population is Sikh. There is still caste discrimination in Punjab state, as there is across India and Nepal, and in Africa, and so on. I am chair of the all-party group on UK Sikhs. We have to recognise that one of the tenets of Guru Nanak, the founder of Sikhism, was to get rid of caste-based discrimination. He has not succeeded yet. Sadly, there is still caste-based discrimination, even in Sikhism.

We have caste-based discrimination here in the UK. Those who know the UK south Asian community quite well, and I count myself as one of those, can sometimes see, by looking at south Asians and those from a south Asian background, from what caste they have come—because of systematic discrimination for 2,500 years. Dalit people look different. That is reproduced in this country. Sometimes, sadly, here in the UK, it is possible to get a sense of which is a Dalit and which is a Jat temple, or gurdwara, on visiting them. Caste exists in this country, as well as in south Asia and Africa.

The Dr. Ambedkar memorial committee in my constituency has a large community hall. I am familiar with the doctor's work. He was born in the late 19th century as a Dalit, as my hon. Friend the Member for Islington, North said, and obtained a PhD through patronage. He was an economist, philosopher, sociologist, member of the London Bar and one of the most distinguished Indians who ever lived; he was a brilliant man. He was chair of the committee that wrote the constitution of India and rose, through patronage, from being a Dalit. However, like President Narayan, he did not forget whence he came. In fact, in 1956, in the final year of his life, after decades of frustration with the reactionary elements of Hinduism—although I stress that by no means all Hindus are reactionary on caste—Dr. Ambedkar, with thousands of others, led a mass conversion to Buddhism, as my hon. Friend may know. His touchstone was "Educate, agitate and organise"—and he did that all his life on the part of the downtrodden of India, before partition and afterwards.

Education is one of the keys, but it has to be backed up by resources, a will to act and more than just fine words. United Kingdom companies operating in the subcontinent have a particular responsibility, because of the history between the United Kingdom and south Asia, for the way that they operate and how they treat Dalit scheduled castes. My hon. Friend said that he would not read all the Ambedkar principles, and I understand that. They are contained in a handy book called "Caste Discrimination and the Private Sector: Employment Principles for Foreign Investors in South Asia", published this year by the Dalit Solidarity Network UK.

There are 10 calls to action at the conclusion of the Ambedkar principles. I shall paraphrase them. An employer should have a statement of employment policy, including a reference to the unacceptability of caste discrimination and a plan of affirmative action; they should avoid any form of bonded or indentured labour; they should use fair recruitment selection and career development processes and take full responsibility for their work force, evolve comprehensive training opportunities, designate a manager at an appropriate level to monitor the issue and have effective monitoring. They should also publish an annual report on progress and ensure that all corporate support to community development programmes includes the participation of Dalits. That is the call to action under the Ambedkar principles. United Kingdom companies that operate in India and Nepal in particular should sign up to those principles and that course of action.

I am fortunate enough to be a member of the Trade and Industry Committee, which has announced that, in this Parliament, we will conduct an inquiry into trade and investment opportunities between India and the United Kingdom. That is not surprising, in terms of globalisation; it is such an important country, and such a long-standing friend of the United Kingdom. One of the things that I wish to look into is what UK companies investing in India are doing in terms of corporate social responsibility and the Ambedkar employment principles.

As we know from what our Government have done to assist the most disadvantaged in our society—they are incomparably more advantaged than the most disadvantaged in India, Nepal and Africa, who face caste discrimination—the dignity of employment, employment opportunities, and education and skills training to get into jobs is absolutely central. United Kingdom and European developed-world companies that invest in India have a particular responsibility to try to assist the most downtrodden: the Dalits.

My hon. Friend referred to the difficulties that the United Kingdom faces when the Department for International Development offers aid support, and when UK-based charities try to assist in India after natural disasters there. He also mentioned the issue of unequal distribution of aid, and who loses out. One reason why Dalits lose out is that often they have been denied the educational opportunities that would allow them to hold positions of responsibility and to hand out the money. So, the old caste-based discrimination reinforces itself again.

Sometimes, but not always, those of higher caste who are handing out the money—surprise, surprise—do not take enough trouble to ensure that the most disadvantaged, the Dalits, get the aid. That was the case with the distribution after the recent tsunami, the Gujarat earthquake, and, before that, the Orissa hurricane. That happens all too frequently. I am delighted that DFID has moved on that issue, in terms of both what it says and what it demands when handing out development moneys in India after such disasters.

I am also pleased that DFID has a programme, worth £27 million over nine years, to provide funding to civil society organisations in the 100 poorest districts in India. That programme is addressing discrimination against Dalits and supporting marginalised peoples. I salute DFID and the Government for taking that line.

I have some questions for the Minister, as is traditional in these Adjournment debates. First, what have our Government done to address allegations of discrimination based on caste in the recruitment of Gurkhas from Nepal? What have they done about the experiences of Dalits who have joined that wonderful band of armed fighting men and women? There have been serious allegations of discrimination, as regards both recruitment and what happens to those recruited, in terms of their career progression—or, according to the allegations, lack of career progression.

I reinforce what my hon. Friend said about the UN Committee on the Elimination of Racial Discrimination. As I understand it, the report is eight years overdue. India—understandably, given its size, maturity and importance in the world—wishes to gain a seat on the UN Security Council. However, if in eight years it cannot produce a report on this fundamental issue, which covers a quarter of its population, for the moment at least, it would not be appropriate for India to be on the Security Council. We are not talking about a report on discrimination against a couple of thousand people, important as that might be; we are talking about discrimination against a quarter of the population of what may now be the most, or at least the second most, populous country in the world. Yet it cannot produce a report in eight years. What are our Government doing to encourage the Government of India, through the United Nations, to come up with that report?

I salute the fact that the UK, during its presidency of the European Union thus far—there are another five or six weeks to run—has gotten the EU to appoint two special rapporteurs to prepare a detailed study on discrimination based on work and dissent. However, I would like to know what steps the Government, through the EU, have taken with the Government of India to ensure that those rapporteurs have full access. I know from my work with the all-party parliamentary group on UK Sikhs and, during the previous Parliament, the all-party group on Panjabis in Britain, about the lack of access to the Punjab state for the UN special rapporteurs on human rights who, 21 years after the appalling events of 1984, the storming of the Golden Temple, the pogroms in Delhi and so on, are still blocked out and not allowed in to investigate. Will the two EU special rapporteurs be allowed to investigate caste-based discrimination in India and to do a proper job there?

To reinforce what my hon. Friend said, I would like to know what the UK Government are doing to encourage UK companies that invest and operate in India to follow the Ambedkar principles.

11.36 am

Mr. Nick Clegg (Sheffield, Hallam) (LD): I, too, congratulate the hon. Member for Islington, North (Jeremy Corbyn) on securing a debate on such a crucial topic.

A question that I asked myself—it might be worthy of ventilation here—is why such a grotesque and systematic abuse of human rights on such a huge scale is so little known about and so little debated. I confess that when preparing for the debate, the scales fell from my eyes as I appreciated the reality of a problem. I was not fully aware of it—I have not visited India and it is not a part of the world that I know well—and my experience may show why.

[Mr. Nick Clegg]

I studied social anthropology at university and pored over textbooks about the caste system in the Asian subcontinent. We were asked to reflect on the history of the caste system through a prism of moral relativism, which implicitly, if not explicitly, suggested that the caste system and the abuses suffered by the victims of the system were so ingrained in the complex history of society in India and other Asian nations as to be somehow beyond the reach of moral or political judgment or influence from outside. That moral relativism towards something that undeniably exists is complex and has profound religious, historical, social and cultural antecedents. It has prevented the political class in this country and elsewhere from turning the spotlight on a problem as fully and sustainably as it deserves to be. The reticence to deal with the issue as forcefully as it clearly requires is no longer sustainable.

As the hon. Gentleman eloquently illustrated, the scale of the abuse is perhaps without historical precedent. There has been appalling human rights abuse at specific times and in specific places, but for that abuse to take place on such a scale, covering almost 300 million people over such a long period, is almost unique. I am not aware of any other cruelty that has been so durable. The grotesque nature of the abuse cannot be ignored any longer.

I challenge everyone to read the Amnesty International report submitted to the hearing of the US Congress. I dare not read out the section on the scale, nature and cruelty of the abuse suffered by Dalit women in particular. The descriptions of rape and gang rape are about as grotesque as anything one could possibly read.

It is, perhaps, politically important that that abuse is illegal under India's own legislation. That is crucial, and I shall refer to it later. I do not underestimate the difficulty of shifting patterns of behaviour that are inseparable from the social and political history of India, and the cultural patterns and prejudices involved. Nor do I underestimate the sensitivity of external voices, here or elsewhere, seeking from afar to influence conditions on the ground. However, as the hon. Member for Islington, North and the hon. Member for Wolverhampton, South-West (Rob Marris) made abundantly clear, the need for urgent action is now overwhelming.

In addition to the excellent points already made, I want to emphasise the ways in which fruitful activity could be undertaken. Given that the nature of the abuses suffered by the Dalit community are intimately associated with long-standing prejudices shared by many millions of Indians from other castes, the need to tackle in the classroom the nature of some fundamental prejudices is of paramount importance. Again, I do not underestimate how difficult it is to do that from the outside, but every effort should be taken by the Department for International Development, the European Union and all other donor organisations—they provide assistance to the tune of several hundred million pounds for the Indian education system—to associate aid closely with the requirement to tackle underlying cultural and social prejudices that sustain that level of human rights abuse over such a long period. I am keen to hear whether the Minister thinks that anything can be done, through bilateral and multilateral aid, to influence the way in which the problem is tackled in classrooms in schools in villages and cities throughout India.

It is worth reiterating how clear and unambiguous India's legislation is on that point. The Library briefing—excellent, as ever—says:

> "Article 17 of the Constitution of India states that the practice of 'untouchability' is abolished and forbidden."

Legislation to criminalise abuses against so-called scheduled castes and tribes began in 1955 with the Protection of Civil Rights Act. That was supplemented by the enactment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and, most recently, the rules of 1995, which extended the scope of abuses that were criminalised and provided for ever graver penalties.

The protection afforded to the Dalit and scheduled castes and tribes in those Acts is extensive—I would even use the word "progressive". They include, for instance, the provision of legal aid and travel expenses for witnesses and victims attending trials. However, the fact that the legislation, which stipulates the constitutional requirement and prohibits the abuses suffered by the Dalit community, is ignored by the police and courts is of legitimate external concern. We even have the perverse example of other laws—the National Security Act, the Explosives Act and sections of the Indian penal code—being invoked to override those protections. Given that the abuses are taking place and that they fly directly in the face of the legal protections incorporated in the constitution and Indian law, it is right that the moral outrage that we all feel, because of the nature of the abuses suffered, is also directed at the simple failure to abide by the rule of law, which is one of the founding principles of all mature democracies.

Rob Marris: The hon. Gentleman makes a powerful point. As a solicitor, when I was in Punjab, I visited the courts in Chandigarh, the state capital, which are conducted in English. The Dalit people are, not by law but by practice and poverty, excluded from learning English, so, as he says, their chances of enforcing their legal rights are nil.

Mr. Clegg: The hon. Gentleman has a much greater insight from his personal experiences than I do. What he says merely reinforces the fact that the law is an empty shell if those who are victimised cannot seek legal recourse through the courts, because of linguistic or other barriers. The claim on the democratic credentials of a mature democracy, which India is—it is the largest democracy in the world—will always be challenged and will appear threadbare so long as the legal protections on the statute book that are afforded to so many millions of people are not fully connected.

My final point, which I direct to the Minister, is a political one. If a lot of work needs to be done from the bottom up, particularly in the classroom, it is equally true that pressure needs to be brought from the top down. Given the scale of the abuses suffered in India, and to a numerically lesser degree in Nepal and Pakistan, we want the problem of caste discrimination to be featured at every bilateral meeting at political level between the United Kingdom and India, and between the European Union and India. Recently, there was an

EU-India summit—or whatever it was called—which the Minister no doubt attended. Was the subject raised? If not, what measures can he take to ensure that future EU presidencies make sure that caste discrimination becomes a permanent, political irritant, from India's point of view, and a persistent feature in bilateral and multilateral discussions, in the same way as human rights issues are raised in our dialogues with many other countries around the world?

11.48 am

Andrew Selous (South-West Bedfordshire) (Con): This is the third time in three years that I have had the chance to speak in this Chamber on caste discrimination, and I am grateful to have the opportunity to do so again. I join hon. Members in warmly congratulating the hon. Member for Islington, North (Jeremy Corbyn) on securing the debate. I hope that it will not be the last such debate and that there will be an ongoing dialogue to ensure that the subject stays firmly at the top of the international political agenda.

Caste discrimination is clearly a subject that unites hon. Members on both sides of the House. Meritocracy, opportunity for all, fairness, a free and open labour market, and the belief that the only bar to our social and economic advancement is our ability, not to whom or where we were born, are a fundamental part of my conservatism. A healthy market economy depends on free movement of labour, and caste discrimination fundamentally disrupts that. We need to do something about that key aspect of social justice.

A caste system is one where a person's occupation and social status are defined by their birth, and it exists in many countries. We heard a great deal about India, but my research has revealed that caste-based systems also exist in Bangladesh, Burkina Faso, Mali, Niger, Algeria, Libya, Ethiopia, Kenya, Mauretania, Nepal, Nigeria, Pakistan, Rwanda, Burundi, the Democratic Republic of Congo, Uganda, Senegal, Somalia and Sri Lanka. That is quite a list, so we should not only pay attention to India. Caste discrimination affects the whole of south Asia and many countries in Africa, principally in west Africa.

India has constitutional protection for equality. It has criminalised discrimination, for which we are grateful. However, as in so many areas of government, it is one thing to get laws on to the statute book, but it is another to ensure that those laws are enforced and that law enforcement agencies adhere to both the letter and the spirit of the law.

I am pleased that the United Nations is starting to take the problem more seriously, because it certainly must do so. It is long overdue in paying serious attention to caste discrimination. A session of the working group on minorities took place in Geneva on 30 May at the Office of the UN High Commissioner for Human Rights. The UN has appointed two special rapporteurs, Mr. Yokota and Ms Chin-Sung Chung. They have been tasked with preparing a comprehensive study on discrimination that is based on descent and work. Furthermore, the UN special rapporteur on racism, Mr. Doudou Diène, has stated that caste discrimination is a problem of racism. It is good to hear that formal acknowledgement that caste is an issue of race.

As the hon. Member for Wolverhampton, South-West (Rob Marris) said, India's report to the United Nations is long overdue. It has been required since about 1997 or 1998. It is fair for the Government to ask the United Nations when we will see that report and when it will be acted on. I am interested to hear how the Government will ensure that the European Union, on our behalf, takes effective action through its appointment of a rapporteur to look into caste discrimination.

It is worth talking about what caste discrimination means in everyday life for those who suffer from it. The Dalits, or, as they have been known, the untouchables, represent more than one sixth of India's population. That is 160 million people. Many endure almost complete social ostracisation. Many cannot cross the dividing line from their part of the village to that occupied by higher castes. They cannot use the same wells, visit the same temples or even drink from the same cups in tea stalls. Dalit children are often made to sit at the back of classrooms. In what has been called India's hidden apartheid, entire villages in many Indian states are completely segregated by caste.

We know that the Indian Government often allocate separate facilities to separate, caste-based neighbourhoods. Dalits often receive poorer facilities, if, indeed, they receive any facilities at all. In many villages, the state administration installs electricity, sanitation facilities and water pumps in the upper-caste section but neglect to do the same in the neighbouring, segregated Dalit area. Basic amenities such as water taps and wells are also segregated. Medical facilities are often available only in the higher-caste areas.

India's constitution contains reservation or caste-based quota policies that were supposed to deal with the situation and improve it. The constitution reserves 22.5 per cent. of federal Government jobs, seats in state legislatures, seats in the lower House of Parliament and jobs in educational institutions for scheduled castes and tribes. Again, it is on the implementation and enforcement of that policy that things have fallen down. If one examines the percentages to see what the Dalit representation is in those areas, one finds that it is much lower than the 22.5 per cent. that is specified in Indian law.

During election campaigns in India—the world's largest democracy—there is de facto disfranchisement of Dalit communities much of the time. In February 1998, police raided a Dalit village in Tamil Nadu that had boycotted national parliamentary elections. In Bihar, to ensure their majority vote from the Dalit community, political candidates sent in civilian militias whose members intimidated and killed. More than 50 people were killed in elections in Bihar in 1995.

We heard that during natural disasters separate facilities and even separate refugee camps are set up for Dalits. There are serious questions to be asked about how tsunami aid, which was given in good faith by the people and Government of this country, was distributed. It is unbelievable that the issue of caste comes into play even in the face of appalling natural disasters. The allocation of relief aid is one situation in which one would hope that our common humanity would be uppermost and issues of caste would not apply.

The consequences of having a relationship or marrying outside one's caste are severe. On 6 August 2001, in the north Indian state of Uttar Pradesh, an

[Andrew Selous]

upper-caste Brahmin boy and a lower-caste Jat girl were dragged to the roof of a house and publicly hanged by members of their own families as hundreds of spectators looked on. The public lynching was a punishment for refusing to end an inter-caste relationship. In May 2000, in the Hardoi district in Uttar Pradesh, a police constable who was enraged by his daughter's marriage to a Dalit was joined by other relatives in shooting and killing four members of his son-in-law's family. In Nepal, some Dalits who married people of higher caste have reportedly been imprisoned by local authorities because of false cases filed against them by members of the upper-caste families. Obviously, that raises severe concerns about the justice system in Nepal. Dalits are often forbidden from performing marriage or funeral rites in public areas or, in some areas, from speaking to members of upper castes.

On debt bondage and slavery, in many parts of the world Dalits are only allowed to perform certain tasks and occupations, which are often badly paid, and in many cases they become slaves. The hon. Member for Wolverhampton, South-West was right to equate caste discrimination with slavery. There are many examples in which there are strong similarities between the two. That should give us all pause for thought and should cause serious concern in this country as we approach a significant anniversary as far as Wilberforce is concerned. Again, those problems are due to the lack of enforcement in India of relevant legislation preventing debt bondage. We should be seriously concerned about that.

I mentioned education. There are high Dalit drop-out rates from education. We should consider that.

Jeremy Corbyn: Does the hon. Gentleman acknowledge that in addition to there being poor education for Dalits and a high drop-out rate, large numbers of Dalit children end up being exploited as child labourers in all kinds of dangerous situations, such as brick making? Of course, that contributes to the complete lack of education for most of them.

Andrew Selous: The hon. Gentleman is absolutely right, and his point comes back to what I said about debt bondage. On education, the literacy gap between the Dalits and the rest of the population is significant. Almost two thirds of the Dalit population are illiterate, compared with half of the general population. That statistic demonstrates the concern well.

On freedom of religion, it is hardly surprising that some Dalits have wanted to move away from Hinduism because of the place that it has accorded them in society. Again, there are concerns about that, which I raised in Westminster Hall in January 2003. In the state of Tamil Nadu, a law was passed to ban conversions by, as the legislation calls it, "force or fraud." However, the leader of the militant Hindu group, RSS, claimed recently that no one converts voluntarily; it is always motivated by greed. The law is aimed, frankly, at stopping Dalits converting from Hinduism to other religions such as Buddhism, Christianity or Islam, which is something that many have wanted to do. The state authorities in Tamil Nadu vigorously opposed a recent conversion rally where a number of Dalits converted to both Christianity and Buddhism. Again, that is a fundamental issue of liberty and conscience, which the Government need continually to raise.

Jeremy Corbyn: Will the hon. Gentleman acknowledge that there are attempts to introduce the same kind of law in Sri Lanka, with exactly the same effect?

Andrew Selous: I am interested to hear the hon. Gentleman's point. He is quite right about Sri Lanka. Although the caste system in Sri Lanka is often thought to be much less severe than that in India, it still exists. There is a lower caste group, called the Rodiya, which still suffers discrimination. I am grateful to him for putting that on the record.

In India, 90 per cent. of those who live below the official poverty line are Dalits. If we are to get away from the notion that poverty is predestined to be intergenerationally persistent for certain groups, we need to address that problem. The Government need to be concerned with that if they are to have any hope of achieving the millennium development goals to which we are all committed.

When, quite rightly, Martin Luther King and others led the black civil rights movement in the United States of America, they did so for a black population of about 35 million, mainly in the southern states of America. When many in this House and outside it joined the struggle to end the abhorrent apartheid regime in South Africa, we did so for an African, coloured, Indian and Asian population of about 42 million. We were also quite right to do so. When some 300 million people worldwide suffer caste discrimination on an ongoing basis, it is unacceptable that the international community looks the other way, turns a blind eye and has not pushed the issue higher up the international agenda.

This is an issue for our generation. I pay tribute to the hon. Member for Islington, North for having secured the debate, to the Dalit social forum in India for its work, to the work of Dalit Solidarity Network UK and to the UK churches that are starting to take the issue seriously. Their interest is important and significant, and I hope that their pressure, along with that of all Members of the House, will continue to ensure that the Government take the issue seriously. If we are, in this year, to make poverty history, we have no choice but to end caste discrimination, as segregation in the USA and apartheid in South Africa have been ended.

We look forward to hearing what specific steps the Government can take in their dealings with international organisations, such as the European Union and the United Nations, and bilaterally with the many countries concerned, to ensure that the issue stays firmly at the top of the political agenda.

12.5 pm

The Minister for Europe (Mr. Douglas Alexander): I am grateful to my hon. Friend the Member for Islington, North (Jeremy Corbyn) for calling this debate. Let me begin by placing on the record my personal admiration for his efforts over several years on this issue. He has been supported by the Rev. David Haslam, the Dalit Solidarity Network and, as a colleague recognised, a growing number of British Church people who, quite reasonably, are greatly concerned about the injustice. Their campaign has been worth while. This is one of several Adjournment debates on the subject and I regret and fear that it will not be the last, as we face an enduring challenge. None the less, it is right to recognise the campaigners' considerable efforts to bring the issue to the attention not just of the Government but of the wider audience in the United Kingdom.

The hon. Member for South-West Bedfordshire (Andrew Selous) challenged me to offer specific measures. I hope that he will exercise some forbearance and allow me to set out some general points before I address the wide range of questions that were put to me by each speaker in turn.

The Government firmly believe that everyone is entitled to all the rights and freedoms set out in the universal declaration of human rights, without discrimination of any kind. Discrimination based on descent, to give it the title used by the UN convention on the elimination of all forms of racial discrimination, encapsulates discrimination based on forms of social stratification—caste or similar systems of inherited status—that impair a person's equal enjoyment of their human rights. Caste discrimination of the type found in India, which has featured prominently in this debate, is the most well-known example of discrimination based on descent. In that system, in which social mobility is severely limited and status is completely ascribed, the Dalits, or untouchables, about whose plight we have heard so much this morning, suffer multiple forms of discrimination and are typically assigned tasks or occupations that are considered filthy or polluting.

However, it is not only in south or south-east Asia that caste-like practices, including discrimination based on occupation and descent from slaves, are found. As we have heard today, they are also found in other parts of the world such as Africa. The discrimination suffered by such communities takes the form of a variety of human rights violations, including the lack of ability to alter inherited status; restrictions on marriage outside the community; private and public segregation in housing, health and education, and in access to public spaces, places of worship and even sources of food and water; inability to renounce inherited occupations or degrading or hazardous work; subjection to debt bondage; subjection to dehumanising references such as "polluting" or "untouchable"; and a general lack of respect for their human dignity and equality.

Discrimination based on caste or descent determines an individual's position in the social and economic hierarchy, not on the basis of merit but of heritage. It perpetuates social exclusion and reduces the rate at which poverty reduction can be achieved, as the hon. Member for South-West Bedfordshire said. The framework of international covenants and national legislation outlawing discrimination based on descent is an important step towards its elimination, but it has not been enough, as the hon. Member for Sheffield, Hallam (Mr. Clegg) pointed out.

As we all know, such practices remain all too entrenched despite the many international commitments made by the countries in question. It is therefore important that the international community engages at a more practical level to help to implement such commitments. One example of engagement is the child health programme: the Department for International Development has worked with the Indian Ministry of Health to develop targets for including Dalit and Adivasi women and children in the programme. It has worked hard with other donors to develop a monitoring system and incentives to ensure that such women are included. DFID supports similar initiatives in education and other areas.

It is clear that deep-rooted social attitudes and customs must also change. Of course, that is a much more difficult task, as was recognised by some of the speakers this morning. We welcome the fact that that is beginning to happen through natural social change. Migration, urbanisation, greater contact with other societies and new forms of employment all have an effect, but we can and must do more. We must encourage states, for example, to be proactive in tackling prejudice and changing behaviour to ensure that socially excluded groups benefit from public expenditure and have access to services such as health care and education.

Some hon. Members raised the question of tsunami relief in that context. The British public gave to that cause in record numbers almost a year ago, as did the Government. Unfortunately, media reports suggest that Dalits have experienced discrimination and difficulties in gaining access to emergency aid, but the Foreign Office's assessment is that that has been localised and complex, rather than universal. For DFID, I understand that emergency funding and first-stage rehabilitation require a demonstration of an appreciation of social issues and a strategy for addressing the issue of caste discrimination when targeting aid.

The hon. Member for South-West Bedfordshire brought to the attention of the House the full range of countries where the practices we have been discussing exist, and my hon. Friend the Member for Islington, North spoke about Senegal. We understand that there is a form of caste system in that country based on occupation, affecting blacksmiths and griots—traditional troubadours—in particular, and that marriage outside the caste system is strongly discouraged. An offer that I can make to my hon. Friend is that I will ask our desk officer in the relevant embassy to raise his concerns and write to my hon. Friend about the specific matter that he raised.

I was asked what action we are taking through the United Nations or European Union. We and our EU partners are of course committed to the promotion of all people's human rights and we continue to raise the subject of discrimination based on work and descent in our meetings with the Governments of the affected countries. The Prime Minister, as president of the EU, led the EU-Indian summit at Delhi on 7 September. During the summit a EU-India joint action plan was agreed, identifying key areas in which the EU and India agree to work together, and one such area, I am glad to say, is human rights. The UK presidency is planning to take that human rights dialogue forward before the end of the year and is consulting EU partners and the Government of India on the form, content and date of the dialogue. The British high commission in New Delhi has also discussed the issues with the Indian National Commission for Minorities and National Commission

[Mr. Douglas Alexander]

for Scheduled Castes and Scheduled Tribes, as well as state level authorities, drawing their attention to British parliamentary and public concern. It will continue to do so.

My hon. Friend the Member for Islington, North raised the Ambedkar principles. We are aware of the work that the International Dalit Solidarity Network has undertaken. I am grateful to my hon. Friend the Member for Wolverhampton, South-West (Rob Marris) for raising the specific challenge to British business that was contained in the documentation provided. I should be grateful, however, if the network provided the Foreign Office with a comprehensive outline of the proposals, as we have only the summary document that my hon. Friend mentioned.

Jeremy Corbyn: I can confirm that the Dalit Solidarity Network would be delighted to provide the Minister with full documentation and details. It will give a personal briefing if he would like one. In return, I hope that, after consideration, my right hon. Friend would be prepared to hold a serious seminar with British investors in India to discuss how they might best advance anti-discrimination legislation that applies in this country and about their attitude to where they invest.

Mr. Alexander: The challenge is complex. I do not claim that the complexity of British government quite matches the scale of that challenge, but as my hon. Friend will know, the Department of Trade and Industry leads on the issue of corporate social responsibility. There is a locus for the Trade Minister in the Foreign Office, who is not present in the Chamber today. I shall certainly pass on my hon. Friend's request. I am aware that in the past Ministers have raised the question of foreign investors' corporate social responsibility, and I shall offer my hon. Friend's suggestion to my colleagues.

Andrew Selous: I apologise for asking the Minister a question that I did not raise in my speech; I shall understand if he needs to confer with ministerial colleagues before he replies to me. We have heard a few examples today suggesting that caste discrimination is being practised in the UK. Given that the Equality Bill is before the House, will the Minister undertake to raise the issue with his colleagues in the Department of Trade and Industry so that we can be absolutely sure that if caste discrimination is occurring in the UK, an amendment covering that issue can be tabled?

Mr. Alexander: The hon. Gentleman anticipates the more general point to which I was coming about the evidence that would need to be produced. To add further to the layers of complexity, I think that the Home Office would be involved in what he suggests, given its responsibility for the single equality commission. I happily undertake to make my colleagues in the Home Office aware of the points raised.

Of course we are concerned by reports of discrimination against Dalit and other minority communities in India—as I said, the British high commission in New Delhi has raised them on various occasions. During the meeting of the Commission on Human Rights, the European Union expressed concern about discrimination based on caste and supported the decision to appoint two special rapporteurs to prepare a detailed study on discrimination based on work and descent.

The fight against racism, xenophobia and discrimination against minorities and indigenous people is a priority for funding under the European initiative for democracy and human rights. A call for proposals was launched in January 2005. The projects selected will provide a concrete follow-up to the Durban declaration and programme of action of 2001, and activities to combat caste discrimination are eligible for support. Oxfam, along with other local partners, is already running one such project in Nepal.

Let me respond to a couple of the other points made by my hon. Friend the Member for Islington, North about how the United Kingdom Government contribute to persuading the Indian Government to make their report to the UN Committee on the Elimination of Race Discrimination. As we heard this morning, that report is now eight years overdue. A prompt submission of reports to the UN committee on the elimination of race discrimination by all state parties is a key part of the international framework to combat discrimination, and we are therefore concerned about the delay in India's reporting. It is right that we encourage authorities to submit prompt and comprehensive reports, including on the situation of scheduled castes. Together with our European Union partners, we will continue to take every suitable opportunity to make clear our collective concerns on this and related matters. We aim to discuss that with our European Union partners when putting together the proposed human rights dialogue, of which I spoke a few moments ago, and we anticipate that that will take place towards the end of this year.

I was asked whether there had been any follow-up to the UN Commission on Human Rights study in 2004 and whether the United Kingdom could encourage that to be brought forward. At the Commission on Human Rights, the European Union expressed concern about discrimination based on caste and supported the decision to appoint two special rapporteurs of the sub-commission, about whom we heard from the hon. Member for South-West Bedfordshire, to prepare a detailed study on discrimination based on work and descent. Since then, the experts have been working with the Office of the UN High Commissioner for Human Rights on what they are permitted to do under their mandate. In particular, they would like, I understand, to hold regional consultations—ideally in the Indian subcontinent, Japan and west Africa, and possibly Senegal. The Office of the UN High Commissioner for Human Rights has told them that it does not think that they can organise UN consultations, given that that was not explicitly provided for in the mandate. Strictly speaking, from a financial perspective, that may be correct, as no consultations were provided for in the budget approved for the study, but the Office of the UN High Commissioner for Human Rights is considering whether to hold such consultations and fund them from some other part of the budget.

Jeremy Corbyn: At next year's United Nations Commission on Human Rights session in Geneva, will there be some way by which either the UK Government or the European Union could raise the matter that we have been discussing, perhaps by initiating the consultation at that venue to encourage the more local consultations to take place later?

Mr. Alexander: The first priority is to make sure that the special rapporteurs are able to do their work. Although I shall certainly bear in mind my hon. Friend's suggestion, it seems to me that the first priority is to support the Office of the UN High Commissioner for Human Rights in its efforts to make sure that if there is an alternative means by which that work can be undertaken in the meantime, that should be a priority. For the time being, the rapporteurs have been working on a questionnaire on the issue to distribute to all missions, which I understand should be ready for distribution by the end of November.

The hon. Member for Sheffield, Hallam raised a related question: what has the United Kingdom done on caste discrimination during its presidency of the European Union? It is right to recognise that the Prime Minister, as president of the European Union, took part in the summit in Delhi on 7 September, during which an EU-India joint action plan was also agreed. One of the areas under question was human rights. The form, content and date of the dialogue is still under discussion with our European Union partners, but it is possible that the reporting and access for the special rapporteurs could form part of that consultation. I will reflect on the points that have been put to me today as we take forward our discussion with European Union partners on that human rights dialogue.

More generally, the hon. Gentleman said that there was a challenge in working with the Indian Government to ensure not only that the international pressure is felt, but that domestic action is taken. One specific issue that was raised was the need for access to justice, and I am glad to say that specific action is being taken in that respect. The Department for International Development is making good progress on its partnership with the United Nations development programme and the Indian Government in developing the access to justice programme, which has recently been approved by the Ministry of Home Affairs and is now awaiting final approval from the Ministry of Finance to move to full design.

To assist and to inform colleagues, I will say that the aim of the programme is to achieve real access to justice for poor and vulnerable groups in India, including Dalits. To that end, DFID India has contacts at various levels in the Ministry of Social Justice and Empowerment, and also with other groups and institutions that work on Dalit issues. The views and issues of poor and vulnerable groups, including Dalits, will be the driving force behind the design and implementation of the access to justice programme.

I was asked what the Indian Government were doing to help Dalits to get a better education, as well as access to the system of justice. One of the preceding contributions recognised that under the reservation provision India's quota system reserves approximately 26 per cent. of Government jobs in India for Dalits and other tribal groups. The aim is to bring them into the political and social mainstream. I understand that there are also reserved places in the education system for the same groups.

The hon. Member for Sheffield, Hallam will appreciate that his specific point on conditionality of aid extends far beyond one country or one specific issue. I make an offer on behalf of my colleagues in DFID: perhaps they can write to him to deal with the general issue of conditionality in light of today's specific suggestion.

The problem of caste-based or descent-based discrimination manifests itself in a range of thematic areas, including contemporary slavery, racism, religious discrimination, poverty reduction, and social exclusion. That means that there are many angles from which to raise, and to tackle, this issue. Wherever poverty adversely affects people's enjoyment of their rights, we support country-led development agendas. We also encourage partner Governments to develop policies to take into account the needs of all groups in society.

A striking feature of caste discrimination is its intersection with bonded labour, where a person is required to give their labour as security for a loan. With literally nothing else on offer, that person is open to exploitation and is trapped into working for little or no pay until the debt is repaid. Sometimes, entire families are bonded or debts are passed down through generations. I say that with some personal feeling, given that when I was the Minister in the Foreign Office with responsibility for south Asia I had the privilege of visiting a DFID-funded project in Nepal. It provides land and a means of sustenance for former bonded labourers through the freed Kamaiya food security programme. It has supported a number of activities including income generation, scholarships and access to drinking water and sanitation, in partnership with international, national and local non-governmental organisations. The work continues through a number of smaller-scale projects under the community support programme.

Mention of Nepal reminds me of the earlier point that my hon. Friend the Member for Wolverhampton, South-West raised in respect of the Gurkhas. I am aware that recruitment takes place in Nepal, but I was unaware of the specific issue that he identifies. I give an undertaking that I will raise that matter with the relevant Minister in the Ministry of Defence.

I can assure hon. Members that the Government take this issue seriously. It is an issue on which, not least on the basis of the discussion that we have had today, there is great strength of feeling in this House. I know of the concern that is felt not only by Members of this House but by the many campaigners outside the House who have brought the issue to the attention of parliamentarians. That is why I offer this assurance: we will continue in our efforts to address the poverty, injustice and discrimination to which this issue contributes.

Ardmore Peninsula, Sutherland (Mail Deliveries)

12.25 pm

John Thurso (Caithness, Sutherland and Easter Ross) (LD): I am grateful to have this opportunity to raise the vital issue for my constituents on the Ardmore peninsula of mail deliveries, the cessation of which threatens the very existence of that small and vibrant community.

Perhaps it would be helpful if I were to explain where the Ardmore peninsula is. It is to be found on the west coast of Sutherland, to the south of Kinlochbervie. It is a small crofting township, comprising some half dozen or so households. There is also an important business located in it. It was founded by John Ridgeway, who is perhaps better known to Members as one half of the team of Chay Blyth and John Ridgeway that rowed across the Atlantic. He founded a very successful adventure school on the peninsula, which has been in operation for some 40 years.

Ardmore is in many ways typical of the remote west coast townships in my constituency and of many other communities in the west highlands, but it is atypical in one regard. Many such communities have withered and died in the modern era, but Ardmore has flourished and succeeded. It has made the most of its environment, and has a business that keeps it going.

Mail deliveries are essential for that business, but in March Royal Mail ceased to deliver mail to the Ardmore township. It cited two grounds for that. The first was that it was caught by the 15-minute rule exception—the rule by which, if it takes more than 15 minutes to deliver to a dwelling, Royal Mail can apply for an exemption from the universal service obligation.

Therefore, I should perhaps explain the access that there is to the township. From the main road, a single-track road goes most of the way to the township, but for the final part of the journey that becomes a one-and-a-half-mile path. It is a public path that is maintained by the Highland council, which has the responsibility of looking after it. I should also mention that the last part of the path is a steep rise through what is described as a waterfall.

Let me deal with the issue of the 15-minute rule. In an e-mail to me of 28 March, Royal Mail stated:

> "Although this decision"—

the decision to cease delivery—

> "has been taken primarily following the recent accident it has also been taken due to the delivery time falling out-with the regulators set criteria. This is set at 15 minutes—where the postman should not be delivering for longer than this to one door."

Throughout its dialogue with me and the residents of Ardmore, Royal Mail has maintained that the 15-minute rule applies, irrespective of what might happen with regard to health and safety. However, when Postwatch looked into this matter, it found that that was not the case. It stated:

> "Royal Mail had cited two reasons for ceasing deliveries to the above-mentioned addresses; health and safety, and delivery to the properties exceeds 15 minutes . . . The Direction states that in order for an address to qualify as an exception under the 15 minute rule it must be a single premise and be located on a private road or track and the track may be in poor condition . . . Therefore the 15 minute rule does not apply in this instance. The issue for Ardmore is therefore a single issue of Health and Safety."

Therefore, my first question to the Minister is to ask him to confirm that that is indeed the case, and that we may set aside the 15-minute rule in respect of Ardmore.

On the matter of health and safety, on 15 March a temporary postman slipped and fell. He reported the incident and also reported suffering bruising. The Lairg delivery manager, who has responsibility for the area, carried out a health and safety assessment and recommended the cessation of deliveries. At that time, I asked Royal Mail for a copy of the risk assessment, which it sent. It is clear from that assessment that it was written with the objective of achieving the desired conclusion, of which I give one example, rather than going through it line by line. The assessment states that by this stage of the route

> "you have been walking for 38 minutes and it is difficult to keep concentration as you are very tired."

Earlier in the year, I actually walked the route. I am nowhere near as fit as I used to be and I indulge in too many cigars, but I managed to walk from start to finish *in 27 minutes without breaking into a sweat.* I suggest that that is the more proper time for completing the circuit.

What is perhaps more worrying is that when the residents obtained a copy of the health and safety assessment through the Freedom of Information Act 2000, which they were entitled to do, the copy that they received was substantially different from the original copy that I had received, as significant changes had been made.

Postwatch has made it clear that it will not challenge Royal Mail's health and safety finding, as it correctly points out that it is Royal Mail's statutory duty to provide a safe working environment and Postwatch will not challenge its conclusion. However, its independent assessor also it made clear that it is the very last part of the walk, the steep part by the waterfall, that is of particular concern. I find it curious that a path that is considered safe by Highland council for a three-year-old and a five-year-old to walk to and from school every morning and evening, which is used throughout the year by thousands of visitors of all ages to access the adventure school, and which is used—obviously—by residents, and by tradesmen and other visitors, should be of such singular concern to Royal Mail.

There is a compromise that could be acceptable to the community, that the deliveries would be resumed to a point at the base of the waterfall where there is a fence. When I walked the path I was very pleasantly surprised, because there are a great many paths in the other part of my constituency, in Caithness, some of which even fall within my property, which are in nowhere near the same condition. The path is rather good and up to the fence it is reasonably level; it undulates rather than rising steeply. The community proposes that a post-box is placed at that point, which would be visible from their houses. The residents could then make the arduous ascent and descent to collect their mail. I ask the Minister to use his good offices to ensure that Royal Mail considers that option and, I hope, accepts it.

In the words of the residents,

> "mail deliveries are the survival artery of the business community here."

The Scottish Executive's policy objective in Scotland—I am sure that it is shared in Westminster—is to encourage remote and fragile communities to survive, therefore diversification into the kinds of business that they have is vital. For their success in the modern era, it is vital that arteries such as the mail continue to enable them to survive.

I have always suspected that the decision was not really about health and safety, but far more to do with cost-cutting and with removing the costlier ends of the spectrum from the universal service obligation. I also suspect that the decision could be the first of many in my constituency and others like it in rural areas. We have heard a great deal during the last week about Royal Mail's profitability and its desire to become a viable and competitive business. I hope that that will not be achieved by shedding the more costly aspects of the universal service obligation.

Will the Minister commit today to a truly universal service obligation? Will he confirm that the 15-minute rule exception does not apply in this case? Will he confirm that a decision taken under the health and safety exemption is a temporary exemption and that it can and will be reviewed on a regular basis? Would he support the proposed compromise, which should go a long way to solving the perceived problems of delivery and would be—if not entirely—a satisfactory answer for the residents? Will he help a flourishing community in a remote part of Scotland to continue to flourish?

12.36 pm

The Parliamentary Under-Secretary of State for Trade and Industry (Barry Gardiner): I am tempted to begin by saying that we must stop meeting like this, Miss Widdecombe. I am delighted to serve under your chairmanship and all the more so because I know of your keen interest in the rural post service. I congratulate the hon. Member for Caithness, Sutherland and Easter Ross (John Thurso) on doing exactly what a constituency MP should do: representing the needs and concerns of his constituents in a matter that is exceedingly important to them. He has done that clearly and set out proper concerns about mail deliveries in his constituency. I hope that I shall be able to address all his points.

It might be helpful if I begin by setting out the background to the restructuring of Royal Mail over the last four years, the universal service obligation, which the hon. Gentleman mentioned, and the framework for UK postal services. My right hon. Friend the Member for Leicester, West (Ms Hewitt), then Secretary of State for Trade and Industry, made two statements in the House in March 2002 and June 2002 following the announcements by Allan Leighton, the chairman of Royal Mail, then known as Consignia, about the company's three-year plan to restructure its postal services.

Nobody could have disputed that restructuring of Royal Mail was needed. The company was showing a pre-tax loss of £1.2 billion in 2001–02. Even allowing for exceptional costs from restructuring, there was still an underlying loss of £318 million on day-to-day operations. The company was losing more than £1 million every working day. The aim of the company's three-year renewal plan was to reduce costs by £1.4 billion a year, wipe out these losses and return the business to profit by April 2005.

I am pleased to say that Royal Mail has returned to profitability and the management have got to grips with costs and reduced overheads. The latest figures published last week for the half year to 30 September 2005 show that Royal Mail Group made an operating profit of £159.3 million. These interim results show a 20.5 per cent. improvement on the previous year's figure. As hon. Members will have seen, that performance was tempered by the 1.2 per cent. fall in mail volumes and by the size of Royal Mail's pension deficit.

Nobody should underestimate Royal Mail's achievement. The chairman, board, management and particularly the work force should all be congratulated on their efforts to turn the company around. However, Royal Mail still faces a huge challenge to build on this success and secure long-term sustainable profitability in a liberalised postal services market.

It was unfortunate, although perhaps not surprising, that Royal Mail's quality of delivery dipped for a while during the implementation of the renewal plan. There was a lot of media interest and justifiable concerns were expressed by customers about the poor performance they were receiving. However, it was a period of great change for Royal Mail—certainly the largest in its recent history and one with few parallels in British industry. Major changes were made simultaneously across Royal Mail's huge operational infrastructure—transport, sorting and delivery. Allan Leighton and Adam Crozier, Royal Mail's chief executive, held up their hands and apologised for the dip in service. Both gave personal assurances to the Government that they would give quality of service top priority.

The quality-of-service figures for the first half of the year were published last week and they are very encouraging indeed. The delivery of first class stamped and metered mail stands at 93.9 per cent. and is thus running at record levels. That performance beats the newly increased target of 93 per cent. as well as any performance that Royal Mail has ever achieved in the past. In northern Scotland, the figures for the most recent period indicate that Royal Mail delivered more than 96 per cent. of first class letters the day after posting. Royal Mail believes that 11 of its 15 quality targets are achievable this year.

We welcome those figures, which show a continued improvement in Royal Mail's quality of service results. Royal Mail and, in particular, the dedicated postmen and postwomen up and down the country, should be congratulated on their performance. However, the company recognises that it still needs to do a great deal. Market developments and changing customer needs continue to stimulate service improvement. Put simply, Royal Mail cannot take its customers for granted. Quality of service remains the board's top priority, because it cannot compete in a fully liberalised market if it does not get that right. The Government are confident that the company remains committed and determined to raise the quality of its service and that it will continue to focus special attention on those areas of the UK where local problems still undermine customer confidence.

The Government believe that they have established the right framework for the postal services market and Royal Mail. We have given Royal Mail greater commercial freedom in the public sector, established independent regulation as required by the EU postal services directives, and strengthened consumer representation. That policy was clearly set out in the White Paper "Post Office Reform: A World Class

[Barry Gardiner]

Service for the 21st Century", which was published in 1999 and implemented through the Postal Services Act 2000.

Underpinning the framework is the continued provision of the universal service at affordable prices. That is my first assurance in response to the questions asked by the hon. Member for Caithness, Sutherland and Easter Ross. That is why the obligation is enshrined in primary legislation in the Postal Services Act—the first time that any Government had done that—and why Postcomm's only statutory duty is to ensure the provision of a universal postal service at an affordable uniform tariff.

The universal service as written into the law—in section 4 in part I of the Postal Services Act—guarantees the following: a delivery every working day to homes across the UK, a collection every working day from access points throughout the UK, and a uniform and affordable price for posting letters and parcels up to 2 kg. In layman's terms, the universal service means that anyone in the UK can post letters and parcels to any other part of the country at the same affordable rates. It guarantees one delivery of mail for every UK household and business six days a week and one collection of mail six days a week. The Government aim to ensure that all UK postal users have access to postal services that are efficient, innovative and responsive to their needs. As the only licensed universal service provider in the UK, Royal Mail has the universal service obligation written into its licence.

There are exceptions to the universal service daily delivery, but exceptions can be allowed only in very specific and restricted circumstances. The Postal Services Act states that the universal postal service is provided

> "except in such geographical conditions or other circumstances as the Commission"—

Postcomm—"considers to be exceptional". The reason for building that exception into the Postal Services Act is clear. The Act recognises that there are or will be some circumstances in which it may be impractical to deliver and collect mail daily. The responsibility for determining those circumstances was conferred on Postcomm as part of its overall responsibility for operating the regulatory regime. It has approached the issue with proper diligence and care with a view to balancing the needs of the customer and the service provider—Royal Mail.

Following a wide-ranging consultation, Postcomm published a policy statement in January 2003, in which it explained the circumstances in which Royal Mail would be exempted from its licence requirement to deliver letters to all homes or premises every working day. The new direction specified two categories for long-term exceptions to the universal service daily delivery obligation: health and safety, and difficulty of access. Long-term exceptions apply to addresses on islands serviced by regular but not daily ferry or air services. In those instances, Royal Mail should provide deliveries on the days on which a ferry or air service is available.

Fewer than 1,100 addresses receive mail on fewer than six days a week, and three quarters of those are on islands without a daily ferry service. For the few islands and other locations accessible only by boat and without a ferry service, Royal Mail has to provide a postal delivery service not less than once a week, by boat, using local agents. Mail is available to pick up free of charge from the local delivery office on other days, for those customers who can get there. Customers are able to request a temporary suspension of the universal service—for example, if they want delivery only on particular days of the week.

Royal Mail has a legal duty to protect the health and safety of its staff. Where that is put at risk—because, for example, access to addresses is possible only across difficult terrain or over treacherous paths on mountainsides—the addresses concerned will be considered for exemption from universal service on health and safety grounds.

Royal Mail cannot unilaterally decide not to fulfil its licence obligations on an ongoing basis. Any exceptions to the universal service obligation require authorisation from Postcomm. Postcomm has ensured that there is a four-stage formal process by which potential and ongoing exceptions are carefully scrutinised by the regulator. It involves the attention of the consumer watchdog, Postwatch. The first two stages of the process involve risk assessments carried out by Royal Mail. At stage 3, Postwatch, the Consumer Council for Postal Services, takes a view on the case for exception. At stage 4, Postcomm carries out its own evaluation of the site before making a final decision on the case. The process is rigorous and inclusive and it ensures that all exceptions are properly justified.

Postcomm's exceptions policy is designed to ensure that the number of homes or premises exempt from delivery every working day is kept to a minimum. I understand that just over 3,000 addresses out of the 27 million in the UK—about 0.011 per cent., or 1 in 9,000—are exemptions from the universal obligation.

The hon. Gentleman has expressed his concerns about the situation facing some of his constituents on the peninsula. I understand that Postcomm has received "stage 4" universal service obligation delivery exception appeals from the residents of the crofting township of Ardmore, and from Royal Mail

The Ardmore residents and Royal Mail have asked Postcomm to reach a final decision on the debate, following the company's decision based on health and safety reasons to suspend daily deliveries to Ardmore. Royal Mail is, as I have mentioned., required by law to provide a safe working environment for its employees. As part of the exceptions appeals process, it has carried out two health and safety risk assessments of the track conditions in the area. On both occasions, it found the track to be unsafe. Postwatch, the consumer watchdog, also came to this conclusion at stage 3 of the appeals process.

Postwatch subsequently proposed a compromise solution: the positioning of a mailbox halfway along the track that Royal Mail had been using to make deliveries, at a point before the track reaches its most dangerous point. Royal Mail has argued that on this occasion, the compromise solution does not eliminate the health and safety risk to its employees, as the delivery officer will still be required to walk along the first part of the track to deliver mail to the box. I understand that the residents' appeal is based on a view that the track is not so dangerous that their addresses should be exempted from the universal service obligation of delivery direct to their doors.

In accordance with the agreed process for determining appeals, Postcomm has arranged to visit the site at Ardmore. The visit is scheduled to take place on 1 December. The aim is to gain a first-hand account of the background to the appeals case and to take a view on the specific conditions affecting delivery. In line with its policy on determining USO exception appeal cases, Postcomm will be accompanied by an independent health and safety consultant who will be required to carry out a health and safety assessment of the access track used by Royal Mail to deliver to the properties in question.

In due course, the consultant will produce a report summarising the findings from the site visit and recommend what can be done to reduce any identified risks to an acceptable level so that Royal Mail can resume daily delivery. Postcomm will consider that independent health and safety advice and any other relevant facts before a fully informed decision can be taken on the future delivery of mail to these addresses. I am confident that the process that Postcomm has put in place is rigorous, inclusive and robust enough to produce the right decision.

John Thurso: I asked the Minister about the 15-minute rule exception. I am grateful for everything that he has said about the robustness of the processes, but will he say why Royal Mail maintained absolutely in an e-mail to me and throughout subsequent conservations between its authorities and the residents that the addresses were subject to the 15-minute rule, and why it sought to back off from that assertion only when Postwatch visited and ruled in its submission that the addresses were not subject to that rule? Is not that indicative of a desire to close the matter regardless of that submission?

Barry Gardiner: I shall talk about the 15-minute rule in a moment. First, let me respond by changing things around slightly. Postcomm, not the Royal Mail, designated the 15-minute rule and decided that there should be no limit on the additional road distance travelled by a postal delivery vehicle to reach an address over a public or a private road that is maintained in good condition. There is a round-trip limit of 15 minutes on the extra time that the Royal Mail must spend on delivering mail on foot or by the vehicle used for the delivery route along a private road or track where access conditions are poor but not so poor that the address is excepted on health and safety grounds.

John Thurso: My point is that the road is a public road. Until 20 years ago, the post was delivered by bicycle along the track. It is not quite up to bicycling standards now, but it is certainly up to walking standards.

Barry Gardiner: I take the hon. Gentleman's point. I was simply stating the conditions under which the 15-minute rule applies, while making the point that the 15-minute rule was designated by Postcomm, rather than by the Royal Mail as he implied. If the track is public—he has told the House that it is—the 15-minute rule, as I understand it, clearly does not apply. I believe that Postcomm has conceded that already, but that the focus of stage 4 of its investigation is on health and safety. Those are the matters on which we should focus.

The hon. Gentleman also asked whether this was simply a cost-cutting exercise. I do not believe that a minor incident has been exaggerated so that costs can be cut in rural deliveries. Royal Mail has been working very hard to improve its safety record, and the number of accidents has decreased considerably in recent years. Most accidents that occur when someone is accessing customer premises do not result in a suspension of delivery, and cost is certainly not a consideration in assessing whether a situation is safe. The process put in place by Postcomm is robust enough to ensure that any exceptions are properly justified under its long-term categories.

I am confident that this is not a case of people simply saying, "Wouldn't it make life simpler and cheaper for us not to have to deliver to these rather remote addresses?" Royal Mail delivers regularly to such addresses throughout the country and it is happy and proud to maintain the universal service obligation, so I do not believe that we are talking simply about a cost-cutting exercise. I am advised that the postman who suffered the accident was a mountaineer. I have not travelled the track as the hon. Gentleman has.

John Thurso: It might help the Minister to know what the craic, as they call it, is in Kinlochbervie. All the other postmen were issued with high-quality mountain boots to enable them to go along the track. The casual postman, who as the Minister says was a mountaineer, had not been issued with those boots. The view is that he reported the accident in the hope that he would be issued with a good set of boots.

Barry Gardiner: That is a good story and I am pleased that the hon. Gentleman has relayed it to the House this morning.

The hon. Gentleman asked whether the health and safety exemption was temporary or permanent and put a question mark over any permanency. There may be points on which the health and safety exemption could be made permanent, but I imagine that the situation that we are discussing is remediable if the track is improved to such a level that it becomes safe for Post Office officials to walk it. Exceptions are, in any event, subject to annual review or an intermediate review at a customer's reasonable request, so the matter would always be open to reinspection.

I firmly believe that the Government have established the right framework not only for the postal services market and Royal Mail, but to deal with the problems that have arisen in the specific case that we are discussing. We have given Royal Mail greater commercial freedom in the public sector, established independent regulation as required by the EU postal services directive, and strengthened consumer representation. Postcomm's primary duty remains to ensure the provision of the universal service obligation.

Adequate procedures are in place to examine exceptions to the universal postal service. They are being applied in the present case and are ongoing. It is not for the Government to become involved in decisions on

[Barry Gardiner]

deliveries to specific areas; that is, rightly, Postcomm's ultimate responsibility. I am confident that Postcomm is fulfilling its duty correctly in this instance and I hope that, after 1 December, when the final phase 4 inspection takes place, a satisfactory compromise can be agreed between the hon. Gentleman's constituents and Royal Mail. I congratulate him on raising his constituents' concerns so effectively in the House today.

Enterprise (Wakefield)

12.59 pm

Ed Balls (Normanton) (Lab): I am grateful for the opportunity at this my first Adjournment debate to raise an issue that is of real importance to my constituents and to our district. It is about how we can boost levels of enterprise in Normanton and the Wakefield district, and help more young people to fulfil their dreams while making our economy stronger and fairer. I am also grateful to the Minister for agreeing to the debate. His commitment to the area was testified when he toured Yorkshire on 4 November to see our local progress in enterprise, skills and technology. He said:

> "It is evident that the Yorkshire and Humber region is breaking through in a number of important enterprise areas where others could follow."

My right hon. Friend shares my belief, as do my hon. Friends the Members for Wakefield (Mary Creagh) and for Hemsworth (Jon Trickett), that enterprise and skills are critical for the future economic success of not only my Normanton constituency, but the Wakefield district and Yorkshire.

Last week was national enterprise week, a campaign backed by the Government as well as the Confederation of British Industry, the Institute of Directors, chambers of commerce, the Federation of Small Businesses, Business in the Community and the Prince's Trust, which organised 2,000 events throughout the country—twice as many as the year before—that involved young people in enterprise. It focused, in particular, on women's enterprise and social enterprise.

The make your mark campaign is about bringing together an unprecedented coalition of businesses, charities and education bodies to make enterprise a reality for young people aged 14 to 30. In my constituency, many school pupils and college students were involved in enterprise activities last week, not least at Wakefield college, where on Friday an enterprise fair was organised at which I was interviewed by music students from the college who were learning how to run their own radio station. The interview was tough, but fair.

The Minister might ask why I chose this week to debate enterprise in the Wakefield district, when last week was national enterprise week. Last Friday, an important announcement was made that could have profound and historic implications for the district. The national enterprise campaign decided that, over the next two years, it will run and fund local enterprise campaigns throughout the country that can act as demonstration hubs of what can be done locally. It chose four areas for the hubs: Liverpool, Coventry, Lowestoft and, of particular importance to me and my colleagues, the Wakefield district.

The national enterprise campaign plans to invest £500,000 over the next two years in a local campaign to promote enterprise among young people. It will work with schools, local businesses, youth organisations, the local council and Members of Parliament. It will be based on the same principles that inspired the national campaign over the past few years—to motivate young people, to inform them and to allow them to make connections, and to influence local bodies to come together and support them. The same will happen locally.

The Minister might wonder why the Wakefield district has been chosen as the place to demonstrate to the rest of Britain how successfully a local enterprise campaign can be run. Our district has been chosen for three reasons. First, it has great economic potential. It is a great location in which the M1, the M62 and the A1 all intercept. It is truly the crossroads of Britain. We have a good industrial, mining and manufacturing tradition. There are many fine local companies, but new investors have also come into our district, such as Asda, Coca Cola, Next, Pioneer and Xscape, the second indoor ski centre in Britain. We have great skills and a hard-working work force. Over the past few years, unemployment has fallen below the national average as employment has risen.

At the same time, everyone in our district accepts that we have not yet taken proper advantage of our potential. Levels of adult skills in the work force lag behind the Yorkshire national averages. Too many young people still leave school at 16 without going to college, undertaking an apprenticeship or staying on in some form of education and therefore obtaining skills for the future. We have lower levels of business creation than other parts of the country. We have only 29 new businesses per 10,000 residents. In Yorkshire and Humber, the number is higher at 32 new businesses, while the United Kingdom average is 38. The highest number of start-ups in our region is 49, which is almost twice as many as in our area. Therefore, the second reason why our area was chosen is that we have the potential to change.

The third reason is the determination in our district to turn around statistics and to take advantage of our location and potential, and for Wakefield to lead again in the economy of the future, just as the north of England and our district led industrialisation in the 19th century. In our district, we are determined that we should lead again in the new industrialisation of the 21st century, not only closing the north-south divide, but allowing Wakefield to catch up with and even surpass our neighbours. That is not just my view. A year ago, our local authority decided, in response to the northern way initiative, to set up what we call the Wakefield way, to work out how our district should respond economically to the regional and national challenges, and look, for example, at how we can tackle the numbers of people on incapacity benefit and boost skills in the adult work force, regenerate our town centres and boost levels of enterprise in our community.

We also have regional support. Yorkshire Forward, our regional development agency, is a member of the Wakefield way and has backed the local make your mark campaign. Many local businesses are actively involved. I have had commitments in the past week from a number of businesses, not least from Coca Cola, whose bottling plant in my constituency is the largest in the world, actively to engage in our local enterprise campaign and visit district schools, and many other companies are willing to do the same.

We also have interest from schools, where head teachers are enthusiastic about the new opportunities that our make your mark campaign can bring, and from young people. To give one example of the commitment in our area to tackling these issues, only last week Connexions organised a careers fair for modern apprenticeships, which took place on a rather cold Thursday evening last week, and between 100 and 200 people were expected to attend. In fact, the queue looped round the streets of the Wakefield district as more than 500 people came to find out about apprenticeship options and see how they could take up those opportunities. There is a real desire among young people to engage.

Last week I visited Sheridan, a company in my constituency that was started in Leeds by two Normanton residents to make bespoke table tops and work surfaces for kitchens and bathrooms. Their company now employs more than 150 people and it is relocating from Leeds to Wakefield with a £4 million new investment, because they decided that if they wanted the business to expand and grow, with the space to do so, an authority that would back them, and the available skills, it was better for them to come to Wakefield. That is another sign of local commitment to enterprise, the strengths of our area and also the strengths of young people who have made their mark and started businesses that are now flourishing in our district.

Two weeks ago, in a local school, I met a young former pupil from Freeston school, who is now playing professional rugby at Warrington, and a 16-year-old from my constituency called Leeanne Newton, who, while studying for A-levels, is the number one in England at karate and the number three in the UK, with the potential to win a gold medal, if we can persuade the International Olympic Committee to allow karate at the 2012 Olympics.

As well as commitment from young people, we also have real commitment from the wider community. Our make your mark campaign is backed not just by the *Yorkshire Evening Post* and Ridings FM, our local radio station, but also the *Wakefield Express*, which is a high-selling local newspaper with some of the best regional business and enterprise coverage of any local newspaper that I have ever seen. So, we have a real commitment to make the initiative work. The national enterprise campaign was inspired by our potential, the gap and the ground that we need to make up, and also by the local commitment across the community to make it work.

I am sure that the Minister agrees that building an enterprise culture is critical if every young person in our district and throughout the country is to fulfil their dreams, whether they want to get an apprenticeship, go to university, write a film script, start a rock band or run their own business. If we in Wakefield could raise our game to the Yorkshire average, 1,500 new businesses would be created every year, and if we could raise that to meet the UK average, 3,000 more businesses would be created every year. Our target for the next few years should be to raise our game to the Yorkshire and then the national levels. As well as encouraging more young people to start businesses, if we can find in our district the next Kaiser Chiefs, and make sure that they come not from Leeds but from Wakefield, we will be putting Wakefield on the map for culture, too.

I thank the Minister in advance for replying to this debate. Can he assure me and my colleagues that the Government will continue to support enterprise among young people, the national enterprise campaign and the four local campaigns over the next two years? Will he encourage our regional development agency to give strategic support to our area, so that we can fulfil our

[Ed Balls]

potential, and the potential of our young people? Will he encourage his colleagues at the Department for Education and Skills to throw their full weight behind the initiative in order to boost enterprise and education in the curriculum? Also, will he encourage all schools to back the campaign, and in particular ensure that all teachers have the training and resources to back enterprise in the curriculum?

Finally, will the Minister come and visit our district in the next two years to see how we are doing, to encourage us in our efforts to boost local investment and jobs, and to back us as we fulfil our ambition to make Wakefield district the enterprise capital of not only Yorkshire but Britain?

1.11 pm

Jon Trickett (Hemsworth) (Lab): I congratulate my hon. Friend the Member for Normanton (Ed Balls) on securing this debate and on the role that he has played in encouraging enterprise, both as part of his present duties as a Member and in his previous role in the Exchequer.

If I may reflect on my own life for a moment, I left school with no qualifications; in fact, the head teacher said: "Trickett, perhaps you shouldn't return for the exams, since you're clearly not going to be too successful." For a while, I wondered what to do, and eventually I joined my father and grandfather in the building industry. I became self-employed and ran a business for a number of years during the Conservative Administration. That was a time when small businesses such as mine suffered from a surfeit of regulation, but that is another story.

Wherever I go in Wakefield—I represent the south-east of the district—I encounter people with similar life histories to mine. They have a dream and they have skills; all that they need is a little advice and support to realise their dream of running a small business that will perhaps one day grow into a larger one. We very much welcome the initiative and thank the Government for making it possible.

I want to reflect on another aspect of enterprise. We can define enterprise as someone having a dream, and then making that dream happen. Wherever I go in the 22 small villages and towns that I represent, I encounter people who have a dream, and who, occasionally, are struggling to make it happen. I describe those people as social entrepreneurs. They tend to invent a series of mechanisms to achieve what they want. I will briefly describe some of them.

In Upton there is a piece of land worth £2 million. It belongs to the local parish council. If it can be developed, that money would be used to develop sports facilities for the local rugby club, but there is no mechanism to achieve that at the moment. In Moorthorpe, St. Luke's church has created a crèche providing care for very young children whose mothers need to go out to work. A small surplus generated from that was used to open a shop selling second-hand clothes to very poor people in the area. Ten per cent. of the profits from those two enterprises go immediately to Romania, of all places, to help women who have fallen into prostitution.

In Featherstone, a range of local sports clubs have joined with the Featherstone Rovers in an attempt to build a sporting village. The village is badly in need of regeneration, and people there have very poor health. It would be wonderful to encourage sport and exercise, and to achieve our ambitions to create a healthier community. The facilities are very run down, but the land is there, as are the buildings, although they need investment. People of the area now understand that they need some sort of corporate vehicle in order to take their ambitions forward.

In Hemsworth, there is the Spring Life group, a small, church, faith-based group. It has created a healthy living centre. Again, we are talking about an area of very poor health. That now employs one person. There are a number of volunteers working there, in a local shop right in the middle of Hemsworth. Again, some small employment is being achieved, which gives assistance to those living in hell as a result of the long-term effects of the mining industry, in which all the villages that I represent were involved.

All those and many other schemes have been started by people who are not motivated by profit, but want to create something in their community, having recognised a need. Another scheme was started in Fitzwilliam. Kinsley, a former pit site, was in a shocking state, with the land derelict and poisoned. Two women, Anne and Margaret, got together and found the money, which, through their initiative and entrepreneurial skills, they converted into a wonderful park. What those entrepreneurial people need most frequently is a corporate vehicle—a not-for-profit company, co-operative or some other mechanism—to help them to achieve their objectives. I hope that, as well as stimulating private entrepreneurs, we do not forget that our communities need social enterprises of that kind. If we are to define enterprise as having a dream and then making it happen, I hope that that kind of initiative will help all those people and many others.

1.17 pm

Mary Creagh (Wakefield) (Lab): I thank my hon. Friend the Member for Normanton (Ed Balls) for initiating this timely debate and for his excellent work in this area. I attended with him the launch of the make your mark campaign at Outwood Grange college last Friday and was really impressed by the young people and business representatives whom I met.

As part of national enterprise week, I followed my trip to my hon. Friend's constituency with a trip to Wakefield college, which had been showcasing young businesses all day. I was there last year too, before I became a Member of Parliament. Wakefield college is a centre of vocational excellence in enterprise, which gives the district a head start in creating an enterprise culture. However, I was disappointed this year, because I arrived just as all the stores had shut up and I was too late to do my Christmas shopping. My disappointment increased when I discovered that the start-ups that I had missed included a shoe company called Kitten Heels, which I thought sounded promising, a lingerie company and, best of all, a chocolate company. The lesson for all politicians is to make sure they get there on time and have a chance to spend some money with these new companies. I shall make sure that I arrive a little earlier next year.

I am particularly glad that enterprise week is a national event, as there was clearly an exponential growth in the number of people attending this year. We need more entrepreneurship education, so that young people have a greater financial understanding, as well as the confidence and the aspirations to go out into the world and achieve their dreams. I believe that the make your mark campaign will go a long way to providing that education and creating a solid foundation. However, we must also address the gender gap and encourage young women to start their own businesses. A couple of months ago I led an Adjournment debate in this Chamber that looked at the difference in the numbers of men and women who start their own businesses. Young women have all sorts of extra barriers to doing so, such as child care responsibilities, very low incomes and lack of capital.

A number of projects in Wakefield help young women to start their own businesses. As my hon. Friend said, Yorkshire Forward has a women's enterprise strategy, and West Yorkshire Enterprise Agency Ltd. has a women's network that brings women together from across the county. I attended its monthly networking meeting in September and met some of the women business leaders who are putting our area on the map.

To return to the point made by my hon. Friend the Member for Hemsworth (Jon Trickett), Wakefield has several excellent social entrepreneurs. A new community centre in St. Swithun's at Eastmoor now has a healthy living centre and a crèche, which my son attends. There is also a new Denby Dale centre, which has been given by the mill owner, where community enterprises can start their businesses.

In short, I would be keen to hear what plans my right hon. Friend the Minister has to address the gender gap in non-gender specific roles, and I wonder whether our education system can support social entrepreneurs and help young people to aspire and achieve their dreams.

1.21 pm

The Minister for Industry and the Regions (Alun Michael): I think that this is the first time, Miss Widdecombe, that I have had the pleasure of serving under your eagle eye in Westminster Hall. I shall behave myself.

I thank my hon. Friend the Member for Normanton (Ed Balls) for initiating this debate. What we heard from him and from my hon. Friends the Members for Wakefield (Mary Creagh) and for Hemsworth (Jon Trickett) demonstrates that Wakefield is lucky to have such a strong team of representatives, who clearly believe in driving enterprise forward in the area.

I am extremely pleased that Wakefield was chosen as one of the first places in the United Kingdom to run a make your mark local enterprise campaign. I suspect that there are three reasons for that. The first is the partnership demonstrated today, with my hon. Friend the Member for Normanton being supported vigorously and knowledgably by his two colleagues. That makes clear their local leadership. Secondly, my hon. Friend referred to the determination to change the face of the local area and its statistics, because of the human misery that goes with underperformance. Thirdly, my hon. Friend showed leadership today by voicing the will and determination of the local area not only to be selected but to use the opportunity to the full. I congratulate him on that.

I will do all that I can to support national enterprise week, and the expansion of those activities throughout the year. I have met people from Enterprise Insight on several occasions to try to ensure that we do as much as possible this year, and to throw the full weight of the Department of Trade and Industry behind enterprise week. My hon. Friend may be interested to know that we will have a manufacturing day next year, as well as the social enterprise and the women's enterprise days that took place this year. Manufacturing is still crucial to the economy, and it needs that specific focus.

I also agree with my hon. Friend on the importance of working in close co-operation with colleagues in the Department for Education and Skills. The money going into enterprise education is crucial, but one of the messages that I have been trying to put across to business leaders is the importance of them engaging with schools that are undertaking enterprise education. We do not want enterprise talked about; we want young people to get the feel and the smell of enterprise from those who have done the work of setting up their own businesses. In that way, they will understand the options before them. I am happy to promise to visit Wakefield to see how it is developing. There are some real challenges in the Yorkshire and Humberside area, and a variety of approaches is being taken in a number of towns and cities, which will be particularly interesting for us all.

My hon. Friend the Member for Wakefield referred to a range of imaginative enterprises, and she rightly underlined the importance of women's enterprise. Were we to have the same proportion of women running businesses as the United States, we would have another 750,000 businesses. Think what contribution three quarters of a million more businesses could make to the economy. Promoting women's enterprise is not only a question of enterprise and economy; it is also a question of equality. I am pursuing the matter in conjunction with the Under-Secretary of State for Trade and Industry, my hon. Friend the Member for Sheffield, Heeley (Meg Munn), who is enthusiastically dealing with such issues in the DTI.

I was pleased to hear my hon. Friend the Member for Hemsworth refer to social enterprise. He spoke of having a dream and making it happen. People aspiring to live in a better society and making change in a business-like way is what underpins the community interest company that we launched recently. It makes it easier for people to become involved in real businesses—ones that address the triple bottom line of achieving commercial, environmental and community value. That contribution to the economy should not be underestimated.

Promoting enterprise involves engendering a can-do approach to life and business. Specifically, the make your mark campaign gives Wakefield a unique opportunity to promote enterprise and to inspire its young people to turn their ideas into reality by launching businesses and community projects and by developing new ideas in existing organisations.

Wakefield is one of only four places in England that have been chosen for these intensive local campaigns. The others are Liverpool, which I visited recently,

[Alun Michael]

Coventry and Lowestoft. Each has been chosen because senior local figures are willing to act as champions for the campaign. Moreover, key local and regional organisations are working in partnership to run the campaign. Importantly, each area has a sense of identity. Local people share a sense of place and community.

The aforementioned leadership is important, and Wakefield clearly has it. However, we must also promote activity in places where leadership is not so apparent. I look forward to working with my hon. Friends and others to promote ideas that spin out from what I hope will be considerable success in Wakefield. The make your mark campaign is the first business-led and Government-backed campaign of its type. It aims to kick-start an enterprise culture among the UK's young people, particularly those aged 14 to 30. The message at the heart of the campaign is that enterprise is about having ideas and ambitions, and about making those ideas and ambitions reality.

A coalition of business, charities, education bodies and Government supports the campaign to inspire young people to be enterprising, so that their ambitions can be expressed through business start-ups, through social and community enterprise and through becoming enterprising employees—people who make their ideas happen at work.

I have always favoured promoting the culture of an enterprising public sector as much as promoting the culture of an enterprising private sector. I hope that I contributed a little to that through my youth and community work. Life can be exciting in the public sector as well as in the private and third sectors.

The local campaign will use a proven coalition-building and campaigning approach. To summarise, the local enterprise campaign will seek to lead a coalition of partners that inspires young people to connect to the enterprise agenda. The campaign will bring together businesses, including regional development agencies, business links, enterprise agencies, local government economic development units and others to support and act to inform people who have a genuine desire to advance their ideas. It is important to form local networks to connect young people. Those networks will encourage peer-to-peer engagement and personal development.

We should not underestimate the extent to which peer influence brings about change. Young people look to their peers and to their peers' attitudes. The sky is the limit for a generation of young people who want to be enterprising. Enormous possibilities exist. It is also important to gather the necessary evidence in order to influence key players. We must lobby locally and nationally for resources to support what is essential work.

I congratulate my hon. Friend the Member for Normanton on forming such a strong group in Wakefield. It includes the council leader, Councillor Peter Box; the chief executive, John Foster; the deputy chief executive, Tony Reeves; the director of education, John McLeod; the director of regeneration, Jonathan Hall; and Yorkshire Forward's deputy chief executive, Tom Riordan.

As my hon. Friend said, enterprise week was a great success this year. I am very impressed by the range of activities that took place in Wakefield: Wakefield goes live for "Children in Need"; the Wakefield media challenge; and Wakefield enterprise goes live, which was a young people's enterprise radio station.

That is an impressive basis on which to continue with the campaign for which Wakefield has been chosen after winning the national enterprise challenge. The campaign will also form an important part of Yorkshire Forward's activity. We want the regional development agencies to drive the enterprise agencies—

Miss Ann Widdecombe (in the Chair): Order.

Flood Prevention (London)

1.30 pm

Simon Hughes (North Southwark and Bermondsey) (LD): I am grateful for the opportunity to have a short debate on flooding in London. I thank the Minister for attending and for his continuing interest and expertise in these matters. I look forward to a response.

I have asked for the debate now because of three interconnected issues. First, in my borough—although, as it happens, not in the part that I represent, but in Dulwich—significant flooding was caused last year by the drainage system not being able to cope. That was in April, when severe thunderstorms happened periodically across the city. The local authority, together with Lambeth, the authority next door, has completed its investigation and made recommendations as to what might be done.

Secondly, I represent a riparian constituency, which is nearly all extremely low lying. Indeed, almost nothing is above sea level and many homes and commercial properties in north Southwark and Bermondsey have below-river-level basements, living accommodation, cellars and storage places. There is general concern that we plan to ensure that the floods of yesteryear are not repeated in the years ahead.

Thirdly, a comprehensive study was undertaken by the London assembly and completed, as the Minister will know, a month ago. It was chaired by Darren Johnson with the participation of colleagues across the parties, including my colleague Mike Tuffrey, and has made some recommendations about what we should do for the future. It would be helpful to flag up what it suggested was the responsibility of the Government and of public agencies, and how there ought to be a response.

In the month that I was elected for the first time—February 1983—the Thames barrier opened for business. A year later, it was formally opened. I remember going to the event. It was an extremely cold day in what can be a fairly bleak bit of the Thames estuary in Woolwich. The Thames barrier has been a huge benefit to London. Ever since it opened, it has helped to prevent some of the flooding that we used to have in the part of London upstream of the barrier. Between Teddington lock, which I formally visited for the first time this summer, and the Thames barrier, there is a much greater sense of security than there used to be. Happily, the Thames Gateway has not been severely affected since the 1950s, when the whole of the east coast was severely affected by flooding.

The design and construction of the Thames barrier was based on projections up to 2030. Although it will be able to function after that, planning is now beginning to ensure that it will meet demands beyond that. My hon. Friend the Member for Lewes (Norman Baker) submitted a written question not many months ago in which he asked the Secretary of State on how many occasions

> "the Thames Barrier has been closed in each year since its inception"—

it is obviously closed to deal with the tidal surges—

> "and what estimate she has made of the number of occasions when it will be closed in (a) 2010, (b) 2020, (c) 2050 and (d) 2100."—[*Official Report*, 16 June 2005; Vol. 435, c. 564W.]

It traces a pattern, which we would have expected, that shows that the climate is changing and the water level is rising. We need protection more than we used to and will need it even more in the future.

To select figures from the answer, the barrier was closed for tidal reasons once in the year it started, in 1982–83. A decade later, in 1993–94, it was closed seven times. In the last year for which we have figures available, 2004–05, it was closed three times. In 2000–01, it was closed 24 times and in 2002–03, 20 times. The Environment Agency expects 10 to 12 closures a year until the end of this decade, 20 to 35 by the end of the following decade, anything up to 75 closures a year by the half century and 325 a year by the end of the century. That is because, as the Minister will accept, the combination of climate change, heavy rains and rising sea levels causes the agency rightly to anticipate that it will be used much more.

There is another consideration to add to the list of concerns, which includes local issues relating to the capacity of the current sewerage system infrastructure to take away surplus rain and other water, and the safety of areas upstream from the Thames barrier. We must consider how we will cope with the projected house building and development in the Thames Gateway. Although it is welcome, it needs to be done in a way that gives people security.

When preparing for the debate, I noted that the Association of British Insurers estimates that the further investment in defences that will be needed for the whole of greater London is between £4 billion and £6 billion over the next 20 years—if development is allowed north and south of the river in the boroughs along the Thames in east London—if we are to do what Government planning, the Office of the Deputy Prime Minister and others want done.

I received an unsolicited but helpful note from the London borough of Barking and Dagenham. I am conscious that the riparian boroughs consider and plan for these things, and that they are on the case—as they should be. I hope that it is appropriate to get some of the planning work out into the open. Will the Minister do that in his reply?

I shall address the considerations that I listed in turn, starting with the lack of capacity in the sewerage or drainage system. Occasionally, we in London see how much pressure the system is put under when there is heavy or continuous rain. What does the Minister consider to be the ability of the responsible authority—Thames Water, under the regulation of Ofwat—to respond to the need for significant investment in drainage in London? Thames Water says that if it is to do that, it needs much more than Ofwat will allow it to raise. The Minister and I know that there is perfectly reasonable consumer pressure from our electors, who do not want their water bills to go through the roof, so there will always be tension between the water companies, which say, "Give us the money and we can do the work; we can make the drains work," and the regulator, which says that that is unreasonable.

Some parts of the drainage and sewerage system are old, and there is sometimes feedback of sewage into the Thames when there is flooding. That is highly undesirable. I do not detect any particularly political debate on that, and there is a general desire to get the

[Simon Hughes]

infrastructure in place as soon as is practicably possible, so that there is capacity around the London boroughs to process normal or frequent heavy rainfall without a significant number of homes being flooded.

The number of homes flooded as a result of the flash floods in Southwark in April 2004 was just short of 1,000, and there was considerable inconvenience and cost to those concerned. That could happen anywhere. It happened to be there on that occasion, but Dulwich is not the most low-lying part of the city. It would help if the Minister said where the Government envisage their role to be in working with the water industry and regulator to ensure that the capital city functions well in terms of its capacity to deal with flooding. I know that local authorities such as mine would be happy to collaborate with him and his officials in future, as they have in the past.

By and large, people are happy to accept the reassurance that, barring the entirely unexpected, the area between Teddington lock and the Thames barrier should be safe from flooding. It would help if the Minister confirmed that and told us what is being done by his Department, the Environment Agency and the ODPM to deal with the small areas of the river bank where defences are weaker and need to be replaced. They are often perceived as crisis points, at which there is a confluence of small rivers coming into the Thames and with the Thames itself. It would also help to know that where there has been significant additional building on what used to be wharves—they became empty and are now residential homes, businesses and offices on the Thameside—those boroughs will be secure and people will know that they can plan ahead. That is the second issue.

On the Environment Agency's helpful website, on which people can type in their postcode to see what the flooding risks are, there is a map of London, showing where the risks are and fanning out as one looks downstream. I thank the agency for proactively and informatively trying to ensure that the public are informed. In the north of boroughs such as mine, we are, in theory, at risk. The Minister's assessment and analysis of what can be done, will be done and, with the Environment Agency, is planned to be done, would be helpful.

The third issue is the big one. If London is to expand as the Government anticipate it will, if there is to be the additional population for which the Mayor of London is planning, and if there are to be the additional homes that we need—we need a significant number of extra homes—it would be helpful to hear what the Government think about the policy for ensuring that development is reconciled with pressures on the land. I understand that some sensible strategies have been accepted and proposed.

I should like to put on the record the relevant recommendations from the London assembly investigation, which, having finished just a month ago, was timely. I understand that 120,000 new homes and 250,000 new jobs are proposed in the Thames Gateway. I am told that the evidence to its committee stated that 5 per cent. of defences were in a poor or very poor condition. That is not a huge amount, but it is significant and the defences must be dealt with. Some 1.25 million people are in the area and, were things to go wrong, they could be adversely affected.

The London Climate Change Partnership made the following projections for our changing weather during the next 70 years: winters will become wetter by up to 30 per cent.; heavy winter rainfall will occur twice as frequently; the number of storms each winter crossing the UK could increase from five to eight; relative sea level in the Thames estuary will continue to rise, reaching between 26 cm and 86 cm by the 2080s, with extreme sea levels experienced more frequently; and, finally, without flood defences, 15 per cent. of London's homes will suffer a 0.1 per cent. chance of tidal flooding each year. It is only 0.1 per cent., but it is significant, and that percentage will increase as the sea level rises.

Those are the pan-London figures, and the committee made the following recommendations. First, it recommended that the Government, the Minister's Department and the Environment Agency work out the funding mechanisms to ensure that the Thames estuary 2100 project, which will take safety beyond 2030 to the end of the century, is secure, can go ahead and can be planned with collaboration from other public authorities. It is early days, but I know that the project is in the sights of the Department and of London's government.

The second recommendation was that not only the tidal defences, but the other defences along the river are surveyed so that the survey is complete and up to date. The proposal is to complete it by the end of next year, so that any necessary work can be done in the few years after that. It would help if the Minister said whether the Government see themselves having any indirect or direct or role in that.

Thirdly, are the Government's strategic plans for housing in the Thames Gateway going to leave up to 40 per cent. of the land undeveloped to provide the capacity with which to take up any flooding or water need? One way to deal with the pressures of the build is to leave a lot of open space with the capacity to soak up any flooding. It would be reassuring to know that the Minister's Department was fully engaged with those plans so that we did not overdevelop. Overdevelopment would mean that many people who might have been encouraged to go to that part of the world will not or might not go, having been told by their insurers that it is a bad risk.

Fourthly, what are we doing to ensure that the new and old infrastructure of our roadways can cope? I am no engineer, but I understand that the surface of the road determines its effectiveness. The assembly committee recommended involving Departments, as well as others, to ensure that we have roadways that reduce surface water and serious flooding. Fifthly, are there proposed changes to the planning guidance to ensure that we build in the right place and in the right way, and that we do not over-pressurise the natural capacity of the river and the river defences to do their job properly, particularly along the Thames Gateway, but and also further upstream?

Lastly, how do Ministers plan to respond if anything untoward happens? Obviously, the principal responsibility in London lies with London government, but the central Government have rightfully asked whether they can assist in Carlisle, in Yorkshire and in other parts of the country, as we have seen. We would all rather not have to ask them to assist after the event. We would prefer people to say, "Thank goodness everything was in place and we were all secure."

I do not mean to suggest that there is huge alarm and panic; quite the contrary. I want this to be an opportunity for the Minister to assure people that things are in hand, that we are learning from past mistakes and experience, and that plans are in place, whether at borough level, at London level or at Government level, to ensure that London is as safe from flooding in the next 25 years as we have been in the 25 years since the Thames barrier was built.

1.47 pm

The Minister for Climate Change and the Environment (Mr. Elliot Morley): I congratulate the hon. Member for North Southwark and Bermondsey (Simon Hughes) on his comprehensive little run-around on London's potential flood risks. There is no doubt that any major city with a tidal river and several waterways running into it is at risk. The Government's job is to work with local authorities and the Environment Agency to find ways of reducing that risk.

I am happy to address the points made by the hon. Gentleman, because London and the Thames estuary is generally very well protected. Most of the area is protected up to a standard of 1 in 2,000 years. A standard of 1 in 1,000 is very common in the gateway area, which is a pretty good level of protection.

The hon. Gentleman talked about non-fluvial flooding, which is flooding from drains and sewers, and that is a big issue. In the major floods of 2000, about 40 per cent. of properties were flooded from non-river sources such as blocked drains and sewers. We identified that issue in our policy paper "Making space for water", which examines all forms of flooding so that we can consider the matter holistically, recognising that flooding comes from several sources.

As part of the "Making space for water" initiative, the Department of Environment, Food and Rural Affairs will pilot integrated urban drainage partnerships in 2006-07 and publish its recommendations in 2008. We are trying to give the Environment Agency a much more strategic overview of all sources of flooding, and have allocated £2.1 million to those pilots. Several local authorities have expressed an interest in being part of them.

We also continue to promote the use of sustainable urban drainage systems where appropriate. We have developed an action plan to resolve any barriers to uptake. We are also working to improve the uptake of resilience and resistance measures so that households and businesses are better able to protect themselves from the effects of a flood.

The hon. Gentleman mentioned the development of the Thames Gateway and the use of green space. I confirm that the green settlements will include green space, which will have the benefit of providing recreational areas, but can also be used for sustainable urban drainage. So there could be a number of uses, which are being addressed in the plans.

It is also true that there has been discussion on the design of roadways, so that they can be used to channel water away in the event of a flood event or an extreme downpour. I do not know how far that has been taken in the Thames Gateway, but I can confirm that it is a consideration. Also, the flood risk maps are important in providing information for people and have been well utilised through the Environment Agency website.

The hon. Gentleman also asked about the state of river flood defences between Teddington lock and the Thames Gateway. Again, they are generally to a high standard. The Environment Agency is carrying out a survey of all flood defence assets, as the hon. Gentleman mentioned. Incidentally, the idea is that the survey is designed to look at all flood assets because not all flood defences are in the ownership of public authorities or the Environment Agency. There are privately owned flood defences; it is useful to know that, and to know their condition. If there are weaknesses within the flood defence network, they will be need to be addressed. That, as the hon. Gentleman says, is under way, and I am quite confident that the Environment Agency will deal with it.

As I was saying to the hon. Gentleman, we recognise that we have no room for complacency on any area in managing flood risk. Although standards are high in London, we need to ensure that they are up to date, properly maintained and fit for purpose. In terms of London's defences, apart from the well-known Thames barrier, there are 12 other major barriers, 36 industrial flood gates and over 330 km of tidal walls and embankments protecting the estimated 1.25 million people working and living in the tidal floodplain. The Thames barrier, and associated defences, provide London and most of the Thames estuary with a flood defence standard of one in 2,000 years, which is a high standard.

In addition, flood risk is being taken into account much more in the development of local and regional plans. For example, the London Development Agency is currently completing a strategic flood risk assessment for the lower Lea regeneration area. That includes taking into account the point that the hon. Gentleman rightly made—the increasing risk of climate change and its implications for more extreme weather events, and more winter rain. That is part of the modelling.

The 2030 issue is mentioned repeatedly with regard to the Thames barrier. Some people almost think that it will disappear in a puff of smoke in 2030. That may not be what the hon. Gentleman is saying, but some people are getting a bit carried away, saying, "Oh, it reaches the end of its life in 2030." Well, it does not. When it was originally built, the projections in sea level rises went up to 2030, so that post-2030 it may move from a standard of, for example, 1 in 2,000 years to 1 in 1,900. There is rising sea level in the east—as you will be aware, Miss Widdecombe, since it affects your own constituency. To compound further that rising sea level, south-east England is slowly sinking as the country tilts geologically. That, too, has to be taken into account—I believe it contributes about 2 mm of the projected sea level rise—but the Thames barrier has a considerable life yet.

What might need to be done in order to raise the efficiency of the Thames barrier would actually be to raise the outer London flood walls and flood embankment. That is taken into account in longer-term planning. The hon. Gentleman mentioned Thames Estuary 2100. The Environment Agency is developing a

[Mr. Elliot Morley]

major flood risk management strategy to address how we can protect London over the next 100 years. We are trying to look ahead at the long-term implications. That study will examine the options and their technical, economic, environmental and social implications. TE2100 will also look at options for the Thames barrier. Barrier closures are increasing—as a consequence of rising sea levels, as anticipated by the Environment Agency—and the barrier can easily accommodate the predicted closure frequency for 2030.

This is an important and welcome study. It will be vital for informing our long-term plans for London and the Thames estuary. Taking steps now to identify future needs means we are less likely to be storing up trouble for the future. TE2100 will look at long-term flood management needs, but all decisions on planning, development and regeneration cannot await the outcomes of that project.

Development on the flood plain cannot be avoided completely. In many cases, there are compelling social and economic reasons for development to continue in such areas; that can prevent blighting areas. However, we must also make sure that flood risk is properly managed. For development to be sustainable, it must avoid flood risk where possible.

In that respect, Government planning policy statement 25 is being updated. It will give guidance to planning authorities about developments in flood plains. In some cases, it will be appropriate to reject planning applications because of flood risk. In other cases, it might be possible to accept them, but on the basis of a contribution being made by the developer in respect of mitigation not only for the development, but for implications for other existing development in the area. Most importantly, PPS25 proposes as part of the current consultation that if the advice of the Environment Agency is ignored by the planners—which I am glad to say happens in very few cases these days, but it does happen—it can ask the appropriate Minister to call in the application so that it can be properly examined. That is an important sanction.

The hon. Gentleman asked about the condition of sewerage. As part of the recent price review, the regulator made available to all the UK water and sewerage companies an additional £1 billion, to address sewer flooding. I do not know offhand what proportion of that was included in the Thames Water business plan, but I am sure that it has bid for a proportion of it to upgrade its sewers. I also know that its business plan includes upgrades for the three main sewage treatment plants in London to deal in particular with storm surges. That might not, in itself, tackle all the issues of drain and sewer flooding, but it will certainly help in a number of respects, not least in relation to storm discharges into the Thames. I welcome that investment.

The hon. Gentleman identified a range of serious issues that need to be addressed. The last one, which I did not mention, is resilience and contingency. We have contingency plans, which are regularly tested. There was a major recent test called Operation Triton. It was a desktop exercise involving breaches in the outer London defences—we did not actually dig the breaches in the defences. Its purpose was to test the responses of local authorities. The London resilience committees and sub-committees also deal with such major situations.

The defences are in good condition, and they are of a very high standard, but we do not take these matters lightly. We plan for the future. We are looking ahead for the next 100 years, and, given the importance of London and the need to protect lives and properties, people can have confidence that the necessary investment and commitment will be made.

Question put and agreed to.

Adjourned accordingly at Two o'clock.

Westminster Hall

Wednesday 23 November 2005

[MR. ERIC ILLSLEY *in the Chair*]

UK Space Policy

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Heppell.]*

9.30 am

Mr. Bill Olner (Nuneaton) (Lab): I declare an interest as the joint chair of the all-party group on space, which has the support of nearly 100 Members, from both Houses and from both sides of this House. I am delighted to see my co-chair, the hon. Member for Esher and Walton (Mr. Taylor), on the Opposition Front Bench, and to see the considerable number of members of the space group here. They, and you, Mr. Illsley, will know that my interest in space and my support for it in the House is of long standing.

I asked for this debate for a number of reasons. First, the relevance of space to all of us is growing. We live in an information age, and much is possible because of satellites. Television, mobile phones, weather forecasting and satellite navigation are just a few things that show that our lives increasingly depend on space technology. Increasingly, space applications play a crucial role behind the scenes, monitoring disasters, assisting in aid efforts and driving forward our understanding of climate change.

Secondly, today's debate allows us to pay tribute to the lead role of UK space in that revolution. That role has been possible only because of sustained development and investment in technology over the years. I give the hon. Member for Esher and Walton credit for his work as a Minister in the previous Government to advance joined-up thinking about space. Such thinking is crucial if the UK is to play a major role in Europe and across the globe and to get its share of space contracts in future.

In March and November, the world's biggest and most sophisticated telecommunications satellites were launched. The Inmarsat-4 satellite series was made in Britain by EADS Astrium and operated in Britain by Inmarsat, the world's most profitable mobile satellite communications company. That is a triumph both of British technology and of British business success in using that technology to ensure that profits are made for British business. It is a shining example of technology transfer really working, involving British technology moving through to a British business and on into the global marketplace, all of which is a huge success.

When UK space was not making the news, it was often behind the news. UK space is a vital part of the world's disaster monitoring and disaster management infrastructure, and British companies used British space technology this year to make a real difference to relief efforts after the Asian tsunami, the famine in Darfur and, most recently, the earthquake in Pakistan and Indian Kashmir. Our space industry is not just making money; it is saving lives.

It is no surprise that the space sector is seen by many countries as a prize asset and a strategic asset. Britain spends £195 million a year on civil space activities. That is equivalent to about a penny per person per day. Sadly, our level of spending as a proportion of gross domestic product is only 16th in the world; we are well behind the Finns and the Belgians. Although we do well, if we are to remain a world leader and a sharp cutter at the edge of this technology, we need more investment.

Mr. Nigel Evans (Ribble Valley) (Con): Does the hon. Gentleman agree that if the Government were to increase that money, it would be not expenditure but investment? It would repay itself, not only because of the commercial profitability of which he has spoken, but because the skills that our space industry is famous for encouraging would grow and prosper.

Mr. Olner: Yes. There is always a semantic difference about whether funding is an investment or a cost. Money invested is space is just that: an investment for the future. As I shall say a little later, it is an investment because of the amount of technical expertise in the industry. The figures will become clearer later, but an enormous number of graduates take up worthwhile and meaningful careers in the space sector. Investment in the industry not only repays itself; it is an investment into the education of some of our young people.

Across the UK, the space sector employs more than 15,000 people in more than 200 companies and offers some of the most exciting and rewarding work to be found anywhere. More than two thirds of the work force have a degree; they are probably the most highly skilled work force in British manufacturing, and they are adding value to Britain. By the Government's own measurement, the space industry is one of the most value-adding, generating about £4 billion a year for the British economy. The global space industry is growing at 15 per cent. a year—past investment is paying off.

Mr. Alan Meale (Mansfield) (Lab): I congratulate my hon. Friend on his speech about a very important subject. Although he calls for vast increases in investment in space activity, I am aware that he knows that a tremendous number of satellite operations have failed and that an extraordinary amount of rubbish is circulating the globe. Does he not think that Governments should invest, or have invested, huge amounts of money to clear up that mess before we further pollute the outer atmosphere of the Earth?

Mr. Olner: Yes, there is some space litter up there, and we probably need to pay attention to it. However, my hon. Friend's point about failed launches shows that, although we take for granted such things as getting a signal on our mobile phones or getting a television stream, such technology is at the cutting edge. Space technology is not just about pressing a button; it is not a given. There are real challenges out there, and I think they are being addressed by our companies. We have failures—our successes far outweigh them—which, unfortunately, are well publicised. The space industry is doing well in all that it does.

At the European Space Agency ministerial conference, the UK must decide where it is going—not just where space technology is going, but where the

[Mr. Olner]

country is going. The UK Government must make two decisions if we are to sustain Britain's bank of space technologies, which generate wealth throughout the economy. We must subscribe at the same level to the Advanced Research in Telecommunications Systems technology investment programme. If space technology and the industry are to remain at the forefront of global efforts to combat climate change and develop a global early-warning system for natural disasters, we must play a leading role in the global monitoring for environment and security initiative. Those decisions will test the UK's aspirations to having a high-tech, highly skilled future and its global leadership in combating climate change.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): I pay tribute to the hon. Gentleman for his long interest and expertise in the space sector. Does he agree that during the late evening debate on climate change last night, it was a little surprising that, in responding to my intervention, the Minister for Climate Change and the Environment did not appear to be entirely au fait with GMES and the role that the Department for Environment, Food and Rural Affairs has to play? Does he agree that that is slightly alarming, and that it will be interesting to see the Minister's written response to me, which I hope will arrive before the ESA ministerial conference?

Mr. Olner: I did not hear that intervention on the Minister last night, but I assume that he is more au fait with the issue now and that it will burn in his mind when the ministerial conference comes up. It is important that all sections of the Government know the UK's position in the field of space technology and how crucial it is to get proper support from the various Departments.

Jo Swinson (East Dunbartonshire) (LD): I add my congratulations to the hon. Gentleman on securing this important debate. He mentioned the importance of GMES and UK space policy for helping to tackle climate change and for environmental monitoring. Does he agree that it is surprising that the UK Government are considering contributing only £3 million when a UK contribution of £11 million is required to fund GMES properly?

Mr. Olner: The hon. Lady makes an important point, which I was going to stress later: it is no good the Government just giving warm words and reassurance. Those things must be matched with investment—spending is not just expenditure; it is investment in the industry. It allows the UK to play a major role with the rest of its European competitors.

Space could well be used for many things. We all know that one of the Prime Minister's passions is Africa and how we are best able to help it. A company called Avanti is seeking to put a type of footprint over Africa that will allow various things on tele-medicine and tele-education to be streamed into Africa—things that we in Europe perhaps take for granted because we have overflying satellites that provide a footprint here. Unfortunately, the footprint is not as heavy as I would like it to be in Africa, and UK industry is able to play a role there.

Such a role brings the industry into contact with the natural hazard working group, which the Prime Minister set up after the Asian tsunami in December last year. Its report said that

> "there is a clear need for a sustainable and effective global multi-hazard early warning system building on existing capabilities and frameworks."

Keeping our eye on the planet will help our ability to forewarn, particularly in Africa. Famine is one of the scourges in Africa, whose climate leads to failing crops. Being better able to predict and plan for such events will start to put the world in a better position to assist people living where natural disasters might occur.

Mr. Ian Taylor (Esher and Walton) (Con): I am grateful to my hon. Friend—I use that phrase as the hon. Gentleman is my co-chairman on the all-party group on space. Will he pay tribute to Surrey Satellite Technology Ltd's disaster monitoring constellation, which uses four big satellites and which is now part of a wider operation ensuring that natural disasters are monitored?

Mr. Olner: The amount of intelligence and skill that we have put up in the skies to be able best to monitor some of the natural disasters that happen all over the globe is not generally known about.

I hope that the Minister will address the point about DEFRA and the minimal UK contribution to GMES, because the UK needs to make its position known at the ESA ministerial meeting in December and needs to be a lead country in space. The fact that DEFRA plans to put in less than £2 million a year for the next two years is a disaster. That is part of a UK contribution totalling less than £3 million a year. If we were talking in billions or could add a couple of noughts to those figures, we could, and would, be looked at as a major player. Although £2 million or £3 million is still a lot of money to me—I still have not made my first million—in the run of things it is paying lip service to something that needs better investment.

Other hon. Members want to speak, so I will curtail my comments. Next month the Government face a decision. The question is not: "Are we in space or are we not in space?" It is far simpler than that. The question is whether we really want a high-tech, highly skilled economy and whether we really care about climate change and natural disasters. If the answer is yes, we need to sustain our support for ARTES and to play a leading role in GMES. Anything less would simply pay lip service to our vision of not only a better Britain, but a better world.

In my early teens, as an apprentice at Bristol Siddeley Engines, I developed a keen interest in space. In the early 1960s, we manufactured launchers. We have not manufactured many since, unfortunately, but the UK and its industries have since played a major role in harnessing for the betterment of mankind the advances in communication and observation that I have spoken about. We must not allow the position that we now enjoy to be lost. I look forward to hearing from the Minister the assurances that I and the industry require and which are so crucial.

9.46 am

Mr. Nigel Evans (Ribble Valley) (Con): I congratulate the hon. Member for Nuneaton (Mr. Olner) on securing the debate. As he said, it is important because of the ESA ministerial meeting that will take place on 5 and 6 December. He noted the small amount that this country spends on space activities. We have only to look at the expenditures of some other countries to see a stark difference. That is worrying. It is not that if we do not engage in space activity, it will not happen. If we do not engage in it, other people will. That means not just that we will lose out, although clearly we will, but that the skills associated with the space industry and the profit related to it—the wealth of a country can be measured in many ways—will be lost to this country and go elsewhere.

Where will those things go? Clearly the United States of America is spending vast sums on space activity—it always has—but we should look at China. It has an ambition to put a man or woman on the moon, and there are a number of other activities that the Chinese want to engage in. The Chinese do not want to do that for nothing. They know the importance of space, which is why they want to be involved and why they are spending somewhere in the region of $620 million on it. That figure will increase.

The decisions to be taken next month are important for us. The hon. Gentleman referred to the fact that DEFRA plans to spend something like £2 million a year on space, which is a ridiculous sum of money. He spoke about natural disasters and climate change. Everybody talks about climate change, and we must do a lot more about it, but that will not happen on its own. A vast amount must be invested and, frankly, £2 million is chicken feed in the context of what we need to do.

Mrs. Gillan: Does my hon. Friend agree that it is appalling that we spend about £195 million a year on civil space activities, whereas France spends €1.9 billion and Germany spends €850 million? Our spending on civil space activity falls behind 15 other countries, including Finland and Belgium.

Mr. Evans: It is embarrassing. I am looking at the tables showing what other countries are doing. We know about China. It has growth rates of about 8 per cent and it is definitely growing its space programme. The same is the case in Russia and in India, which also has growth rates of about 8 per cent. and is spending $500 million. We are spending almost half the money that India is spending on space activities. I am worried that we will lose all the skills involved and that Britain will be seen as a country that is not interested in or committed to the space programme. When other collaborations take place in the future, Britain will not even be considered.

There is also great worry about whether skills can be retained. There are tremendous skills in this country. For example, I visited Astrium, which builds satellites. We should be proud of the absolutely fantastic skills in that company.

The hon. Member for Mansfield (Mr. Meale) referred to debris in space. A great deal of attention must be paid to how it can be managed, and since the pollution of space is clearly in no one's interest, that is something in which this country could be involved.

Mr. Ian Taylor: There is the prospect of a Dutch satellite that will gulp up debris. I believe that that project is private-sector driven, and perhaps my hon. Friend would like to consider it. The serious point is that we must clear the way for other satellites to be launched and ensure that no damage is done to them.

Mr. Evans: My hon. Friend makes an important point about the project being commercially driven. There is a great deal of money to be made in the space industry, so it is commercially attractive to companies. However, there is definitely a need for the Government to drive progress harder and faster than is currently the case.

Various activities are involved. For example, we discussed telecoms. I remember that when I first became a Member of Parliament in 1992—never mind when others first became MPs—the internet was in its infancy, and satellite television was just starting, but look at the situation now. We have a choice of 300 channels and that number will grow. It will not be long before we all hold devices that allow programmes to be beamed down to us wherever we happen to be. The excitement in the telecoms market is superb. I am delighted that Britain is at the forefront of the telecoms market, but we must continue to invest on a much larger scale if the industry is to have a future.

The hon. Member for Nuneaton discussed the number of space industry jobs in this country and the fact that two thirds of them are filled by people with university degrees. That is superb, and we want to further it. I hope that the Minister will comment on the closure of physics departments in universities, the shortage of physics teachers in schools and the fact that many youngsters are not interested in physics. That worries me. We will store up trouble for the future if we do not try to correct that.

Mrs. Gillan: Does my hon. Friend agree that it would also be interesting to hear from the Minister what progress this country is making on the Lisbon goal? It appears that we will not meet the target, which means that we will not produce the number of scientists needed to support our economy or the European economy.

Mr. Evans: The attitude in this country to science, and scientists and physicists, must change. I hope that the Minister will say something about that. A couple of weeks ago, I spoke to a constituent who visited the House of Commons. He said that he was the last physics teacher in his university, and that he was on a short-term contract—a 12-month contract. I do not know how people are supposed to plan when they are on such contracts. He feared that the whole department might close. Scientists are respected in other countries, but we do not treat them the same way.

Dr. Ashok Kumar (Middlesbrough, South and East Cleveland) (Lab): I am listening carefully to the hon. Gentleman. Does he not recognise that the Government have published a 10-year scientific framework

[Dr. Ashok Kumar]

programme, and that they have made more effort to increase the proportion of our GDP that is spent on research, development and innovation than his party did when it was in power? Under this Government, expenditure will go from 1.9 per cent. to a target of 2.5 per cent. for 2014. That record is better than his party's.

Mr. Evans: I will contest the figures with the hon. Gentleman. The hon. Member for Nuneaton led the debate, and I am delighted that he did so.

Dr. Kumar: Will the hon. Gentleman give way?

Mr. Evans: No. We want to focus attention on the fact that the European Space Agency ministerial meeting is coming up.

Dr. Kumar Will the hon. Gentleman give way?

Mr. Evans: No. The hon. Gentleman's party has been in power for eight years. I do not want to make this debate party political. His hon. Friend the Member for Nuneaton led on the figures about how much DEFRA is spending and the total budget compared with other countries. We have to do much more.

Dr. Kumar *rose—*

Mr. Evans: No, I will not give way. As far as space technology is concerned, we have advanced in the past eight years, but we ought to do much more.

I shall finish, as I want other Members to have the opportunity to speak. I am thinking about the excitement that surrounded Beagle 2. It was considered to be space on the cheap, but many people were gripped by it. I do not believe that its failure dampened people's enthusiasm for space technology.

Jo Swinson: Will the hon. Gentleman join me in congratulating Glasgow on securing the international astronautical congress 2008? It is exactly the sort of opportunity that the Government should make the most of to enthuse and inspire people about science and space.

Mr. Evans: I congratulate Glasgow, of course. It is tremendous that all parts of the United Kingdom should get involved in the opportunities relating to space. The hon. Lady mentioned enthusiasm and excitement and that is what space provides. It captivates people, as Beagle 2 did; people were excited. I went to the Royal Geographical Society when Beagle 2 was separated. Prince Andrew turned up, it was exciting and everybody was enthused and gripped. It was a shame that the project was not a success, but I do not think that it diminished people's enthusiasm for space, its potential and what can be achieved.

The hon. Member for Nuneaton mentioned climate change and the natural disasters that seem to befall Earth far too often these days. That is where space can play its part, too. We also have a role to play in space. That is why I hope that we shall hear from the Minister that our commitment this December will be made and reinforced with the extra investment needed to play our full part in space technology in the future.

9.58 am

Sarah McCarthy-Fry (Portsmouth, North) (Lab): I, too, am a member of the all-party space group. Why I should want to become a member was a source of perplexity to some of my parliamentary colleagues. To many people, space technology means either space exploration or boys' toys—the "Star Trek" or "Star Wars" syndrome. Whether one has aspirations to be Captain Kirk or Luke Skywalker, there is another important aspect of space, which is the eco-warrior role. The role of the space industry in monitoring, tracking and ultimately helping to reverse—or at the very least better manage—climate change is crucial.

A few weeks ago, I was fortunate enough to be invited to the European Space Research Institute at Frascati in Italy to watch a video link to the launch of the Cryosat satellite. All seemed to be going well, but unfortunately after what we thought was a successful launch, the satellite ended up plummeting into the Arctic ocean. It was a bitter blow for the British man, Dr. Duncan Wingham, whose brainchild the satellite was. It was going to survey from space the thinning of the Earth's icecaps and provide the clearest picture yet of what climate change is doing to our planet. We monitor from the ground, but that is not good enough. The information that we could have got from the satellite would have been crucial.

The aborted launch brought home the fact that space is still an inexact science. As my hon. Friends the Members for Mansfield (Mr. Meale) and for Nuneaton (Mr. Olner) remarked, we do not yet have all the answers. However, we have a wealth of opportunity. The satellite was launched on top of an old Soviet SS-19 ballistic missile. I could not think of a better example of the swords-into-ploughshares argument: a rocket designed to destroy parts of the Earth being used to launch a satellite that was going to help save it.

Climate change is probably the most important global issue, and I want to make sure that we do not lose the opportunity to gather important data. The data that that satellite was seeking are essential to our understanding of climate change, would have given scientists a definitive picture of the rate of thinning of the Arctic sea ice and would have enabled them to improve computer models of climate change.

Will Europe approve a replacement satellite? That is one of many issues that will be debated at the European Space Agency ministerial meeting. Cryosat cost £90 million, which is not insubstantial. However, the project director said:

> "You have to see the replacement cost in context, there is a cost in not knowing what is going on and in the end that's an even larger cost."

If a decision is made quickly, much of the original team will still be in place, so we will not need to reinvent the wheel. The original satellite took seven years to build, and it is estimated that if we move quickly, a replacement could be built in three. That is better than seven years, but it will be three years in which the icecap thins still further and scientists do not have the information they need. That is just one example of the importance of the space industry, not only to the United Kingdom, but much further afield.

We have reached the point where we must ask whether we want the UK to be a major player in the space industry. Last month, Lord Sainsbury of Turville, the Minister for Science and Innovation, said that UK Space's importance as a contributory factor in achieving our goal to be Europe's leading knowledge-based economy is without question. However, we are at a crossroads. Without continuing investment, we will not be able to play that role. Space is one of the few industries in which Britain retains a comprehensive design and integration ability and it employs the most highly skilled work force in British manufacturing.

Ironically, it was a British man, Arthur C. Clarke, who found fame and fortune from space—not from designing or manufacturing space hardware, but by writing about it. He was my literary hero during my teenage years. I found his books fascinating, because although they were fiction, they were rooted in real scientific ideas. He was a man way ahead of his time. He predicted communication satellites way back in 1945 and inspired generations of young people to dream about space.

In the 1960s and 1970s, the United States Apollo missions inspired a generation of Americans to go into science, engineering and technology. A MORI poll last year found that 70 per cent. of young people would be encouraged to go into science, engineering and technology because of UK involvement in space, but we need to have a space industry for them to use their skills in.

When I watched the doomed Cryosat launch last month, I found it fascinating that the technology for putting satellites into space was still basically a giant firework. Once again, we can turn to Arthur C. Clarke for inspiration. His view is that the rocket has as much future in space as dog sleds have in serious Antarctic exploration, but at present it is all we have. However, he came up with the vision for communication satellites remaining poised over a fixed spot on the equator by matching their speed to the turning Earth. He progressed that idea in his book "The Fountains of Paradise": by adding a cable linking the satellite to the ground, payloads could be hoisted mechanically and reach their orbit without the need for expensive rocket power. He called that a space elevator and although at first it was just a fanciful idea, since the discovery of material with which it could be built—the third form of carbon, C60—it has become a real possibility. It would have the effect of massively reducing the cost of putting payloads into space. We should imagine what the growth effect of that would be on the UK satellite industry and what it would mean for the UK economy.

In my constituency, I have seen the effects of job losses across industry and, in particular, jobs going to the low-cost eastern Europe and Pacific rim countries. However, we should examine which jobs are being outsourced; by and large, they are at the low-skill and low-tech end of the market. The key to retaining jobs in the UK is to maximise the number of high-skill, high-tech jobs, and that is exactly what jobs in the space industry are.

EADS Astrium, which is one of the UK's leading space companies, employs around 1,000 people in my constituency. They have highly skilled jobs, which is precisely what my constituency needs in order to be a driving force in the knowledge-based economy. We need many more knowledge-based, high-tech, science-based industries and I want my constituents to be able to obtain the skills they will need to work in those industries. There is so much good work going on in my constituency to encourage young people into those career paths. EADS Astrium has sponsored the local girls' school to become a specialist school in science and maths. The support and help of such a leading player in the space industry helps to inspire schoolchildren to take a positive look at science, engineering and technology opportunities. School standards in my constituency are still below the national average, despite huge improvements since 1997. I welcome the involvement of such a major high-tech company in helping my young constituents to reach their potential and to have an ambition beyond working in McDonalds—not that there anything wrong with working in McDonalds, but it should not be the only choice. The head teacher is very enthusiastic about the project and has said that attaining specialist status in science will give the girls in her school a unique opportunity to acquire the technical, and ultimately transferable, skills that they need to thrive in the 21st century. However, what is the use of their gaining those skills if we cut the legs from under the UK space industry through short-sighted cutting of funding?

The hon. Member for East Dunbartonshire (Jo Swinson) has left, but referred to the European global monitoring for environment and security programme and said that the UK should contribute around £11 million a year to maintain our position in the driving seat of that programme. If it is true that we will contribute only £3 million, it sends the message to our European partners that the UK does not want to be a leading player in the co-ordinated European effort on environmental monitoring, including disaster management and monitoring climate change.

The UK holds the EU presidency and recently held the chairmanship of G8. Our Prime Minister has said that tackling climate change is a key part of those roles, but we cannot do it alone. We must bring other countries on board, but if we cut back our contribution, what message will that send out?

Mrs. Gillan: The hon. Lady is making an excellent speech and I agree with every word that she utters, so I will call her my hon. Friend. Does she agree that we are not talking big bucks in terms of Government spending? We are talking about the difference between a commitment of £3 million and the amount that industry and outside assessors have arrived at, which is £11 million. That is just pocket change to the Government, even though it is taxpayers' money. It is almost ridiculous that we have to fight for that money and encourage the Government to spend it when the Prime Minister rightly said at G8 and various EU meetings that he wants to take a lead. Showing leadership would surely mean finding this small amount of money.

Sarah McCarthy-Fry: I hesitate to say that I agree with the hon. Lady, but it is good that we have cross-party consensus on driving space industry forward because we all realise its importance. One difficulty is that different Departments contribute, and in this

[Sarah McCarthy-Fry]

debate we can impress on the Minister the fact that we need a co-ordinated effort across Departments. The matter is important to the UK economy and for jobs in my constituency, but there is a much wider importance and the effort needs to come not just from one Department. I hope that the Minister will pass that message on.

The GMES programme is vital for the early warning of environmental disasters and climate change. Returning to my favourite hero, Arthur C. Clarke once said:

> "The dinosaurs are not around today because they didn't have a space programme".

He said that the meteor that released the poisonous chemicals and created the cloud that blocked out the sun could have been foreseen and averted with a sufficiently advanced space programme.

The natural hazards working group, to which my hon. Friend the Member for Nuneaton referred, acknowledged that earth observation, space science and space engineering are key parts of our scientific knowledge bank and are helping us to understand and prepare for natural hazards.

I have spoken today from the perspective of my constituency about the economic aspirations of the young people of Portsmouth and wanting it to be a high-tech, high-skilled city, but the consequences of not supporting the GMES programme with the full commitment go far beyond the borders of my constituency. We would let down not just my constituents but people in other parts of the world who might face tsunamis, hurricanes or earthquakes. We have a responsibility to our children and grandchildren to do all we can to tackle climate change. By supporting the space industry, we could do that.

Mr. Eric Illsley (in the Chair): Before calling the remaining two speakers, I remind hon. Members that I intend to begin the winding-up speeches no later than 10.30 am.

10.10 am

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): I do not intend to keep the Chamber for long. I am delighted that the hon. Member for Nuneaton (Mr. Olner) secured this debate, for which several of us applied.

It is important that we have this brief debate because it is a considerable time since we have had a chance to debate space. With the important decisions coming up in the next few weeks, I am grateful to the Speaker, who had the foresight to grant it. However, I am less impressed with the Government—I apologise to the Minister if I imply a personal criticism—who do not see fit to devote their time to debating or examining policy in this area before taking fairly serious decisions that will affect our businesses and research councils.

Space is exceedingly exciting. I went to a Particle Physics and Astronomy Research Council exhibition the other day, which was, rather inappropriately, held in the Treasury. I had with me a schoolboy doing work experience, who was very enthusiastic about what he saw in the presentation on what was happening in space. For example, it was good to find, even under the auspices of an anonymous philanthropist, that the opportunity for schools to use a telescope directly through computers in their schools is being made available through Cardiff university.

A couple of weeks ago, I visited Salford to look at the Group 4 Securicor tagging and monitoring exercise, where I saw the satellite tracking that is being used in two pilots—among the three being conducted by the Home Office—monitoring the control of criminals at the end of their sentences when they are in the community. I was impressed by what has already been shown up by those pilots. I hope that the Minister will familiarise himself with the commercial applications for space, which are paying our society dividends.

I shall concentrate mainly on one aspect, which the hon. Member for Portsmouth, North (Sarah McCarthy-Fry) mentioned. How do we ensure that the benefits from space research flow through to our space industries? I yield to no one in my admiration for the successes achieved by our space scientists in pushing forward our knowledge of the universe and its origins, and there is a lot to say about that. However, I am concerned that we are not optimising the industrial benefits that should flow not only from scientific research, but from civil research, whether funded by the Government, the European Space Agency, the EU or our space industries.

Like many people, I do not see the issue as political and I certainly do not raise it to score political points because many of the problems have existed for some time, whether under a Conservative Government or the current Labour Administration. I raise the matter from a genuine desire to engage the Government in a discussion and to find a solution. I share the Government's objectives to exploit space technology to benefit us through improvements in communications, Earth observation to monitor climate change and all the other items that have been mentioned in this debate.

Massive improvements have been made in using space technology, but it is not functioning correctly. The problems result from the machinery of government and are, therefore, all the more difficult to solve. As the practical uses of space extend, more Departments are affected. Having recognised that some 20 years ago, we established the British National Space Centre to act as a focus for space activities, both internationally through ESA and the EU, and recently, bilaterally with China. Internally, BNSC acts as a forum for interested partner Departments and the scientific research councils. All the agencies and councils have worked together well and achieved some great successes.

Mr. Olner: Does the hon. Lady agree that we are in danger of missing a golden opportunity, because Departments are not talking to each other? The Department of Trade and Industry has put in an awful lot of work and money. Lord Sainsbury has been a tremendous champion of space over many years. We are fortunate that he has held that position for so long. The problem is not Lord Sainsbury, but the fact that other Departments do not realise the relevance of the space industry and of joining all the bits together.

Mrs. Gillan: The hon. Gentleman takes the words out of my mouth. I am certainly not laying the blame at the door of Lord Sainsbury, who is a space enthusiast, as far as I know. Indeed, I say that while sitting next to my hon. Friend the Member for Esher and Walton (Mr. Taylor), a well known expert who was a first-class Minister on the subject. I am trying to focus the Minister's mind on joined-up government. The hon. Member for Nuneaton makes my point exactly, and I think that he probably agrees with me.

Although the BNSC, through the DTI, can fund industrial research via the European Space Agency, my concern is that funding applications in the public sector become the responsibility of the relevant Department, whose main interest is not space. A current example is the European space navigation project, Galileo. That is an agreed European project funded mainly by the EU, but with ESA as the up-front research organisation—its responsibilities include the first four proving satellites. Funding is required from both the DTI and the Department for Transport.

I hope that I am wrong, but there are signs that the Department for Transport cannot fully provide the funding required and that our industries could well lose out rather than cash in on all their work. I seek reassurances on that from the Minister. There are similar potential problems with international efforts to use space technology to help on climate change. I refer to global monitoring for environment and security—GMES—which we talked about earlier. It seems that DEFRA will find that funding is wanting, with disastrous consequences in my view and that of many people in this House and beyond.

The Government, in common with previous ones, have long insisted that our space industries should share in funding research and that we should not just look to taxpayers' money for funding. Our industries have responded to that challenge better than industries in other European countries where Government funding is more forthcoming, and I admit that there have been notable successes. For example, the privately funded consortium launching Paradigm's Skynet has proved a great success at providing communications satellites for our military. However, Galileo is a European, publicly funded project. Our industries have won an impressive share of the work, but that will be realised only if the Government are prepared to fund their share alongside other European countries.

This and similar cases raise the "machinery of government" issue. Unless we can find some way of ensuring that Government-funded research is followed up with Government-funded support for public sector projects, our space industries will not benefit fully from the research that they and the Government initially funded. After all, we are talking about front-edge technology that is recognised as being critical for the UK, particularly as lower-technology industries are taken over by developing countries. I hope that the Minister will take that thought away from the debate and examine whether improvements can be made to Government arrangements that will benefit our space industries and ensure that what we have already invested is not wasted for want of a ha'p'orth of tar.

10.19 am

Dr. Ashok Kumar (Middlesbrough, South and East Cleveland) (Lab): I apologise for being late for the debate; I was attending a seminar on the global science and innovation network held by the Foreign and Commonwealth Office.

I congratulate my hon. Friend the Member for Nuneaton (Mr. Olner) on securing the debate. Having tried to secure debates of this kind in the past, I know how difficult it is to do. It is the first time that I have heard a debate on space policy in this Chamber, since we have had Westminster Hall. I did not want to indulge myself by taking part but was sufficiently provoked by the hon. Member for some valley—

Mr. Evans: Ribble Valley.

Dr. Kumar: How could I ever forget the famous by-election? We were both part and parcel of it.

The hon. Member for Ribble Valley (Mr. Evans) made a doom-and-gloom speech, attacking the Government's science and technology policy. I do not want to make the debate partisan, but the hon. Gentleman has sufficiently provoked me to do so. As somebody who has worked at the sharp end of research most of my adult life, was a practising scientist and engineer in research and specialised in engineering before entering the House, I can tell him that I have never seen a Government devote so much of their resources to tackling science and technology, its problems and the contribution that it makes. UK space policy is part and parcel of that, and it is a great credit to the Government.

I speak loudly in praise of the Government. I know that the Minister will do a grand job because he excels in every Department in which he has served. I speak loudly also of Lord Sainsbury of Turville, whom my hon. Friend the Member for Nuneaton mentioned. Lord Sainsbury is one of the best Science Ministers we have ever had. He is exemplary and outstanding, and his contribution has lifted the spirit of science and science policy in a way I have never known in all my years following science policy.

The issue I take with the hon. Member for Ribble Valley concerns the figures I quoted for the increase in investment in research and development, from 1.9 per cent. of GDP to 2.5 per cent. by 2014. Those figures are quoted in "Science in the New Parliament", a report by the Parliamentary Office of Science and Technology, which is an independent body. I wanted to put it on record that I did not pluck those figures from the air. That is why I asked the hon. Gentleman to give way earlier.

Mr. Evans: I wonder why the hon. Gentleman thinks that the French and the Germans spend so much more than we do. Does he not think that we are missing a trick, that it is an investment and that it would benefit us if we spent more?

Dr. Kumar: I agree with the hon. Gentleman, but we should remember the base from which we started, and where we were under his Government. That is the difference. Under his Government, science went downwards. I praise the former Minister, the hon.

[Dr. Kumar]

Member for Esher and Walton (Mr. Taylor), because he did a great job under difficult circumstances when the country's finances were screwed up. The credit goes to this Government, however, because our finances are healthy. That is why we are able to invest in science and technology.

I praise the Government, and one of their greatest achievements has been to secure money for science and technology. Much credit goes to our Prime Minister, because he speaks with great passion for science, and to the Chancellor. The ideas that we develop, we translate through action.

I support many points that hon. Members have made about the need to spend more money. I am happy to go along with that, but we must recognise what has been achieved. That is important, because it was not always so. Year after year, scientific research grants were cut at universities. That is not the case now because budgets have been growing, which is a great credit to this Government.

I agree with some points that the hon. Member for Chesham and Amersham (Mrs. Gillan) made about exploiting the UK's space policy and technology. I am happy with that, because I recognise the contribution that space policy would make, assisting us with the problem of climate change, developing climate model forecasting and dealing with coastal and flooding problems. Climate change will be an important issue during the next five years and more, because it is on our doorstep.

Mrs. Gillan: As the hon. Gentleman has chosen a party political platform, perhaps he would acknowledge that the British National Space Centre was started by a Conservative Government. He should face Lord Hunt of Wirral in the other place and tell him that we did nothing about science and technology. We did a tremendous amount about it, including starting the framework for action, and the hon. Gentleman should be better informed on such matters before he starts slinging things at previous Conservative Governments.

Dr. Kumar: I am happy to make such acknowledgements and I was not slinging things. The Nietzschean picture of doom and gloom painted by the hon. Member for Ribble Valley is not my view of science and technology. I was trying to help the hon. Member for Chesham and Amersham and was agreeing with some of her important comments. She was right that we have to exploit these things. I did not try to demean the previous Government. I tried only to paint the picture.

I agreed with the hon. Lady about one issue, which was the drop in the number of students studying physics. If we are to create scientists and engineers to deal with the problems of UK space policy, we have to train scientists and we ought to have more physicists. I find it sad that the number taking physics at school is dropping in the country that gave Newton, Faraday and Maxwell to the world. We do well at primary school level in getting children interested in science. At secondary level, things seem to go in the wrong direction.

I speak as a strong friend of the Government and praise their achievement, but my hon. Friend the Minister ought to have some words with the Secretary of State for Education and Skills. We ought to consider why those things are happening; there is no magic answer. The hon. Member for Ribble Valley gave no explanation of how to deal with it. He just said, "Enthusiasm, enthusiasm, enthusiasm". That is fine, but we can create only so much enthusiasm before it reaches a certain level. It existed in the spirit of scientific innovation once upon a time, but I know that we have moved away from Faraday and Newton and individuals do not do research in the way that they did; they work in collaboration either in research institutions or internationally.

To a certain extent, I am concerned, just as the hon. Member for Ribble Valley is. We must look ahead and the situation I describe is the thing that we must get right if we are to create world-class physicists. That is one thing about which I strongly agree with him. I am sure that the Minister will address it because it is worrying, as is the situation in relation to chemistry departments mentioned by the hon. Member for Chesham and Amersham.

I was not trying to make a partisan speech. I had not even prepared to take part in this debate. The hon. Member for Ribble Valley provoked me into doing so by trying to rewrite the achievements of the Government. This is the first time that I have spoken loudly on science policy on behalf of the Government. As I said, it is a testament to our very good Minister for Science and Innovation, who has achieved a great deal. I idolise him and think that he has done a marvellous job. He came to my constituency several times trying to encourage youngsters to study science and he was there during the election campaign. In fact, he visited one of the science labs at Laurence Jackson school.

Ministers can do only so much. Nevertheless, we must take seriously the concerns that I have addressed. As one who had no intention of taking part in the debate and ended up making a 10-minute speech, I think that I ought to shut up and sit down.

10.29 am

Mr. Alan Reid (Argyll and Bute) (LD): I congratulate the hon. Member for Nuneaton (Mr. Olner) on securing this debate on the exciting subject of UK space policy. Although it is now nearly 50 years since the first satellite was sent into orbit, space exploration remains exciting and full of prospects for understanding the origins of the universe and life on Earth. There is also the tantalising prospect of finding evidence of life on other planets. Space studies continue to advance our knowledge of the universe and the fundamental laws that govern it. Although the exciting part of space is often exploring other planets and trying to understand the origins of life, the space industry is an important one in many other respects and can bring many benefits here on Earth.

Satellites play an important role in communications and navigation. For example, the Government's proposals for road-user pricing would be impossible without satellite technology. Satellite services have a crucial role to play in extending broadband networks to households throughout the country, particularly in those remote and rural areas that are too far from telephone exchanges to be able to receive broadband on a landline. Satellites can also play an important role in monitoring the Earth, helping to forecast the weather, measuring climate change and aiding responses to natural and man-made disasters.

Space is a high-value global industry and Britain a world leader in many aspects of space technology. An estimated 15,000 people are employed in more than 200 companies in Britain in space-related jobs. The jobs are highly skilled, and more than two thirds of the workers hold a university degree. The industry generates about £4 billion a year for the British economy, and it is therefore important that we maintain it.

It is vital that our schools and universities continue to produce people with high expertise in science, especially in physics, chemistry, astronomy and maths. Young people must be encouraged to take those subjects at school and university. The excitement and possibilities of space travel and exploration certainly encourage young people and must be used for that purpose. In order to achieve that, we need more graduates of those subjects teaching in our schools.

We also need to address the supply of research scientists. We need to ensure that there are physics departments in local universities and that these subjects are sustained and grown. We need to tackle the problem of short-term contracts and job insecurity for science post-doctoral researchers. We also need to recognise that increased student debt deters graduates from going into teaching and research in the public sector and encourages them to go into higher-paid jobs in private industry.

Investing in space involves cutting-edge technology, which is obviously very expensive. Co-operating with our European partners clearly makes sense. Roughly two thirds of the UK's budget is spent through the European Space Agency and EUMETSAT—the European Organisation for the Exploitation of Meteorological Satellites—which provides and operates Europe's weather forecasting satellites.

The procurement system used by ESA is known as "fair returns to contributing nations". That means that the bulk of the contracts are awarded to companies simply because they are in countries that have contributed to the ESA budget and not necessarily because they are the most cost-effective bidders. That is not a sensible system. Awarding the contract to the most cost-effective bidder would be better and would reduce costs. However, given that that is the system, it is important that Britain contributes, so that British companies can gain a fair share of the contracts.

The loss of the Beagle 2 Mars lander was referred to earlier in the debate. It was clearly a setback to the UK's involvement in space, but we should not allow that setback to deter us from undertaking future projects. It is necessary to take risks to make scientific progress and in a cutting-edge business such as space, some projects will inevitably be disappointing failures. Beagle 2 was an exciting project and high-value returns were possible, so it was right to take risks.

Mr. Evans: We talked about the failure in that case, but Mars Express—we are involved on three of the instruments that are being used—is bringing back much information from which we will benefit. The successes clearly outweigh that one failure.

Mr. Reid: I agree. As I was saying, we should not allow that failure to put us off taking risks. It is important, however, that, when a project involves a significant risk, there should be a thorough feasibility study to identify the risks and options, investigate potential benefits and accurately estimate of the project costs. If it is decided that we should proceed with a risky project, it is important to ensure that, having carried out the feasibility study, the project is properly funded. Trying to cut corners is often the road to disaster.

We should take risks to explore space. Britain is a world leader in space industries and space offers exciting prospects. I hope that the Government will do all they can to maintain that leading role.

10.35 am

Mr. Ian Taylor (Esher and Walton) (Con): I am grateful to my co-chairman on the all-party group on space, the hon. Member for Nuneaton (Mr. Olner), for securing this debate and to colleagues on both sides for contributing so knowledgeably. This important debate is about an important subject, just ahead of the upcoming European Space Agency ministerial conference.

I pay tribute to my successor as space Minister. My only successor, believe it or not, is the noble Lord Sainsbury. I was the Minister for three and a half years. Most of my hon. Friends thought that that was far too long and that I was in orbit for most of the time, but Lord Sainsbury has had a remarkable record and I pay tribute to his enthusiasm. If there is one drawback of his continuity in the post, it is that the space Minister is not a Member of this House, which has sometimes held back some of our discussions. However, I believe that his enthusiasm has kept the space budget at the forefront.

We should not play party politics too much. I happen to have a good memory of the period in which I was the Minister for Science and Technology, and it does not matter what the Parliamentary Office of Science and Technology, on whose council I serve, says. One of the good things I was able to do, when my ministerial colleagues at the Department of Trade and Industry were not watching, was to grab some year-end funds and put them into the space budget. The British National Space Centre, the Particle Physics and Astronomy Research Council and others were rather grateful for that.

Dr. Kumar: Is the hon. Gentleman saying that he does not believe the figures that POST has produced?

Mr. Taylor: That intervention was pretty infantile, if I may say so. I was saying that the space budget during my period as Minister compares very favourably. There is no doubt that the overall budget for science and technology has gone up under this Government, as I have said many times in the House of Commons.

One of the key things to come out of this debate is the enormous excitement and importance of space. There have been many examples of that this year: the Venus Express has just been launched and Mars Express has been mentioned. Although Beagle 2 was ultimately lost, a lot of its technology has been captured and will be reused in other missions. The Huygens probe has landed on Titan; the Inmarsat launch will be vital for global communications. Those are really big issues.

No one doubts that space issues are crucial. The question for the Government is about their tactics at the ESA ministerial conference. What key issues will they

[Mr. Taylor]

raise? There are some big questions. The ARTES programme, which has been mentioned, is pretty crucial. ARTES has mixed funding, from industry and Government. Even Lord Sainsbury has said that we can get a measurable commercial return on ARTES investment of at least six or seven times. In that context, it is genuinely an investment. It represents perhaps about 80 per cent. of UK space industry activity, yet makes up only 10 per cent. of UK civil space spending. What is the Government's commitment for further work on ARTES?

GMES has been mentioned. It is important and fulfils all the criteria on environmental monitoring set forward by the Government themselves, yet the participation level that the Government are committing to is, in my judgment, sub-critical. What will the Government do about GMES?

On the space science side, will the Government continue to commit to Aurora? I shall mention two other programmes that will not be discussed at the ESA ministerial conference. There are still top-up funding arguments to be made on Galileo, which is vital for the UK space industry. We have already won contracts for the two preparatory satellites from EADS Astrium and Surrey Satellite Technology Ltd, but there are many other upstream and downstream implications. I should be grateful if the Minister had a word with his Ministry of Defence colleagues about TopSat and how we will continue that investment.

When I was Minister, I found that the key thing about the space industry is that it really wants to work with the Government, the European Union, which has now taken on a space role, and the European Space Agency to turn technology into wealth, to amplify skills—they were mentioned earlier—and to improve academic excellence. We have some fantastic universities—I do not have time to mention them all—and detailed knowledge of what is happening in space and some of the work that is being done. Such work is exciting and inspirational to younger people, yet DTI funding of the national programme has been cut alarmingly. I believe that it is only some £5 million or £6 million, whereas it used to be well into the twenties. What is the future of the DTI's investment in the national programme? How will the British National Space Centre, which has been reviewed several times, not least by the National Audit Office, improve its game in respect of co-ordination across Government Departments, which was one of its original functions? It seems not to have gone much further than persuading the Department for Transport to put some money into Galileo, and, in fact, that is with the Department now.

There must be drive and determination. This is not a personal comment on the individuals involved, but the centre is not seen by the outside world as a driving force across Government Departments, which it needs to be, as the space industry now affects so many aspects of our lives. The DTI certainly is not the space ministry. The Department of Health, the Department for Environment, Food and Rural Affairs and the Department for Transport are all vitally involved in the downstream use of space. As they are, in a sense, the consumers of space-derived material, to what extent should they also be the anchor tenants in projects and have extra funding, rather than just depending on the DTI or the Particle Physics and Astronomy Research Council?

I want to give the Minister a full opportunity to respond, as we do not get ministerial statements on space often enough. There are challenges. For example, is he content that during our presidency we are taking a lead on space policy in the European Union, which now has a dedicated space ambition? I have not seen evidence of that. Are we on top of the marriage between space and security? A panel of experts on space and security has produced an interesting report. What are the implications for Britain in the security aspects of, for example, GMES and Galileo? It seems that the rest of the EU is thinking about those fundamental questions but we are not articulating them.

Is the Minister content that the expenditure in available budgets is properly balanced between science, industry and industrial applications and enabling technologies? Is a further review intended?

There has been a succession of space policy documents. I am glad to say that mine in 1996 was the first, and there have been some excellent ones since, but I am worried that we are fudging some questions, perhaps because of budgetary pressures or because we have not really decided what we want to do in the future. I recently saw a Royal Astronomical Society report on the scientific case for human space exploration. It reads extremely well, but I urge the Minister not to be seduced by the idea that Britain should start investing in manned space exploration. We have not dedicated enough money to existing space activity, which has a much higher priority. I was the Minister who decided that we should not have an active role in the international space station, simply because it would have sucked out money disproportionately from every other activity. I was not convinced that it was good science anyway, and I believe that my successor, the noble Lord Sainsbury, has been grateful to me ever since.

I do not believe that the Government's expenditure on space has reached critical mass. Let us not argue about statistical analyses of the past. I am dealing with issues that confront us today and with new programmes. Indeed, I would argue that during the eight years since I was Minister, space has become more central to decision making in Government. What was only beginning to be anticipated, for example, in the use of space to evaluate fraud in the EU and in the common agricultural policy has now become a central platform of what the EU wishes to do; much to the irritation of some member states, incidentally. Most of the fraud in that area is not carried out by the Commission but by member states. Nevertheless, it is of extreme importance for the use of space for the practical delivery of policy. That is an important point, and we have not previously been able to utilise it.

On disaster monitoring, the satellites launched by Surrey Satellite Technology Ltd. with some interesting partners—Nigeria and Algeria—cover an area of the world that is prone to problems. Someone mentioned the tsunami in the Indian ocean; that was picked up and tracked by satellites. Sir David King, the chief scientific adviser to the Government, did not sufficiently show in his report the way in which satellites can help us to monitor and anticipate such events. I would wish the Minister to have a further word with Sir David about the role that satellites can play.

This is an opportunity for the Government to show leadership. I wish my party were in government; we are not. That is something for the future. I assure the Minister on a personal basis that if the Government take a lead in space policy, he will have strong support from the Conservatives because of the national importance attached to it for science, discovery, skills and its industrial base.

10.47 am

The Minister for Energy (Malcolm Wicks): We have had an extremely well-informed debate. I, too, congratulate my hon. Friend the Member for Nuneaton (Mr. Olner) on securing it. Indeed, all the contributions have been excellent. I felt quite humbled in being unable to match from my earlier career the experience and interest of some of the people present.

On the subject of Arthur C. Clarke, as every schoolgirl knows, this autumn is the 60th anniversary of his proposal that we should use geostationary satellites for global communications. As I recall, that was published in *Wireless World* in October 1945. That is a useful reminder.

My hon. Friend the Member for Middlesbrough, South and East Cleveland (Dr. Kumar) has learnt a new scientific law of political science this morning. If someone attacks the Government, that is above politics and statesman-like. If they have the temerity to defend the Government, that is sheer partisanship. We have learnt a new law of one of the softer sciences, which we should all reflect on.

This is an opportunity to consider the UK's role in space. I applaud the work of the all-party parliamentary space committee—I feel jealous that I am not a member, and I must declare it as an interest. The debate is certainly timely. In Europe, the world, and the UK, decisions are being taken and new developments taken forward. The UK is taking a leading role. Although there are issues and concerns, we have a great deal to celebrate in our space sector.

I will start with Europe, where the UK has taken centre stage throughout our EU presidency. A joint European Union/European Space Agency space council will focus next week on the programme definition for global monitoring for environment and security. Our success in taking forward the European space programme will set the pattern for the future framework of European space initiatives. The EU is an increasingly important user of space, and we support an approach in which Commission directorates use space when that is the best means to achieve policy goals. It should not seek to enhance its status by prestige projects, however.

A week later, the ESA ministerial council will see important decisions taken on the level of UK involvement in key ESA programmes. We will contribute to programmes that meet our economic, scientific and technological objectives. The ESA matters enormously to us. About 60 per cent. of the government's civil space spend is invested in its activities.

The United Kingdom also leads on the global stage. We are coming to the end of our G8 presidency, and space has done much to help us meet our objectives in support of Africa and climate change. That environmental theme has been a feature of this morning's brief but important debate. In providing images of changing land usage, environmental changes, and the impact of human and natural events, space offers detailed data and images that cannot be obtained by other means. Satellites played an important part in the response to a number of recent events, such as the earthquake that had such devastating effect in Pakistan and the terrible hurricanes Katrina and Rita in the United States.

As many people know, the UK, through the British National Space Centre, took the chair of the committee for earth observation satellites in November 2004; it passed to Argentina last week. The committee has an important role in co-ordinating space-borne information systems, and the UK has sought to develop that role. In support of that vital work, it was announced last week that the UK-led disaster monitoring constellation has been accepted to operate within the international charter for space and major disasters. UK technology can now play its part in helping to respond to major disasters.

Finally, on the international front, the UK has taken the initiative in considering the threat from near earth objects—what most would call asteroids and comets. The threat is not just good fodder for films such as "Armageddon"; although it might bring some solution to concerns about avian flu, it is nevertheless a serious matter—and not only to those on the Liberal Benches.

Mr. Meale: Before the Minister leaves the international scene, will he comment on what is happening with the space race? First, it is being led by the United States, which is currently pursuing a policy that would give it territorial rights in space. Secondly, the hon. Member for Esher and Walton (Mr. Taylor) asked about security in defence. The American Government—or should I say the President?—have announced a $25 billion programme for defence in space, which includes space-to-space as well as space-to-earth defence activities. Will the Minister comment on those factors?

Malcolm Wicks: If my hon. Friend will forgive me, I need to make a number of other comments in response to the debate. However, I shall draw those matters to the attention of the relevant Defence and Foreign Ministers.

I shall speak next about our national priorities. The UK space strategy for 2003–06 sets out three objectives for the use of space, all of which require a dynamic and innovative space sector in order to succeed. I believe that those objectives remain a sound basis for the next UK space strategy.

The first objective is to maintain high-quality science—another theme of this brief debate. We have all seen the value of collaboration through ESA in the recent exciting results from Cassini-Huygens. The first pictures from the surface of Titan were astonishing. Another recently launched mission with major UK involvement is Venus Express, which plays well with our interests in climate change. Science is also about advancing our understanding of our environment. Much has been achieved in developing stronger capabilities in services aimed at prevention, forecasting and assessment of damage from disasters.

[Malcolm Wicks]

The second objective is to stimulate commercial use of space and to develop not only the important upstream areas of space but to identify areas where carefully focused investment will lead to significant downstream economic benefits. My hon. Friend the Member for Stevenage (Barbara Follett) has spoken to me about the importance of that to her constituency. The telecommunication and broadcasting sector makes up 80 per cent. of all UK space industry turnover. There is now a large commercial space industry, worth more than $100 billion globally and estimated to be growing at 9 per cent. a year. We must, of course, be part of it.

The Government seek to support the development of technology for the space industry. However, we should not forget that the overall UK budget for space has risen from £160 million in 2002–03 to almost £200 million in 2004–05. I am sure that others will consider the words of colleagues: in an ideal world we would be spending more. That has been a strong theme of the debate, but the Government are proud of our record, not least in relation to the overall science budget. When making international comparisons, we should recognise that, in my judgment, the return on our investment exceeds—I shall be tactful—that of many of our counterparts.

The third objective is to seek to identify and support projects that most benefit the lives of citizens in the UK and the wider world. Galileo has been mentioned. The UK is committed to that important programme. It is a key part of the infrastructure that is necessary for a digital world. The UK has made a strong technical contribution, but there is still much to decide both now and in the longer term.

To respond to a point raised by the hon. Member for Chesham and Amersham (Mrs. Gillan), I am advised that the UK has contributed more than 17 per cent. of the cost of the early phase of Galileo. We also contribute through the EU budgets. Decisions on funding for the next phase have not been taken, and I understand that discussions could proceed well into 2006.

GMES was mentioned. It is well known to the DTI and across government. Over the past few years, we have been able to demonstrate the benefits of a series of practical services from the GMES programme. Their value was dramatically shown in the aftermath of the Boxing day tsunami.

The UK's achievements in this area are credible, and I want to address some specific issues. My hon. Friend the Member for Mansfield (Mr. Meale) mentioned the clear-up of space debris. The UK is working in the inter-agency space debris co-ordination committee—I wish I was a member of it, but, sadly, I am not—to address problems and to develop codes of conduct for the disposal of satellites. It is important that we are concerned not only about waste on our own planet.

Education was another theme of the debate. I know from my time as Minister for Lifelong Learning in the then Department for Education and Employment that that is a matter of great concern to Ministers with responsibility for education, and rightly so. We are all concerned about what has happened in respect of physics teaching. There are programmes to address the problem, and to get competent scientists to teach in our schools; there are salary inducements and other incentives. I am not saying that we have entirely cracked the problem, but colleagues are on the case.

The development of sector skills councils, which I had a hand in when I had ministerial responsibility in that area, is important, as is the interface with education more generally. I am pleased that the Department for Education and Skills is now a member of the British National Space Centre; that is an example of joined-up policy that shows that we are moving in the right direction.

Parliament has shown a strong interest in what we are doing in respect of space. In the past few years, there have been inquiries by the Trade and Industry Committee and the Science and Technology Committee, and the Public Accounts Committee has addressed the subject, too. There has also been discussion of asteroids and the European Space Agency.

It is encouraging that there is that level of interest in the subject. Reviews have shown that spending on space is good value—it is a sound investment in an exciting sector that can only become more important. Parliament's interest helps the country to know about space and informs discussion on the subject. We are at the end of an exceptional year in space, and this debate has very much been in keeping with that positive tradition.

I will draw the conclusions and judgments of Members in this debate to the attention of Lord Sainsbury of Turville, and I welcome the tributes that have been paid to the important role that he has played in government and industry.

Jobcentre Plus Customer Management System

11 am

Mr. Anthony Wright (Great Yarmouth) (Lab): It is a pleasure to serve under your chairmanship, Mr. Illsley, and to have secured this timely debate on the Jobcentre Plus customer management system. It will have a profound effect on most, if not all Members.

The CMS has been designed as part of a complex plan to centralise and streamline the benefit system. I will focus on the roll-out of the CMS at the contact centre for the east of England, which will operate in tandem with the benefits processing centre in Norwich. The contact centre is in Lowestoft. I should add as a footnote that Great Yarmouth is 20 miles from Norwich and 11 miles from Lowestoft.

Before CMS, any prospective claimant had a choice of ways to start their claim. They could telephone or attend the local office, where queries on the relevance of questions in the claim forms could be raised. Alternatively, they could collect forms from the post office, general practitioners' surgeries, citizens advice bureaux, and so on. Now, under the CMS, the only method accessible for the vast majority of people to begin a claim is via the Lowestoft contact centre.

Unlike the previous system, the CMS is supposed to operate first by a telephone call made at the caller's expense, when they lodge a claim and basic personal details are taken. That should result in a callback within 24 hours. The outward-bound call from the contact centre should result in details being taken to enable a claim to be made and an appointment to take place at the local job centre. That process should take place within four days; then the information collected on the CMS should be transferred to the benefits system, enabling payments to be worked out within 30 days of the initial call.

The roll-out of the CMS for Great Yarmouth was delayed, owing to the associated costs of an extension required to provide a screened area for social fund work and an area for processing, and did not happen until after March. Great Yarmouth was the first office in the east of England region to use the CMS, although some offices elsewhere in the country had previously piloted the system from late last year. Management reports from the pilots, including one in the west country, were critical and concluded that the CMS did not work well in small offices. Concerns from the pilot have proved well founded in Great Yarmouth.

The CMS has meant that experienced local staff are being moved to Lowestoft to undertake contact centre work, or into Norwich to the benefits processing centre. Owing to that, we are losing a vast amount of knowledge and understanding in dealing with local cases in Great Yarmouth, as workers are coerced into moving, or being made redundant. Indeed, work force skills are being ignored to satisfy the drive to centralise processing and customer handling, whatever the consequences.

The CMS and the centralisation process have resulted in the closure to the public of Yarmouth house, the social security office covering the whole of Great Yarmouth, during a process that was accelerated over the summer, despite assurances that adequate time would be given to consult before a closure decision was made. Following representations from the Public and Commercial Services Union, the office is at least able to open its doors to allow people to collect payments. Despite that, however, management has refused to use the facilities available for effective customer contact.

I have been told that to avoid having to reverse a decision on closure, Jobcentre Plus management has gone so far as to send claimants to the town market place to receive a phone call in a public call box for a crisis loan interview, followed by a later call to advise them of the decision to pay under the CMS. Small queues have even been known to form at those telephone boxes as a result. Surely, if that is true, it is ridiculous, especially in the Great Yarmouth constituency, which suffers from high benefits dependency.

In the most deprived ward in one of the most deprived constituencies in the country, we have lost jobs in the community as people directly and indirectly employed in Yarmouth house have left, been moved, or await their fate under the CMS, despite Government promises that they would move more jobs away from the centres and out to areas of deprivation. Here we see the reverse happening. Perhaps the Minister will tell me how many jobs have been taken away from Great Yarmouth and give us an evaluation of why Yarmouth house was not even considered as one of those centres, because there is enough space in the building.

Gwyn Prosser (Dover) (Lab): I am interested to hear my hon. Friend's sad stories, which he will know are shared by other Members of Parliament throughout the country. For example, the CMS system in east Kent that serves my Dover constituency has caused so many problems that some people are waiting one month, or even two, to get their first jobseeker's allowance claims, and even when they go to the telephone hotline—we have to call it a warmline now, apparently—they might be waiting for an hour. Some people have even been threatened with eviction because no money is coming in during these sad, sorry delays.

Mr. Wright: Absolutely. I agree with my hon. Friend's sentiments. That situation is replicated throughout the country. Indeed, those stories are heard in my office, too.

How good is the CMS service that is replacing the service previously offered by Yarmouth house in Great Yarmouth? Apparently, only 8 per cent. of calls were getting through to the Lowestoft contact centre under the CMS at one stage, and as few as 6 per cent. were getting through elsewhere. The CMS in Lowestoft was suspended several weeks ago and the contact centre is only now starting to reuse the system. When one gets through, which takes hours and sometimes days, the initial call usually takes much longer than envisaged: 20 minutes plus instead of five minutes. The callback often comes several days, rather than several hours, later. Imagine the cost to the contact centre of lengthy calls to mobile telephones, bearing in mind that the vast majority of people claiming benefits do not have a phone in their home and rely heavily on mobile phones. The contact centre in Lowestoft is recruiting 55 more staff, which will take it to a level that it did not anticipate requiring until the full roll-out of the CMS, showing that staffing levels are set too low and have led to problems.

[Mr. Wright]

I understand that staff in the centre find the work unrewarding and are aware that they provide a poor service because of that and the inadequate scripting that they are provided with under the CMS. Before CMS3 started recently, the staff had a paper brief of 35 pages of issues not covered in the script. The script restricts staff in many ways; for example, it includes a request for answers to sensitive questions about a partner's details which are not required when a claimant wishes only to claim national insurance stamps.

More concerning is the fact that under the CMS, emergency appointments are discouraged by the system because appointments cannot take place for four days after the contact centre makes its callback to allow for forms to be posted, received and brought to an interview. Non-emergency appointments to attend the jobcentre under the CMS often take place between one and two weeks later. For example, in Great Yarmouth on 18 November the first appointments were for 2 December, despite extensive overtime. Many appointments are then missed because appointments often overrun and last up to two hours rather than the projected 45 minutes. Indeed, we have only now reached the stage that we were at before Jobcentre Plus and the CMS.

The CMS is not only behind with the appointments that it keeps, but inflexible when making them. The system does not allow a booking prior to circumstances occurring. That significantly impacts on a resort such as Great Yarmouth, where the end of seasonal work could normally be planned for and appointments could be made in advance of unemployment. The CMS allows individuals to call only from the first day of unemployment. Due to its rigidity, the system also requires appointments with the financial assessor and personal adviser to take place consecutively. That has caused conflict because frustration must be managed. Yarmouth jobcentre currently has four security guards and two floor managers, when only a receptionist was required previously. Despite that deterrent to aggressive behaviour, local incidents recently included the arrest of a man in the office for possession of and threatening to use an 8-in blade. Another incident involved two men with an axe and a sharp gardening instrument being taken away by the police.

Dr. Ian Gibson (Norwich, North) (Lab): That is only in Yarmouth.

Mr. Wright: I think they came from Norwich.

Ironically in the light of those incidents, the aim of the CMS was to reduce the need for contact and general footfall—the number of people who visit the offices to use the services available. Unlike other organisations that try to improve that scenario, Jobcentre Plus now actively discourages that by referring people to a website or another contact centre for jobs, or by advising them that they need an appointment to have a query on their benefit claim answered. The CMS was designed to play an important part in that active discouragement. Despite that, the last count in Yarmouth indicated that some 5,500 people a week came in compared with the 2,500 planned for. That is a direct result of the problems caused by making processing more remote through the CMS.

The goal of 80 per cent. of information being transferable from the CMS to IT systems that enable the processing to be done is simply pie in the sky. Incapacity benefit claims do not transfer at all, two thirds of the others do not transfer, and anticipated savings on processing have not been realised because of the additional time required by the CMS on liaison between processing teams and financial assessors.

The administrative nightmare caused by the CMS is serious. Claims under the CMS now have to be totally rebuilt following minor administrative errors. That fault could be rectified through reprogramming, but others will not be so easy to solve. Under the CMS, statements of between 15 and 30 pages were being posted from the contact centre to local offices to avoid administrative problems in using the CMS. The situation was not vastly improved under CMS2, which required handwritten notes to be faxed to the local office from the contact centre. Under CMS3 those details are now held on the CMS, but the system continues to be unreliable. A good example of that was when it went down for the whole afternoon on 15 November.

Owing to the introduction of the CMS, some officers are no longer even taking claims. In Suffolk, only three of the 13 sites take claims. A similar process is starting in Norfolk. Soon, people from North Walsham will be required to choose to attend one of three sites, necessitating an up to 50-mile round trip at their own expense. To further compound that problem, I even heard suggestions that contact centre staff have been told to refuse requests for travelling expenses, and to refer cases for an alternative decision only when complainants become aggressive.

The closure of some sites has already occurred, with others opening on a reduced basis. As more work is centralised, the situation is likely to be exacerbated. I have been made aware of problems of constituents calling the jobcentre to ask about payments. They are referred to a team in Norwich, only to be referred again when querying payments. In future, jobseeker's allowance will be based in Basildon, social fund in Norwich and bereavement benefit in Bury St. Edmunds, with more of the same consequences.

Dissatisfaction with the CMS has been portrayed in feedback from Citizens Advice in its recent memorandum and in press articles highlighting the 62 per cent. increase in incidents in Jobcentre Plus. The Public and Commercial Services Union, representing staff in Jobcentre Plus, has made extensive efforts in consultation with and briefing of interested parties, including the Work and Pensions Committee, to raise further those concerns.

Despite that, Jobcentre Plus's middle management and the chief operating officer continue to maintain that there is no problem with the CMS. If that is the case, why has the roll-out been delayed and, more recently, suspended? Why does feedback from the practitioners in local offices, in processing, social fund and the contact centres, indicate a lack of confidence in the system? Why do complaints via various sources confirm a problem?

Middle management and the chief operating officer are completely wrong, and the strategic delivery of the CMS has been deeply flawed. The problem is profound, and it falls on the Government to address it quickly. I do not envy the Government that task and responsibility, working to develop a system with contracting companies that have no interest in or knowledge of the product. It is very likely that we shall have another IT disaster—similar to the Child Support Agency and debt management—unless we act quickly. Instead, we are cutting staff numbers and morale before ensuring that the transition is practicable.

We are not seeking the views of interested parties, such as Citizens Advice, welfare rights services, unemployed representatives and trade unions. Further, we are not assessing and testing new processes fully before their roll-out, and by failing to develop standard operating models and contact centres for those whose needs are best catered for by a local service, we are not addressing the equality issue.

By not resourcing the project responsibly, and by not testing the full costs of proposals, the true savings of the CMS have been massively overestimated. For example, in Yarmouth, a whole year's budget of paper was used in the first month, and the additional cost of severance schemes made possible by the changeover to the CMS is £8 million for Jobcentre Plus in the east of England for the current scheme alone. Further costs are being incurred rapidly for movement of staff, postage, telephony and movement of people and work from one office to another. That has all been undertaken without asking those most affected—the customers and proposed customers—what service they would like. We need to review with urgency the policy that has led us to that situation, put a hold on job cuts, and suspend roll-out and use of the CMS and movement of work while we do it.

This Government have built a platform dedicating polices to producing change within society and creating the support structure that society can expect. The change under discussion should be the right one, but it should be delivered using the appropriate technology, risk-assessed and properly tested. The change should ensure a high level of service, delivered locally where possible, at the right pace for customers and workers—something that the CMS is sadly not delivering.

11.14 am

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. James Plaskitt): I congratulate my hon. Friend the Member for Great Yarmouth (Mr. Wright) on his choice of subject for this Adjournment debate and on being such an effective champion of the effective delivery of public services in his area.

During my hon. Friend's speech, he made several specific points about the performance of local services within Jobcentre Plus. I hope that I shall be able to respond to some of them in the course of my remarks, but I cannot deal with some of the specifics at this moment. I undertake to ask the local managers for a report responding to the specific points that my hon. Friend has made. Once I receive it, I will write to him in due course about the points that I am unable to cover.

Mr. Anthony Wright: In addition to the response that my hon. Friend will get from the management, will he secure a meeting with me to discuss the points face to face, rather than by correspondence?

Mr. Plaskitt: I am more than happy to do that, because I am anxious to make progress on this matter as rapidly as we can, both for my hon. Friend's sake and for his constituents'.

When we formed Jobcentre Plus in 2002, we integrated the job-broking elements of the former Employment Service with the benefit-payment functions of the former Benefits Agency. In doing so, we created a new, modern and more accessible way of delivering services to meet the needs of all people of working age. We are three years into a four-year programme of rolling out the new services through a network of more modern offices. This week, I can report the opening of three more offices, which brings the total to 672.

Jobcentre Plus is not just about delivering services in a new, more modern physical environment; it is about delivering services in a new way to all people of working age. So, alongside the roll-out of a new network of offices, we are investing in new IT to support the new business model. We learned from the early pilots that our customers welcomed the opportunity to make contact with us using the telephone, often in the comfort of their own home. That led us to develop a network of contact centres, and to support those centres with the new customer management system that my hon. Friend has spoken about.

The CMS is an important tool in enabling our staff to collect essential information from our customers, and to use that information to build up claim details on our systems so that we can pay them the correct entitlements. We introduced the system in 2003, after first testing it in Livingston.

The system was not as robust as we needed it to be, and we took steps to correct those problems with what are known as performance releases, which my hon. Friend mentioned. I am pleased to say that, in large measure, the system is now performing in line with our requirements. However, my hon. Friend is right to draw our attention to some continuing difficulties that we have faced in operating the new business model. I acknowledge that in some parts of the country, particularly during the recent summer months, some of our customers experienced difficulty in getting in touch with us through the contact centres. That gave rise to some long waits for callers and some long delays in payments, which were not acceptable.

However, I do not want to pin the blame for those delays on the computer system. The management of Jobcentre Plus quickly realised that they needed to look more deeply for the causes of the difficulties, because it became evident that the problems were more to do with the way that the contact centres were run and the way in which calls were handled.

The management team has acted quickly to remedy the problems. It has tackled basic issues such as staff recruitment, learning and development, and the management of individual contact centres. In addition, it has invoked contingency measures and adjustments to the processes in order to recover the performance in the most affected centres. Early indications following the

[Mr. Plaskitt]

introduction of the adjustments have been encouraging. Since September, we have seen week-to-week improvements in call handling.

Gwyn Prosser: Does the Minister think that, during those difficult times and those long delays, it was sensible to continue laying off staff and reducing the establishment, especially in the south-east of England and in Norwich?

Mr. Plaskitt: I am grateful for that intervention, which reminds me that my hon. Friend the Member for Great Yarmouth, who introduced the debate, has asked me to deal with specific issues on staffing numbers. I intend to do so in a moment.

Each of our 24 contact centres is working to an action plan for recovering performance, and we are managing the return to a full system as quickly and carefully as we can. Nine of the centres are continuing to operate with some clerical procedures, but well over three quarters of the new offices are now operating normally.

My hon. Friend the Member for Great Yarmouth asked me specifically to address issues about the closure of Yarmouth house. I understand his concern about that, but I remind him that the roll-out of Jobcentre Plus is a massive four-year programme involving the makeover and modernisation of a national network of offices. We are also developing a network of contact centres.

While we work on making our services more accessible through new IT and telephony systems in our contact centres, we have to examine carefully our use of the estate. We inherited some unsuitable buildings, often in the wrong locations. That is why we are closing some buildings and opening new ones, as well as refurbishing some existing ones. As we take forward our plans to centralise benefit processes, some buildings, including Yarmouth house, will no longer form part of our network.

We have taken a view, across the country, on the buildings most suitable for accommodating the number of processing staff that we need, and Yarmouth house does not match our requirements. That is not to say that we are in any way depriving customers in Yarmouth of a quality face-to-face service; on the contrary, a service for all our customers will continue to be delivered from Copperfield house. That service will include dealing with social fund and other inquiries that cannot be dealt with by telephone. In our processing centres, staff will be able to develop benefit knowledge and experience to deal with more complex cases more effectively and efficiently, and our customers will have greater access to services irrespective of their geographical location.

Clearly, the closure of any site has an impact on staff. My hon. Friend is, of course, concerned about that. Some 50 members of staff will need to be relocated from Yarmouth house, of whom around half are not able to travel to sites outside Great Yarmouth. Consultation will continue with individuals and we are, of course, making every effort to redeploy the staff affected to alternative jobs, including inter-departmental vacancies, to avoid redundancies. Our policy, agreed with the trade unions, has been to avoid compulsory redundancy wherever we can. That is why we are making every effort to redeploy those people most directly affected.

My hon. Friend also asked, rightly, about the performance of the Lowestoft contact centre. The management team at Jobcentre Plus has taken prompt action to rectify the problems at that site. That action includes: the development of a performance improvement programme; speeding up recruitment and increasing staffing numbers from 184 to 242; and providing additional learning and development support. Of course, it will take a little time for those measures to make a difference to the service for our customers, so, in addition to tackling the causes, Jobcentre Plus has introduced clerical contingency measures and temporary changes to its business processes to ensure that customers are not inconvenienced. That has had an immediate impact on performance in terms of answering calls; it improved significantly in the last week of September, and went from below 50 per cent. to above 90 per cent., a level that has been maintained for a six-week period.

I add for my hon. Friend's information that I have been checking performance at the Lowestoft centre against the national situation. Back in the summer—in August—the national performance was way short of the target that we set, but the Lowestoft performance was even worse. The more encouraging news recently is that, nationally, we are now very close to hitting the 90 per cent. target. However, at the beginning of November the Lowestoft centre was exceeding both national performance and the national target; so in a period of four or five months there has been a sharp improvement in performance.

I acknowledge that last week there was a drop to 82 per cent. when a number of calls were diverted from another site to Lowestoft in order to support learning and development activities in Lowestoft. However, we are monitoring the position on a week-by-week basis and taking whatever measures we need to sustain and improve performance. Jobcentre Plus has stipulated that, for every site operating on clerical contingency, there must be a management action plan to map out the return to operation on the full CMS system. Across the east of England region, those plans are in place for each site. I hope that my hon. Friend will be reassured to know that we will be reviewing the plans on a site-to-site basis in the next month with a view to moving them to the full CMS supported process on a staged basis. The review will allow me to see performance figures from the centre in his constituency, and I will be happy to discuss them with him when he and I meet after I have had a more detailed report from the region.

Our modernisation programme is about much more than a network of new offices. In parallel with physical upgrading of the offices, we have started to build a modern infrastructure, including new contact centres supported by new IT systems. CMS is an important part of the modernisation programme. It enables people to provide the information that we need to assess their benefit entitlements. By enabling our customers to provide information by telephone, we are responding to their desire to deal with us from their own home, which we learned of when we tested the use of contact centres in the ONE pilots.

The introduction of new processes has not been without teething problems, as my hon. Friend and others are all too aware. However, we are working hard to deal with the difficulties, and I hope that I have been able to show that we are making real progress in improving the service to our customers. Our handling of calls is improving on a week-to-week basis, and every site now has a managed plan to return to the full CMS operation. The Jobcentre Plus management board is determined to maintain that improvement, and I assure my hon. Friend that I am determined to give it every support in achieving that objective.

11.27 am

Sitting suspended until half-past Two o'clock.

Local and Regional Government

2.30 pm

Andrew George (St. Ives) (LD): I am delighted to have secured this debate on the future of local and regional government. I am pleased that we can discuss such an apparently wide-ranging issue in one of our 90-minute debates. Hon. Members who want to take part will recognise the importance of establishing a clear relationship between local and regional government powers and national Government policy.

I shall start by commenting on the Government's plans of the past eight years for the devolution of central Government and Government agency powers to so-called regional assemblies and how that relates to local government. I shall also comment on certain aspects of my constituency—I am sure that hon. Members would be surprised if I did not mention Cornwall a few times—including the long-term unitary authority, the Council of the Isles of Scilly, in the far west of it.

The Government have stated their intentions towards regional assemblies in various Acts governing preparations for their establishment. The Minister will doubtless have a clear recollection of the substantial defeat of the Government's proposal in the north-east just over a year ago, and I shall comment on the progress made since then and the Government's intentions following that heavy defeat of their approach to devolution.

I should make it clear that I do not question or even criticise the Government's desire for genuine devolution and for completion of the work that they started. Many hon. Members on the Liberal Democrat Benches and elsewhere strongly support, as I do, the Government's efforts and indeed successes, in devolving power to the Scottish Parliament, the Welsh Assembly and London. However, I want to tease from the Minister, as I hope others will, how the Government intend to fill the many vacuums in policy in order to deliver genuine devolution to the rest of the country.

David Taylor (North-West Leicestershire) (Lab/Co-op): Does the hon. Gentleman agree that the substantial defeat of a year or more ago was not necessarily a permanent rejection of regionalism as a concept but a rejection of the detail of the proposal that was put to the north-east, as well as a lack of conviction among the electorate that there would be a genuine transfer of power and resources to the level that they were being asked to approve?

Andrew George: I am not sure that I agree entirely with the hon. Gentleman's analysis, although I do not interpret the north-east's rejection of the Government's approach to devolution as a rejection of the concept of devolution or a rejection of the prospect of devolved power. It was, as I just said, a rejection of the Government's approach. My criticism is that it was typical of so much of the Government's control-freak approach elsewhere, which I also criticise, whereby they insist on deciding where boundaries are, what powers the people of a region or Government zone will have, how those powers will be dispersed and to what timetable, when a referendum will take place and under what terms, and in what context everything will be

[Andrew George]

carried out. I hope that they will learn lessons from the referendum in the north-east and not hide away under a stone, wondering what on earth they should do next, although I worry that that is what they are doing. As the hon. Gentleman rightly said, they should not interpret the referendum as a rejection of devolution itself.

David Taylor: Regionalism.

Andrew George: There is a debate to be had about what is interpreted as regionalism and what is interpreted as devolution and decentralisation. I shall come to my criticism of the Government in a moment, but it relates in part to the fact that they are concerned not with regionalism, but with attempting to establish a democratic structure in Government zones. Such zones are not regions, because there is no internal integrity in many of them. I cannot comment on the north-east, but I can certainly comment on the Government zone of the south-west. It is not a region, but a Government zone, which has been created over time not only by this Labour Government but by their predecessor Governments for reasons of bureaucratic convenience. It certainly has nothing to do with regionalism, because regionalism implies that a region recognises its own internal integrity and then seeks to achieve power for itself.

David Taylor: Will the hon. Gentleman give way?

Andrew George: I will once but then I want to make progress.

David Taylor: This will be my last intervention. We can agree that reform does not necessarily involve regionalism, but does the hon. Gentleman agree that it does involve genuine decentralisation and real independence, with local accountability, local democracy, a majority of revenue being raised locally and decisions about how it is spent being made locally? How can we raise revenue in that context, given, not least, that the Liberal proposal for local income tax went down like a lead balloon?

Andrew George: I do not want to be diverted on to the rights and wrongs of local income tax, although I dispute the hon. Gentleman's interpretation that it went down like a lead balloon. It obviously went down like a lead balloon with him, but that was not the case for a lot of others, who recognised the inequalities of the council tax system and the farce of the Government's attempt at revaluation, which I notice has been put in abeyance.

In a debate on 12 July in this Chamber, I raised the issues before us with the Minister's colleague, the Under-Secretary of State, Office of the Deputy Prime Minister, the hon. Member for Poplar and Canning Town (Jim Fitzpatrick). In summing up what point the Government had reached, he said:

> "We will decentralise and devolve power where we can."—[*Official Report, Westminster Hall,* 12 July 2005; Vol. 436, c. 236WH.]

In recent years, however, we have seen not devolution but further centralisation of strategic planning and learning and skills. The same is about to happen to fire control, the police and, to a large extent, housing. Those are all moving from local authority influence to Government zones, Government quangos and non-accountable bodies.

Chris Huhne (Eastleigh) (LD): I very much appreciate my hon. Friend's points about the proposals for amalgamating and centralising various public services. Does he agree that that is happening at a time when we are already the most centralised member state of the European Union in terms of the amount of tax revenue that is collected and disbursed centrally? On the latest figures from the Organisation for Economic Co-operation and Development, 94 per cent. of all tax revenues go to central Government before being disbursed, on occasion, to local authorities. In only one of the 25 EU member states is that proportion higher. That state is Malta, which has a population only a little larger than the London borough of Croydon. Does my hon. Friend agree that the figures are compelling and suggest that we are excessively centralised, and that the Government are heading in the wrong direction, rather than attempting to decentralise?

Andrew George: I am grateful to my hon. Friend for making that point. As Malta has a population roughly the same size as that of Cornwall, there are probably a number of lessons to be—

Chris Huhne: Malta's population is smaller than that.

Andrew George: Sorry, obviously more people have left the island since I last heard about it. One could draw a number of conclusions from my hon. Friend's intervention. I am sure that the Minister will bear it in mind in his concluding remarks.

The issue is not just the centralisation of important local government services which local authorities have discharged effectively for decades. Bearing in mind the Government's proposals for local education authorities and the big question mark over the relationship between social services and various health quangos, we can see coming down the track a further siphoning of local government powers to quangos, to Government zone bodies with appointed Government placepeople, or to Departments. That is the inevitable result of the direction of Government policy.

What have we seen as a result of the north east assembly referendum last year? Basically, the Government have demonstrated paralysis; they appear to have no idea. A year on from the referendum, there has been no comment and no proper assessment. There is no sign that the Government are prepared to debate the issue.

Before this debate, I reminded the Minister that on 11 November 2004, when he was Deputy Leader of the House, I asked him when the Government would recall the Regional Affairs Committee, which was established to fill the vacuum created by the lack of any debate about the regional dimension to Government policy. The Committee last met 18 months ago. As I recollect, it met to discuss a relatively unimportant matter relating to "The Northern Way"—I am sure that it was important to the north, but I am talking about Government strategy and Government positioning on the important issues of the day. That Committee, which was set up to undertake an important task, has not met since.

I asked the Minister, who was standing in for the Leader of the House on that occasion last November, when the Government would take the opportunity to review their policy following the north-east referendum. He replied:

> "The hon. Gentleman makes a reasonable point, which he and other hon. Members have made before. I am sure that my right hon. Friend the Leader of the House will want seriously to consider that matter on his return, so I thank the hon. Gentleman for the question."—[*Official Report*, 11 November 2004; Vol. 426, c. 935.]

The then Leader of the House must have considered it very seriously, because I heard no more about it. We are still waiting to hear whether the Regional Affairs Committee will ever meet again. Surely this is a time when it should be meeting weekly to hold the Government to account and to review where Government policy is going.

Alistair Burt (North-East Bedfordshire) (Con): May I help the hon. Gentleman with this part of his argument? The reason the Government do not recall the Committee is that they have no need to, because they have already made up their mind about what they are doing. I draw his attention to what the Deputy Prime Minister said in the House on 8 November 2004, just after the referendum result, when he made his intentions clear:

> "We will keep the regional assemblies, the regional development agencies and regional government. The regional dimension will form an essential part of this Government's policy to correct the economic differential between the north and south of this country. Let us be clear that that is our intention."—[*Official Report*, 8 November 2004; Vol. 426, c. 592.]

That is their intention, so they have no interest in listening to anyone else.

Andrew George: I thank the hon. Gentleman for his intervention. It is helpful, but it is also worth pointing out that on that same occasion, when the Deputy Prime Minister was answering questions following his statement, he went on to say in answer to my question on democratically accountable regional government:

> "I am not giving up, and I hope that I do not give that impression."—[*Official Report*, 8 November 2004; Vol. 426, c. 603.]

He said that, yet since that time we have had a complete vacuum.

Matthew Taylor (Truro and St. Austell) (LD): With the Government's plans for regional assemblies dead in the water, we are left, as my hon. Friend has said, with the centralisation of services from fire control rooms to secondary education and much else besides, plus a regional tier that is unelected, unaccountable and, frankly, extraordinarily bureaucratic and inefficient. Is it not true that the only way to rescue that is to revitalise the process of democratisation of regional and local government by making it closer to the people and allowing them the opportunity to take the decision to have assemblies that are genuinely accountable and local? We are told that the Government have considered that idea for urban areas. I hope that they have. They should certainly be considering it for rural communities that have a genuine sense of identity. What is wrong with the Government's plans is that their regions have no proper identity.

Andrew George: I am grateful to my hon. Friend. In many ways, I agree with him. I, as a Cornishman, do not presume to know what is best for the north-east, the north-west, the midlands or anywhere else. It is not for me to decide.

I will come in a moment to the solutions that I think the Government have to pursue. They do not need a control-freak approach, which seems to assume or misunderstand that devolution is about holding on for dear life and controlling the agenda down to the last tee. Devolution is fundamentally about letting go and giving people in the regions as defined by them the opportunity to bring forward their business cases. They should be able to select from a menu of powers and take their cases to the Government, urging support for them, not the other way round. That is why the Government have catastrophically failed.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): A lot of resentment is felt in Shropshire, particularly by our chief constable, Paul West, who has stated that he does not want the West Mercia police authority to be amalgamated with four other police authorities. That, coupled with the regional fire control centres, is another example of how the Government are determined to bring about regionalisation by stealth, no matter what local people wish.

Andrew George: I am not sure that it is regional government by stealth. It is the bolstering of an unaccountable Government zone, potentially supported by various cronies and placepeople and certainly not accountable to the zone—the south-west is not a region, as far as I am concerned, and I cannot talk about Mercia—that it is supposed to represent. The issue that the hon. Gentleman talks about needs to be drawn out, and the Government need to reflect on it.

The debate in this Chamber on 12 July and the paucity of the Government's response to the vacuum in policy demonstrate that they appear to be on the nursery slopes of the debate. They are not engaging in the debate: they do not wish to. If they do engage in it, they demonstrate that they are still on the nursery slopes by coming out with the same twaddle about needing economies of scale. One needs only to lift one's eyes beyond the narrow horizons of the Government's view of what Britain should be like to the wider world and to look at regions and provinces in other countries. Grown-up countries do not take the view that they need economies of scale in order to deliver services, and they do not take the view that they need to dictate to those regions and provinces what size—

Chris Huhne *rose*—

Tony Baldry (Banbury) (Con): *rose*—

Andrew George: I will give way in a moment, but I am now on my hind legs.

[Andrew George]

Those countries realise that if small provinces are required to work with other provinces, small or large, in order to achieve the economies of scale that will allow them to deliver important services, it can be done. Those provinces and regions simply need the space and the opportunity to do it.

Tony Baldry: The hon. Gentleman is being far too kind to the Government. He assumes that they have beneficial motives; they do not. The Government know that Labour councils will get hammered in the local government elections next year, and this is all a distraction, putting district councillors against district councillors—people of one party against others of the same party. It will not work. There is nothing noble about it. It is a distraction, because they know that their party will be devastated in next year's elections.

Andrew George: I am aware of the time, so I hope that those who intervene on me do not mind that as a result of taking interventions I shall speak for rather longer than I had intended. Unless I hear otherwise, I will try shortly to draw my remarks to a close. However, I will try to deal with the questions raised.

I will come to the question of how these things relate to the apparently leaked memo—I believe that the Minister will say that it was a letter—from the Minister of Communities and Local Government to some of his governmental colleagues. The important issue is the order in which reorganisation takes place, if it is to take place. I am sure that the leak leaves a number of people with the clear sense that mere cynicism lies behind the alleged proposals for local government reorganisation and that they are not part of an intelligent, thought-through policy.

Mr. Philip Hollobone (Kettering) (Con): Before the hon. Gentleman moves on, is he aware that Northamptonshire now has a grotesque structure called a sub-region? The Milton Keynes and South Midlands sub-region has published its own spatial strategy and encompasses counties that fall into the east midlands and the eastern and the south-eastern regions of England. It has taken from the counties' structure plans responsibility for planning thousands of new houses in the shire counties.

Andrew George: I am sure that the Minister will take on board that plea on behalf of the area that the hon. Gentleman represents. Many of the proposals and spatial strategies emanating from such bodies are particularly ghastly documents, and those local authorities that wish to engage with them find it extremely difficult to do so. There is very strong objection to the way in which such documents have been drawn up and about the fact that they fail properly to reflect some of the strategies and intentions of the local authorities with which such bodies are engaging.

Having said all that, it is rather sweet of the Government to respond as they do whenever I raise the Cornish dimension to devolution. Despite the fact that a large number of people aspire—I would argue that it is the settled will of Cornwall—to modest powers devolved to a regional assembly that covers the local authorities of Cornwall and of the Isles of Scilly, the Government take the view that they know better than the people of Cornwall how to run their affairs. It is extremely kind of them, but we could do without that level of intervention.

Chris Huhne: Let me reinforce my hon. Friend's point. Does he agree that the English regions of which the Government seem so enamoured are extraordinarily large? My region, the south-east, has more than 8 million people and is covered by 83 Westminster constituencies. Every English region apart from one—the north-east—is larger than the Republic of Ireland. Therefore, we should consider much more substantial decentralisation than merely to the regional level on which the Government are so keen.

Andrew George: Let me correct my hon. Friend: he cannot say regional level and must get used to the term Government zone level if we are to do this right and use the proper terminology. However, he rightly points to the need for a constructive proposal to fill the vacuum in Government policy. I hope that the Minister is listening. If the Government follow the principle of letting go rather than that of holding on for dear life, they should end up taking a grown-up but more passive approach to devolution. They might recognise that it is possible to achieve devolution and decentralisation in the over-large Government zones by waiting and allowing local authorities, community groups and others to make a business case for the definition of their own regional boundaries, and to demonstrate how they would run their region and which powers they would wish to take on initially—recognising that it is a process and not a single event—from a menu that the Government would, I hope, be prepared to offer them. Referendums are far more likely to be won if the people in the regions are involved than if the terms appear to be imposed by the Government.

With regard to local government reorganisation and the Whitehall memo that was apparently leaked to the press at the weekend, let us put aside the claims that it is all part of a scurrilous and cynical Government ploy to deal with the problems of Tory shire counties. We need to take care that it is not part of another cynical ploy—a tactic to divert us from the important task of addressing the deficit in the definition of devolution from central Government, particularly when so many powers are being syphoned away from local authorities and so many statutory responsibilities have been loaded on to them.

Such authorities are given no other choice than to be Government agents rather than genuine local government making its own decisions, so the whole exercise becomes rather fatuous. It is like asking an engineer to start building a bridge from the centre or, in the context of the syphoning away of powers that I have described, like rearranging the deckchairs on HMS Local Government before it finally goes under. One has to start with a clear vision of what the Government want to achieve with the devolution of power and of their strategy.

Finally—this is the Isles of Scilly interlude in the wider debate—the Government should take care with the uniform application of national policy and its impact. The Isles of Scilly have a population of 2,000 people and a small local authority with a range of responsibilities covering not just county and district council matters but others such as water, which was never privatised, and the running of the airport and the port.

Either because Government Departments like visiting the Isles of Scilly, which is possible, or because they fail to understand the nature of the responsibilities of the council of the Isles of Scilly, there have in the past year been 31 inspections from different Departments, by inspectors who stay in one of the many swanky hotels on the island and meet officers. Some 113 days of the four chief officers' time has been taken up with receiving and meeting those guests and answering questions, although each chief officer has only a total of 220 days each year. When one takes into account all the time that they have to put into the preparation of their case and answering inquiries, one sees that more than 250 days of chief officer time is taken up with addressing the problems of inspection. That is neither best value for local government resources nor proportionate. I hope that the Minister is keeping a watching eye on that and considering the cost.

I have had to fight the best value inspections. We have managed to negotiate the number of indicators that have been used from 140 down to 75, but there were times when the local authority was asked to undertake a best value analysis for grave digging, trading standards and traffic wardens. In fact, on some occasions the best value analysis cost more than running the service. That is a bizarre situation on which I hope the Minister and the Government will reflect when they review how to deal with such matters, and I hope that they will not always assume that all local authorities are large metropolitan areas.

Finally, civil contingencies budgets were apparently enhanced for this year. Under the new formula, the civil contingencies budget for the Isles of Scilly was cut from £54,000 a year to £1,800 a year. That is some enhancement. That amount hardly covers the cost of the officer responsible for the service travelling to meetings in the so-called region—in Exeter and other places—and his telephone bill, let alone his other costs and expenses. Clearly, the Government need to reflect on that.

I apologise to all present for taking so much time, but I understood that more people wished to intervene than to make speeches, so I have taken that into account.

I hope that the Government will not hide and become paralysed. Although in Liberal Democrat terms I have been brutal with the Minister in my comments, I hope that he will not become paralysed, because some of us are keen to engage with a Government who demonstrate that they are genuinely eager to deliver devolution and decentralisation. That cannot be done if they keep retreating into their shell.

We want to help. I hope that the Minister is listening, is prepared to take note and will debate the matter further and often.

Mr. Eric Illsley (in the Chair): Before calling the next speaker, I remind Members that I intend to begin the winding-up speeches at 3.30 pm, so I ask for brief contributions from here on in.

3.4 pm

David T.C. Davies (Monmouth) (Con): Perhaps I should declare an interest from the start. I have been a Member of the Welsh Assembly for the past six years, despite the fact that I campaigned and voted against it. If I had the opportunity to vote in another referendum, I would probably vote for Christmas, unlike the proverbial turkey. I went into politics because I believed that it should be about low taxes, high-quality public services, low taxation wherever possible and building a sense of cohesion. The Welsh Assembly, and regional government in general, undermines those key principles.

We saw a huge rise in the costs of government from the moment that the Welsh Assembly was set up. One of the first decisions taken was to build ourselves a brand new building, which originally cost £6 million and is now running at £66 million. That money is coming straight out of the block grant for the Welsh Assembly, or regional government, and could be spent on other matters.

There are also Welsh embassies all over the world—or, rather, in the more exotic parts of the world—*[Interruption.]* I am happy to give way to anyone who wants to ask me about that. I have tried to find out the costs of the embassies. I know that they run into millions; the embassy in New York is in the Chrysler building. I am unable to give a definitive figure because, despite my asking a series of written questions on it, the Minister has not been able to give me a proper cost.

There has also been an expensive reorganisation of quangos, which brings me to public services. One effect of regional government is a tendency among those running it to try to do things differently, even when there is no real reason to do so. I have been critical of this Government in Westminster and their handling of the health service. However, they are doing a far better job of running the health service than their colleagues in the Welsh Assembly are. Perhaps that is because the Government have a slightly more pragmatic approach or because of the relatively lower costs of having a larger health service in England; I do not know the full answer. The health service in England is far better than the one in Wales.

Daniel Kawczynski: May I tell my hon. Friend and the Minister something? As a result of the different policies that the Welsh Assembly now employs, my Royal Shrewsbury hospital loses £2 million a year, because the Assembly pays a different amount per patient than English authorities do.

David T.C. Davies: Indeed. I am grateful to my hon. Friend for pointing out some of the many irregularities caused by the fact that we no longer have a national health service; we have a regional health service.

On education, it concerns me that there is now talk of developing separate qualifications that might not be recognised in the rest of the United Kingdom. On agriculture, we saw the effects of the difficulty of getting the level of expertise needed to deal with complicated cases during the foot and mouth crisis. That was demonstrated when somebody from the Welsh Assembly agricultural department rang up one of my constituents, who had asked for a movement licence on a bull, to ask what sex the bull was. That is a true story.

[David T.C. Davies]

The hon. Member for St. Ives (Andrew George) mentioned taxation. Under the current models, regional governments are not given powers to raise taxes—quite rightly, too. As a result, where they have had responsibility for local government funding there has been a tendency for them to use that to raise taxes through the back door by increasing council tax.

In a debate on local government the relevant Minister was criticised for council tax rises of between 74 and 90 per cent. I think I said that we would be having parties in the street to celebrate if our council taxes had risen by only 90 per cent. or so in Wales. In my constituency, the figure is more like 130 per cent.

I am proud to be Welsh, particularly on international days, and I am again very much looking forward to the game against England this year. I am also proud of the fact that I am British. There is currently a great danger—a tendency to encourage people to define themselves by the region that they come from, by their ethnicity, by their religion or by any one of a number of other distinctions, whereas we should encourage everyone to define themselves as British.

We have to build a strong, cohesive society. To do that, we should say to people that they should be able to celebrate whichever culture, religion, ethnicity or regional identity they feel that they have; that is fine. However, we also need to encourage people to celebrate something that is a little different and that can unite us all. That argument is currently being won on both the left and the right.

I can see some advantages in regional government. Regional government representatives and Assembly Members—whatever we want to call them—are local. They are back in their constituencies most nights and are therefore easier to get hold of. It is easier to get hold of Ministers in the Welsh Assembly Government than to get hold of Ministers in Westminster. That was said without any disrespect to the Minister present today, because there are more regional representatives and they are more local. It is also easier to raise matters in the local press, because it tends to be based in the areas where regional governments are based.

I do not believe that the advantages outweigh the disadvantages. I accept that there is now a question, because we have a Parliament in Scotland, which has tax-raising powers and primary legislative powers, an Assembly in Wales with secondary legislative powers and, theoretically, no tax-raising powers—although I would argue that it has them—and an assembly in London. I shall not go into the complexities of Northern Ireland. We have different systems of government throughout the United Kingdom. That was not thought through sensibly. The population of Scotland is of course twice that of Wales, which is twice that of Northern Ireland. The question arises of our perhaps setting up an English Parliament or regional governments, or simply preventing Welsh and Scottish Members of Parliament from voting on matters that affect only England. That is a matter for the English to sort out. However, I strongly suggest that the answer to the question is not more politicians, more taxation, lower public service levels, or anything that undermines the principle that all of us are British.

3.10 pm

Dr. John Pugh (Southport) (LD): I congratulate my hon. Friend the Member for St. Ives (Andrew George) on securing an important and timely debate. In preparation for it, I thought about who I would consider the most influential figure in recent local government history, and I concluded that it was probably not anyone pictured in the halls around Westminster, but Derek Hatton, or "Degsy", as he is known in Liverpool, who managed not only to be a bête noire of Labour and the Conservatives but to be not much liked by Liberal Democrats. He was the last person I can recall who set municipal power into deliberate conflict with Whitehall power.

When Derek Hatton came to power, the Government had already decided, post-Toxteth, that local government could not really be trusted, and had tried to emasculate or sideline it by creating other agencies. The Greater London council and metropolitan counties had already been abolished. Certainly, Mr. Hatton played a pivotal role in a hardening of Whitehall thinking which, I should say, spans different Administrations.

The strategy that I have described has not been reversed. Those of us who have observed local government in recent years have noticed a reduction in its functions, a limiting of its role as a provider, and a capping and controlling of its budgets, with, on balance, a preponderance of its funding increasingly being provided from the centre, and the loss of business rates. The Government have gone so far as to determine the structure of council meetings, with the imposition of the cabinet system.

To be fair, the Government would probably claim, by contrast, to have given local government some new powers. However, when those powers are examined in detail they tend to emerge as powers to enable rather than provide, powers that, often, are shared with other partners, or what I might call short-straw powers, such as the power to impose congestion charging or administer the Licensing Act 2003—unattractive numbers that central Government do not fancy.

We must accept that the great days of civic power are some way behind us now, with the not unexpected result that turnout is down and local government is by and large left as a useful whipping boy or, occasionally, bogey man, whereas in reality genuine power has shifted massively to the centre. I should go so far as to say that local government is not only no longer an autonomous unit, but not any more even a trusted partner.

Centralisation, however, goes only so far. There comes a point at which centralisation assumes a burden that it can no longer carry. It has thus been necessary for the centre to create various satellite agencies, such as the development agencies and the Government offices that inhabit the regions like colonial viceroys, and to try through them to administer each region in various ways. Such agencies certainly father, in conjunction with regional assemblies, a host of varied strategies.

I disagree with my hon. Friend the Member for St. Ives that there is paralysis; I think that there is progress, because we all know that a range of interesting strategies are at the moment cooking in the bowels of various Government offices and development agencies—spatial strategies, housing strategies, transport strategies and economic strategies. All those are influential or bound to be influential. They are consulted on in a brief and perfunctory pattern, but I do not think that anyone would recommend them as genuine, ideal democratic products.

Perhaps I can give two local examples from the region that the Minister and I inhabit. A north-west transport strategy is being developed. That is basically a 10-year transport plan for the entire north-west. It is being produced fairly quickly, with a deadline of around January for the region and around March for the Government. It is proposed that £1.4 billion of public expenditure will be committed or prioritised. Included in that strategy there will obviously be some schemes that many Members of Parliament would like; but other schemes that they would like may well not be there. Key decisions are being made with inordinate haste. The whole process is veiled, by and large, from council leaders, certainly in part from Members of Parliament, and certainly from much of the business community. None the less, it will undoubtedly be fairly influential.

The region that I share with the Minister comes under the Northwest Development Agency. It often says that it has a three-year strategic plan that identifies which projects it will and will not fund, but I invite Members just to try to get it off them—they will find it fairly difficult. They would also find that not even the Freedom of Information Act 2000 will prise the plan from the agency.

I think that there is an appalling democratic deficit, and most people would say that that was the case in the example that I have just given, but the situation is complicated by haste and the genuine lack of regional government. Whatever we think about it, there is now some regional decision making by our regional government. That, coupled with the regionalisation of emergency services—something mentioned by other Members—and of the health services, is not so much a democratic deficit as a complete democratic vacuum. That is one reason why the Select Committee on the Office of the Deputy Prime Minister will look into regionalisation over the next few weeks or months.

I turn to the poor old counties—I say "poor old counties" because they have essentially been stripped by the regional bodies of their strategic transport role. Roads are no respecters of council boundaries; I accept that. Counties have been largely stripped of education, and are simply a postbox for educational funding. Social services are, by and large, shared between counties and health bodies now, and so the counties act in partnership rather than autonomously. In fact, it has to be said that they are now an extra layer in a world, largely, of unitaries. As function and structure are intimately related, if all those changes in function are made, some change in structure will inevitably be suggested at some point. Therefore, the leak from the Minister for Communities and Local Government the other day was heard with a sense of inevitability by some of us, because it follows logically and consecutively from the Government's prior plans.

However, I do not want to get into a debate about the structure of local government, or even to suggest an ideal template to hon. Members. The fundamental issue, as was highlighted in the introductory speech, is the democratic deficit. The question is how we get public ownership of local and regional decisions, and how we persuade people that it makes a real difference to vote for any local or regional body.

3.18 pm

Tony Baldry (Banbury) (Con): It was always ridiculous making the right hon. Member for Kingston upon Hull, East (Mr. Prescott) the Deputy Prime Minister, because the Government then had to create a whole Department for his entertainment. Having created the Office of the Deputy Prime Minister, they then had to find something for it and its junior Ministers to do. All they have managed to do is meddle; there is compulsive meddling on the part of this Government. Oxfordshire is about to lose its fire control centre; the Home Office is deciding whether Thames Valley police should join Hampshire police to form a new force; and there is a comprehensive reorganisation of primary care trusts only a few years after they were introduced.

I do not think that the Government have any noble intent in suggesting a reorganisation of local government. It is a ploy; they know that next year there will be some very difficult local government elections for them—in London, in the unitary authorities and in a number of the shire districts. They know that they will get squeezed by Conservatives and Liberals, and I suspect they will find themselves in a very humiliating position. This proposal is a distraction from future election losses and a distraction from the extent to which, under the Government's stewardship, council tax has gone up and continues to go up. Last year, the Government injected a one-off £1 billion into council tax—a pre-election give-away that clearly will not be repeated this year. As I shall later say, we are likely to see an average increase of £100 in council tax because of the Government's actions.

We do not need to look too closely, because we know from the experiences of history what happens when one seeks to reorganise local government. As Sir John Banham, who undertook the last consideration of reorganisation, said only the other day on "The World at One":

> "Any reorganisation costs more, takes longer and delivers less than any proponents of change ever thought. Everyone needs to be very careful before they undertake further disruption."

However, that is what the Government want to do in rural England: to be disruptive and expensive and to deliver less. When I go down the high street in Banbury, I am not stopped by people who say, "We would really like to see Oxfordshire county council abolished. We would love to see a unitary authority here." What they are really concerned about is the collapse of the NHS in Oxfordshire and the fact that their council tax bills are going through the roof.

When the council tax was introduced in 1993–94, it averaged £456; today it averages £1,009. Sir Jeremy Beecham, the vice-chairman of the Local Government Association and a Labour councillor, said only the other day that the LGA is hoping for a substantial sum from the Government along the lines of last year's one-off £1 billion payment, because if it does not get that, there will be a shortfall that could mean an average £100-a-year increase in the council tax this coming year. That is not because local authorities have been wasteful, irresponsible or profligate or because they have been

[Tony Baldry]

tearing up £5 notes and throwing them into the River Thames; it is because authorities across England face extra costs of £2.8 billion to cover the new responsibilities imposed by Whitehall. Those are Sir Jeremy Beecham's figures.

The Minister for Local Government (Mr. Phil Woolas): Even the Local Government Association does not say that the figure to which the hon. Gentleman refers is made up of supposed new burdens.

Tony Baldry: That is the reported figure. Perhaps the Minister will give the new burdens figure when he winds up; we look to having the whole of that incorporated into the local government settlement. That settlement will be difficult not only because of council tax, but because we will be hammered in Oxfordshire on the supporting people budget. It is wholly unsatisfactory that councils should regularly have to plead for one-off cash handouts, rather than having a stable and predictable source of income from the Government.

What is also particularly distressing about the ever-increasing hikes in the council tax bill—which are, of course, a very effective stealth tax because they result from the Government's shifting of burdens from central Government to local government without proper funding—is that the people who get really hammered are those on fixed incomes such as pensioners. Council tax has risen and continues to rise by far more than prices and the state pension. We have seen the council tax go up by nearly three times the inflation rate.

There is another particularly stupid aspect of the proposals for reorganising, merging or scrapping Oxfordshire county council or other tiers of local government. In its reports, the Audit Commission shows that in the south of the country, for example, local authorities—many of which are Conservative-controlled—are better than any other part of the public sector in delivering efficiency savings and are persistently among the best performers in the Audit Commission league tables. If parts of central Government were as effective as local authorities such as Oxfordshire county council and Cherwell district council at delivering efficiency savings and doing more for less, public finances would be a lot better and there would not be that sizeable black hole in the Government's finances.

The whole debate about the reorganisation of local government is a deliberate distraction on the part of the Deputy Prime Minister and Ministers. They want to attract attention away from the substantial hikes in council tax that we will see as a consequence of this year's local government settlement, which always comes up just before Christmas in the hope that the Christmas break will also somehow distract people's attention. They want to distract people's attention also from the devastating local government results that will occur quite rightly next May.

3.25 pm

Sir Peter Soulsby (Leicester, South) (Lab): I speak as somebody who has been an elected member of a local authority for some 30 years, and who led one for some 17 years. On many occasions during that time, I found myself on the receiving end of changes in structure and in Government policy.

I can look back during that period at a significant change to the way in which the public view local government and local government views itself. We have seen public esteem for local government and the morale of those involved in it—particularly elected members—diminish. Members of all parties will acknowledge that the link between the level of spending of individual local authorities and the level of taxes levied by them was lost in many people's minds, and that it became confused and opaque. We have discussed on other occasions the gearing effect of how things work at the moment.

I shall keep my remarks brief and look back to the damage that was caused in the 1980s with the confrontation between central Government and local government—the attack on services, the erosion of powers and the way in which local government's legitimacy was undermined. I shall also look forward to the Lyons review of the structure and the purpose of local government and its function.

David T.C. Davies: Will the hon. Gentleman give way?

Sir Peter Soulsby: No, time is about to expire, so if the hon. Gentleman will forgive me, I shall not give way.

We must look forward with some optimism to the Lyons review, and look for genuine devolution and decentralisation to arise from it. I hope that through the review and in the Minister's contribution towards its thinking he agrees that some significant issues need to be tackled. Most particularly, there is the funding of local government to ensure the availability of a broader range of funding sources and genuine accountability by local government for the level of spending, which is then linked back to the level of taxation.

I hope that the Minister agrees that there is a need for a review of the remnants of the two-tier system. It was partially addressed by the abolition of the metropolitan councils and the establishment of some unitary authorities, but it must now be addressed throughout the remainder of the UK. The system remains wasteful, and unnecessary duplication is built into it.

I hope also that the Minister agrees that there is a need to look again at the way that the cabinet and scrutiny systems have worked in practice, recognising that although there have been some benefits, in many areas it has led to increased confusion rather than transparency about where decision making takes place, and that the role of scrutiny is not always 100 per cent. successful.

Finally, I hope that now and as part of the review the Minister will consider ways in which it is possible to restore the morale of members of local government, recognising that for all parties there is a real issue about attracting a high calibre of person to local authorities, and, once they are elected, retaining those members. Far too many of them will serve one term and decide that they are going to go away and do something useful with the rest of their life. We need to restore the legitimacy and prestige of those who serve us, as members of local authorities. We must recognise that there is a job to be done to restore local government as an essential part of our democratic structures.

3.30 pm

David Howarth (Cambridge) (LD): I congratulate my hon. Friend the Member for St. Ives (Andrew George) on securing this debate on an important and timely topic. I agree with him especially on two points. First, I agree with his preference for power to be held at the most local level possible. If that turns out to be regional, or zonal, as he puts it, that is fine, but it strikes me—as I think it strikes him—that that will be quite a rare occurrence. Usually, power can be held at a level more local than the large zonal level to which he refers. The second point implicit in what he said was that power ought to be built up from the bottom rather than imposed from the top. That leads to my, and I think his, preference for joint working and joint commissioning of services as a way of overcoming the problems of economies of scale, rather than starting with gigantic authorities built around the principle that sometimes quite rare services must be delivered in the most efficient way.

It strikes me that the regional level might be suitable, say, for strategic planning and some aspects of transport—although even in respect of transport, sub-regional levels are often better—but that there are otherwise few natural functions for it. As my hon. Friend said, however, as long as regional offices exist, and as long as regional quangos multiply, there is a serious democratic deficit to be dealt with in our approach to regional government. It is important to review the way in which existing regional assemblies work to ensure that they are properly accountable, and we should be thinking about looking for ways in which to make them more clearly accountable downwards to local government, rather than upwards to national Government.

The situation of local government following the leaked memo to *The Daily Telegraph* is interesting. The Lyons review started as a review of finance. Then the Government announced that it was to be expanded to look into function. Now it seems that we are to have a review of structure as well. Add those three things together, and we are in the midst of a general review of local government. Albeit perhaps by accident rather than by design, that is the point that we have reached. If so, this is the right time to return to first-principle thinking about local government, and for the Government to publish a White Paper outlining their view of the whole relationship between central and local government, rather than tackling the question in parts. For Liberal Democrats, the basic principle is localism.

Mr. James Gray (North Wiltshire) (Con): From the Minister's body language—I saw him smiling at his civil servants—it appears that the Government propose to bring forward a White Paper along those lines. I hope that the Minister will be able to confirm that later.

David Howarth: I would be happy if that idea had occurred to the Department and the Minister.

For us, the basic principle is localism. Power should be exercised at the most local possible level. However, it is important to understand not just the principle but the reasons for it, as they may determine a lot of policy direction. The Minister has heard me say this before, but perhaps other hon. Members have not. We have three distinct reasons for being in favour of localism, which lead to distinct conclusions in their own right. One is that power should be dispersed, rather than being too concentrated in too few hands, and that local government has a constitutional role to play. The second is that there is a need for diversity and experimentation, both in government and in society, and that local government can play a role in that as well. Thirdly, there is a need for democratic participation, and it is important that local government should be seen as a way in which local people can participate in the democratic process. I do not have time to go into those three reasons at great length, although I am sure that Ministers would be happy to respond on the reasons for localism, rather than simply stating conclusions.

The most important aspect of our belief in the dispersal of power is that we think that local government should be about local politics, not about local administration. Part of the problem is central Government's view that local government should be their agent rather than a source of political legitimacy in its own right. We should look forward to a situation where national Government respect the powers of local government within its sphere and a financial structure is in place to back that up, and where, when national Government want local government to act for them, they have to negotiate with local government about accepting extra responsibilities, rather than simply imposing them through legislation.

The central point about experimentation and diversity is that local government should be able to experiment not only with the delivery of policies but with what policies to deliver. National Government should content themselves with minimum standards and providing information about performance and practice. The crucial difference is that the implied national policy has been for decades that public services should be delivered in the same way throughout the country. That is implicit in the local government financial system. As a matter of principle, we should move away from the idea of uniformity to one in which local government is encouraged to have different policy aims from national Government.

The most important of the three points concerns democratic participation. It is necessary to the survival of democracy itself that as many people as possible have direct experience of the democratic system. By that, I mean not only voting but standing in elections, serving as a representative, making decisions and being held accountable for those decisions. We cannot afford further development of a small and separate political class—an isolated clique of leaders divided from a resentful mass whose only experience of democracy is being governed by someone else. The best defence of democracy is the widespread experience of democratic politics.

The theme that lies behind what is said on many sides, including in the leaked document in *The Daily Telegraph*, is that it is a good idea to reduce the number of councillors just for the sake of it. I oppose that. By international standards, we are not over-represented in this country. The Government might quite rightly—this relates to a point raised by the hon. Member for

[David Howarth]

Leicester, South (Sir Peter Soulsby)—be worried about the quality of local government councillors, and think that one way of addressing that could be to reduce the number of councillors and to use the money that would otherwise be spent to increase allowances to make attractive salaries. However, that is the wrong way to attract talent to local government. The best action to take would be to increase the powers of local government and to free it from national control, so that councillors can achieve something for their communities. Freedom for councils means better councillors.

It seems that one of the Government's reasons for unitary councils is a reduction in the number of councillors. I would not accept that. I also reject the idea of a single system of local government throughout the country. A single system is wrong; there should be various ideas of how to run local government. There is immense geographical diversity in the country and what might be appropriate for a rural area might not be appropriate for an urban area. However, as another former council leader, I am much attracted to single-tier local government, especially in urban areas. The present system leads to immense confusion and failure among the various levels of local government to take responsibility.

It is difficult for the electorate to believe that the county council is responsible for all the roads, even in an urban district, or that one council deals with waste collection, while another deals with waste disposal. I remember from my time as a council leader that the local population always thought that I was responsible for all the county's services, including part of the health service. That lack of clarity is a real problem for democratic accountability.

If *The Daily Telegraph* leak is right, I strongly advise the Government to think carefully about how they propose to go about the reform. They risk repeating some of the mistakes of the Banham/Grant commission. That went for speed. Its remit was limited to building new authorities out of existing authorities, and not crossing county boundaries. In many areas, including mine, those two rules by themselves meant that no agreement was possible, because fears of dominance of town over country or country over town, or the existence—in my area—of several important towns close to county boundaries made the creation of a rational system of unitary authorities impossible.

I advise going for a slower, but more thorough process that allowed more radical solutions and that sought ideas not only from existing councils, which are bound to reflect their institutional interests, but from a wider community. Structure is probably the last thing that must be decided after function and finance, and it is important for the Government to return to that.

3.40 pm

Alistair Burt (North East Bedfordshire) (Con): Welcome, Mr. Illsley, to the third and probably spikiest of an occasional series of seminars on the Office of the Deputy Prime Minister, ably run by the Minister and the hon. Member for Cambridge (David Howarth). Although we have less time than normal on this occasion, what has been packed in has certainly been up to the quality of our previous sessions.

I congratulate the brutal hon. Member for St. Ives (Andrew George) on securing this debate and leading off. He gave a series of illustrations of how the present burden of waste and bureaucracy is causing nonsense and managed to put the words "cynical ploy" and "this Labour Government" in the same sentence. I suspect that if that were tapped into Google there might be more than one reference to those words being linked.

My hon. Friend the Member for Monmouth (David T.C. Davies) told us about his experience of the Welsh Assembly and of how costs can rise. He spoke endearingly of Welsh embassies around the world but, frankly, with the Welsh rugby team and Katherine Jenkins, I do not see that anything else is needed to advertise Welshness anywhere.

The hon. Member for Southport (Dr. Pugh) drew attention to another modern problem connected with local government: the plethora of bodies that are now involved in some way in partnerships or stakeholding so that any consultation must be rushed before information comes back. That led him to the conclusion, as it would have led me, that the only winner in such a system is the sole partner with a fixed and single view: the Government.

My hon. Friend the Member for Banbury (Tony Baldry) in a series of devastating attacks clearly pointed out the damage done by the waste, bureaucracy and nonsense that characterise local government today. He rightly referred to the quotation of John Banham about how the costs of restructuring are always well beyond anything that is contemplated. He put his finger on the elephant in the room: the leaked letter of the Minister of Communities and Local Government which was a ploy to divert attention from impending huge council tax increases and to set Tory against Tory—a ploy with which we will not comply.

The hon. Member for Leicester, South (Sir Peter Soulsby), with almost a slight deviation to the 1980s which might not have been necessary, made a significant and well measured contribution on the problems of attracting people into local government, of public esteem and of establishing proper links between what is raised and what is spent. Although it has taken him 30 years to decide to leave local government and get a life, we are delighted that his experience is so well put to effect in a debate such as this.

The hon. Member for Cambridge in his usual persuasive and homely way gave us another master class based on his experience of local government. I particularly agree with and support his point that if we want to enhance local authorities in this country, we do not need gimmicks. We need to restore their power and accountability, and then the sort of people who made local government great in this country will again be attracted to work in that area. There are already good people in local government, but too many have slipped away because they feel that they could do something elsewhere. We want them restored to local government.

I remember that as a child when I passed churches, and being a good follower of Jesus, I read the little homilies outside. One I particularly remember said accusingly, "If you were charged with being a Christian, would there be enough evidence to convict you?" I have lived with the guilt of that ever since. I could turn that around today and ask the Minister whether there was sufficient evidence to convict him and his colleague of making a complete Horlicks of local government in England and Wales. I suggest that the answer would be yes. Based on that evidence, we have heard today all the problems with which he is rightly charged.

There is continual tension in the United Kingdom between the powers of central Government and the needs of local government. That waxes and wanes over the years depending on the Government, and there is never a fixed point at which there is a settlement. The nation feels that this Government are central and controlling and the lack of trust in them is strongly reflected at local level. If there is to be a better future for regional and local government in England and Wales, three problems must be addressed and put right.

First, the Government must stop undermining local accountability. New taxes and burdens are imposed on local government, but it is not given the funds to pay for them and the public become confused about the responsibilities of their local authority and of the Government. New burdens in recent years have included the landfill directive, the directive on disposal of white goods and electronics, asylum seeker dispersal, care standards, emergency planning, homelessness and licensing. All were placed on local authorities without money to pay for them.

Beyond that, there is a growing sense among those at senior level in local government that, these days, they must look up to Whitehall for their careers and future, not out to the community that they are supposed to be serving. They feel that they are the local arm of central Government, and that is not what local government should be. In my area, that led to the nonsense of rate capping. Mid Bedfordshire council had the 10th lowest charge in England, but it cost £85,000 to re-bill ratepayers, all to save them an average of 15p per week. That is an example of domination by the Government going too far.

Secondly, the Government must stop undermining local responsibility by moving powers to various boards and partnerships. We all know of examples. The clearest one is moving powers to regional offices which do not, in fact, deliver the goods. They now have responsibilities for transport, housing and planning that have been taken from democratically elected bodies. If regional offices worked, that would be something, but the report yesterday from the Urban Task Force neatly illustrated how they fail to get things right. In describing the problems of delivering regeneration, the Urban Task Force stated:

> "The plethora of overlapping, but differently funded and monitored, area based regeneration bodies has reduced the delivery effectiveness of public sector led regeneration schemes. This has been exacerbated by the disconnection of regeneration expenditure between Government Regional Offices, Regional Development Agencies and English Partnerships and the huge number of new ineffective partnerships at local and sub-regional levels".

That is how the new bodies and the new partnerships do not deliver on just one aspect of government—the vital one of delivering regeneration. They do not do the job and are not effective in crucial areas.

Thirdly, the Government must sort out and stop the incessant drive to regionalisation. The preamble of the leaked letter states:

> "As you know, over the last year, we have been engaged in a wide-ranging debate about the future of local government. In the context of that debate and of the proposed significant organisational changes under way in Police and Health services it seems to me"—

that is, the Minister of Communities and Local Government—

> "that we have an unprecedented opportunity to consider together the structures that are in place to provide services to local people and to improve partnership working."

If that is to be done in the context of police and health, we know what it will be. It will be regionalisation, as that is where restructuring goes and it is the declared aim of the Government. We know exactly what we will get if local government reorganisation follows that pattern.

A better approach for the Minister for Local Government to take would be, first, to restore local authority powers and responsibilities. Powers should be gathered from the top down and sideways from the various boards. That would lead to an increase in interest and participation.

Secondly, the Minister should encourage the voluntary coming together of areas where there is a natural congruence, because the regional boundaries as currently devised simply are not adequate. For example, there is more congruence among south coast towns than there is in any structure that links them with places many miles to the north or inland.

Thirdly, the Government should be an enabler and ring-holder, and not enforce from the top down. Fourthly, it is better to build from the bottom up, and to ensure that councils at district, county, borough and metropolitan levels pare costs, share facilities and look for a consensus on what is delivered and how it might be done. Finally, the Government should pare down partnerships and make their responsibilities clearer so that they can deliver. That is a better recipe for local government growth and development in this country than continuing along the failing lines that I fear the Minister and his colleagues will enforce on us all.

3.50 pm

The Minister for Local Government (Mr. Phil Woolas): I thank hon. Members for a very wide-ranging debate. The title of regional and local government allows comment on just about anything. I congratulate the hon. Member for St. Ives (Andrew George) on securing the debate and on giving us the opportunity to share different policy ideas and strategies. I also thank him for asking questions about his constituency. I am grateful for the advance notice that he gave me, and for the spirit in which he approached the subject.

I reject the central charges that hon. Gentlemen have made against Government policy. There have been caricatures of policy, repeats of urban myths and some slight exaggerations. We have also been accused of control freakery yet again. This Government, who devolved power to Scotland, to Wales and to London, and who have pursued a policy of freedom and flexibility towards local government, cannot fairly be accused of control freakery, especially when contrasted with the Government of the 1980s and early 1990s, a period to which some hon. Members referred.

We have also been accused of regionalisation. That is unfair, and I shall try to explain why in the brief time available to me. The debate in Government and in

[Mr. Phil Woolas]

Parliament was whether transport, for example, should be regionalised down from Whitehall, not up from local authorities. Some functions, such as those performed by regional fire control centres, are performed well at regional level. Emergency numbers have worked very well indeed in London for most of the past 100 years, and have the support of most fire officers across the country.

I shall try to answer as quickly as I can some of the specific points made by the hon. Member for St. Ives, because it is his debate. He called for a new meeting of the Regional Affairs Committee. The Government are open to that suggestion, but I remind him that only eight Members responded, if my memory serves me correctly, when the views of the House were canvassed on whether it should meet again.

Andrew George: Perhaps I blinked when that happened, but just so that I did not miss it, will the Minister say how the House was canvassed on whether the Regional Affairs Committee should meet again?

Mr. Woolas: If my memory serves me correctly—I shall correct myself if it does not—my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford) canvassed the House, and the Leader of the House was presented with the result of the canvass just before the hon. Gentleman asked his question in the House. That, I remember, was part of his consideration. The point is that the Committee exists. I should have thought that the House would want to consider the possibility of its meeting again. I am certainly not standing in the way of its doing so. Indeed, I believe that it has the power to meet outside London.

The hon. Gentleman made some points about the Isles of Scilly. The per capita ratio of senior officers to population is pretty high compared with my local authority, but he has a point, on common-sense grounds if in no other way, and I am pleased to report to the Chamber that Departments, agencies and the council have started to work together under voluntary arrangements to plan improvements, particularly to the inspection regime. Indeed, a meeting is scheduled for 19 December to take that forward. I am very conscious of the fact that applying the funding regime to the Isles of Scilly does produce unintended consequences that can be disruptive for them, and I thank the hon. Gentleman for making that point.

May I hit on the head the point about county councils versus districts, and the suggestion that that was a cynical ploy on the part of a Labour Government? I do not concede that, because I do not concede for a moment that all counties and districts are held by the Conservative party. If we took the point made by the hon. Member for Banbury (Tony Baldry) and picked, say, Durham and Lancashire, we would find that the situation was different. Although it is not, of course, the Government's policy to comment on leaks, a close reading of *The Daily Telegraph* shows that the options were simply put forward and no conclusions were drawn. It is hardly a secret—indeed, it is an open debate in local government—that the issue has been considered not least by districts and counties. However, Government policy on the issue shows no predilection towards counties or district—or, indeed, towards taking action on structures at all.

Alistair Burt: I am extremely grateful to the Minister for giving way in such a tight debate, but can I press him on the issue of context? The point made by the Minister of Communities and Local Government at the beginning of his letter is that the debate on restructuring should be seen in the context of the structural changes being made to the police and health services. Those are being redesigned on a regional basis, which therefore gives rise to the supposition that that will also be the context for the changes in local government. Can the Minister respond?

Mr. Woolas: I can respond and I am glad to have the opportunity to do so, because I think that the hon. Gentleman is misreading things in that respect. No regionalisation of primary care trusts is being proposed; it is the strategic health authorities that are being considered for regionalisation, and I remind hon. Members that they were regional not too long ago anyway. As I said, the decision on fire control is a sensible management and logistic decision, rather than a policy or political one. Similarly, the proposals for the police, which have been considered and consulted on, are not prescriptive or universal across the country. Amalgamations are proposed where clear benefits to the service can be brought about. The Government's policy is service improvement-led; it is certainly not about regionalisation.

I am squeezed for time, although I am glad to be so, because it is good to see hon. Members taking part in the debate. None the less, let me say that I hope that the hon. Member for St. Ives appreciates that the Liberal Democrat party is in favour of elected regional assemblies. In this debate, he said that very few powers could reasonably be held at regional level, and I do not quite see how the two policies square. At the same time, the hon. Member for Monmouth (David T.C. Davies) said that he is not in favour of devolution and that it has all gone wrong. Therefore, the hon. Member for Monmouth is against devolution, the Liberal Democrat party and the hon. Member for Cambridge (David Howarth) are apparently in favour of devolution to the regions, but do not know what the regions should do, and the hon. Member for North-East Bedfordshire (Alistair Burt), who speaks for the official Opposition, accuses the Government of centralisation. The words "pot" and "kettle" come to mind.

David T.C. Davies: I actually said that devolution did not work—I said nothing about the shire counties. In fact, I would be very much in favour of taking further powers from central Government and giving them to county councils, although not to regional assemblies.

Mr. Woolas: I thank the hon. Gentleman. As I have told many conferences of local authority leaders in recent weeks and months, the introduction of local area agreements and the pooling and aligning of Government central funds at local level, with local authorities acting as first among equals in respect of other public sector agencies, are some of the most significant acts of devolution in this country for many a year. I therefore reject the notion that this is a centralising Government and that we are implementing a stealth policy of regionalisation. In fact, as our manifesto declared, and as can be seen from the freedoms and flexibilities, local area agreements and other policy measures that we have introduced, our policy is one not only of decentralisation of function, but of devolution. Let me take the example of the licensing law. The licensing law is an act of devolution; it passes powers to local authorities, although one would not know that.

On the point about the new burdens, the Government are committed to dealing with that. The Local Government Association says that there are £72 million of extra costs, but I have not had one letter pointing out the savings that will be made through that act of devolution.

Cyber Security

4 pm

Mark Pritchard (The Wrekin) (Con): I am grateful for the opportunity to bring an important issue before the House.

There are four types of cyber threat—worms, viruses, trojans and spyware, which can also appear in combination. Worms are self-replicating programs designed to spread through networks and cease operations. Viruses are usually files that attach themselves to other programs and spread themselves into other programs or computers with which they come into contact. A trojan is usually a program that disguises itself as helpful, but then proceeds to replicate itself throughout the computer network, allowing external control as well as user debilitation. Spyware is a type of trojan usually attached to another program which when downloaded is used to record activity on a computer, and is then accessed by the originator.

Today I will consider the national security and economic implications of the advent of new and more aggressive breeds of virus and cyber security threats to Government and the private sector. It is noteworthy that the United States Department of Homeland Security records that the number of cyber attacks increased from 10,000 in 1999 to more than 400,000 in 2004. We are all aware of major incidents that have taken place in recent years. In May 2000, the "I love you" virus, a macro virus that overwrites key computer files, caused $10 billion-worth of damage across the globe. In September 2001, the "Nimda" virus—a worm and virus—which spread throughout north America in just one hour, attacked more than 8 million computers and took weeks to eliminate. It was spread by e-mail attachments and copied itself to mailing lists and networks.

In November 2004, the "Agobot" virus, a dormant virus that replicated itself throughout computer networks, hit the world. It is still dormant in many computers across the globe. Nine million computers have been affected, and that figure is rising as people discover the virus on their systems. In March 2004, "Mydoom", the appropriately named combination of a trojan and a virus, spread to more than 1 million computers in just 56 hours, thereafter infecting another 4 million. The US State Department has suggested that there has been a 300 per cent. increase in trojans in the past year alone. More worryingly, those viruses have been introduced not by amateurs, although they have been involved in some cases, but by professional hackers.

The rise of the professional hacker has serious implications for the UK, particularly in relation to national defence. I would be very concerned indeed if my constituents, or anybody in Britain, felt that our intelligence and defence systems and networks were being penetrated by viruses. There is also the danger that potential enemies of this country might spy on vulnerable and security-restricted areas of the internet. We know that that does occur; it has been confirmed by Governments around the world, including that of France, and, again, by the US Department of Homeland Security. We hear little from the British Government, and I hope that the Minister will be able to throw some

[Mark Pritchard]

light on what Britain is doing about protecting our national security systems from such viruses and cyber security threats.

I recall that in July 2001 a worm targeted a weakness in the White House network. That had serious implications for the running of the White House. All users who attempted to access the server were attacked. More than 250,000 computers were affected in three hours. It was code red.

Key national infrastructures, such as energy, transport, finance, telecoms and aviation rely constantly on an exchange of information, primarily through computer networks. A penetration of any of those networks would be a serious threat to national security, not least when it comes to the potential to access Britain's 14 nuclear power stations. I hope that if the Government decide on new nuclear power stations as part of the current energy review—clearly, there is a bit of confusion, but the Prime Minister has hinted about going new nuclear—the software and the systems involved in running them will be fully protected from cyber security threats. It is interesting that imprisoned al-Qaeda members have admitted that their organisation has been attempting to, and no doubt is still attempting to, develop cyber threats to strike western Governments.

There are other issues, such as Government databases, especially those proposed for the national identity card scheme, which would contain biometric data. They have been identified by *Infosecurity Today* online magazine as potent targets for hacking, possibly allowing massive identity fraud. It is reported that more than 200,000 cases of identity fraud on the internet were recorded in 2004–05, at a cost of nearly £60 million to the UK economy alone. That is in spite of the launch by Companies House of Monitor, which seeks to secure company details—never mind the details of individuals.

There is an added cost in the form of people who would shop online and access services and products—wholesale or retail—in that way, but who are put off by the risk of being exposed to fraud. Online credit card fraud increased by about 29 per cent. over the past year alone, at a cost to UK businesses of at least £16 million and of £260 million worldwide. That is a small proportion of the total and ever-increasing fraud on the world wide web.

I have mentioned America and the French and now I should like to mention the Japanese, being a member of the all-party group on Japan. I am supporting not just Japan's rugby bid, but its anti-corporate espionage activities. It is leading the way in preventing corporate espionage, including the theft of patents, scientific research data, business strategies and client information. In fact, the Japanese Home Office has estimated that there has been a 200 per cent. increase in corporate espionage over the past year. That could have limitless implications for British businesses and entrepreneurs.

So, what can be done? The US has a unified agency called the National Cyber Security Division to assess and respond to cyber-threats. The computer emergency readiness team is a sub-agency of the division and its role is to inform the private sector of any threats and to co-ordinate private sector action and responses. The US Government have also taken several measures to reduce the rise in cyber threats, such as a regular exchange of information between the state and the private sector to alert one another to such threats. Known threats are analysed, and strategies to deal with them are developed. Software is updated and protected against the latest threats. The private sector is encouraged to develop contingency plans should the internet and computer systems, networks and servers fail. However, it is incentivised for doing so.

The rise in aggressive viruses and cyber security threats is a clear and present danger to Britain's national security. It is also a threat to Britain's economic well-being. More than 90 per cent. of cyber threats have a major impact not only on the originating country but across the globe. Britain is the international hub for banking, finance houses and many other businesses, so if we get it wrong it will have implications for many countries as well as ourselves; yet we have no international treaty or convention to deal with cyber crime. We have only a series of bilateral engagements and extradition laws. The Americans, however, extradited someone from the UK, perhaps because their laws are more robust than ours.

That leads me to my questions for the Minister. Will Her Majesty's Government consider strengthening domestic laws to ensure that penalties are severe enough to act as a deterrent to all those caught and convicted of cyber crime? Will the Government work with the international community and the World Trade Organisation towards creating a standard or uniform legal approach at a global level on such issues?

Will the Government consider doing what the United States has done, and establish a cyber security week or cyber security day? That would provide a platform to promote awareness and understanding of cyber security issues, and the potential damage to Britain's economy and national security. It would help if the Government dealt separately with the impact on the private and public sectors.

Will the Government consider forming a unified national cyber security agency, which would take a lead on their behalf and be a single point of cyber security information, guidance and advice for the nation? What are they doing to ensure a robust and co-ordinated response to cyber threats in the UK and among our allies? Viruses can often get through weaker systems. If we, with improved cyber security measures, share intelligence information with nations that do not have similarly robust firewalls—what I might call added-value firewalls—our systems will still be vulnerable. We need to be aware of that.

Will the Government please consider those matters urgently? I have spoken this afternoon about defensive measures. I hope that we shall have time in the House to speak about offensive measures—how to avoid wars and confrontation by disabling our enemies' systems before they can push the button on missiles that might strike our shores. The House should have the opportunity to debate offensive cyber security issues.

I hope that the Minister agrees with his noble Friend Lord Harris of Haringey, who said only a few months ago that the Government should consider appointing a cyber security tsar. I have expressed personal views, but there is cross-party support for them. I hope that the Minister will look upon my proposals and questions favourably.

4.15 pm

The Parliamentary Under-Secretary of State for Trade and Industry (Barry Gardiner): I congratulate the hon. Member for The Wrekin (Mark Pritchard) on bringing such an important matter to the attention of the House. I hope that he will forgive me for gently reminding him that he should register his interest as a remunerated director of an internet company, as it is pertinent to our debate.

Mark Pritchard: I am grateful to the Minister for reminding me. I am happy to register that.

Barry Gardiner: Secure networks are absolutely vital, not only to ensure that data held by public and private bodies are not compromised or lost, but to build the element that is essential in any commercial or financial market: consumer confidence. If consumers do not have confidence in their ability to transact online business in safety, they will not transact online business at all.

The Government take such issues seriously. Although my Department's responsibilities focus primarily on the business community, I can outline progress in a range of activities across Government. The strategic focus of Government is co-ordinated through the Cabinet Office. Its primary concern is to ensure that the Government's information assets are properly secured. It is recognised as of vital importance that work in Government is informed by and informs developments in the private sector. For that reason, we see communication between Government and business and end users as vital.

There is now a sense of ownership of the issue among Departments and a recognised community of senior risk owners who are responsible for promoting best practice. The Cabinet Office is also taking a far more forward-looking approach to future risks and acts as the Government's customer for expert work in devising common-good solutions to emerging information security problems. The budget for the vital investment in software and hardware to protect Government information in the current spending round amounts to some £30 million.

The Cabinet Office has also tried to simplify basic security requirements for the entire public sector by producing guidelines on secure e-government. They are supported by a new initiative that will help by the simple method of verifying security claims made for a product. All parts of Government make informed purchases of information technology.

All in all, I believe that the importance of cyber security is now embedded in Government thinking. Hon. Members will have noted that it was one of the key features highlighted in the recent "Transformational Government Enabled by Technology" strategy paper. Government can effectively be moved online only if it is consistently available and, as I said before, has the confidence of its users.

My second point is about the work that we have done to protect our critical national infrastructure. With the emergence of the threat of a remote attack on information systems, the Government have placed particular importance on protecting the systems that are critical to maintaining the energy, communications, water, transport and government systems that are crucial to our way of life. For that reason, in 1999 the Government developed a policy on protecting those systems and created the National Infrastructure Security Co-ordination Centre, NISCC, to implement that policy. NISCC can draw on nearly 100 experts from agencies, and works in close partnership with the police and other parts of Government that have an interest in protecting the critical information infrastructure.

Mark Pritchard: The Minister is absolutely right that that organisation exists. Bringing it on line, if the Minister will forgive the pun, was a major step forward for the Government. However, it has only an advisory role and the threat should be managed more robustly.

Barry Gardiner: I understand the tenor of the hon. Gentleman's remarks. However, NISCC has established good working relations with the management of public and private sector owners of the infrastructure. It discusses with them, as a trusted partner, how those systems are secured against a constantly changing threat paradigm. It has established communities in the relevant sectors called information exchanges, where front-line security specialists can talk frankly about emerging problems and solutions. There are active information exchanges in the financial and communications sectors. In terms of this aspect of Government policy, we are one of the world's leading nations. The UK experience is seen as important, particularly as the EU gets to grips with the issue in the context of new threats to our security.

Of course, the business community understands that the move to the information age will function only if there is confidence in systems and networks that are resilient and that do not pose a risk to the privacy or the pocket of the user. We all know that mistakes have been made in the past and that, in the rush to get the world connected, security was perhaps sometimes traded off against functionality. Those days are long gone and there has been a move by vendors to work towards a much more inherently secure generation of hardware and software. I draw the hon. Gentleman's attention to the trusted computing initiative, which brings together the leading technology vendors in a joint enterprise to address the issue.

That, of course, reflects an increased concern by Government that technology should develop in a way that is inherently more resilient. The continued resilience of the internet was one of the underlying public policy concerns that drove the recent world

[Barry Gardiner]

summit on the information society. I am pleased to say that, difficult as it was, we have an outcome in terms of future stakeholder engagement on these issues that is a step forward. I can report that we have had notable success and have agreed that the way forward from the summit will address cyber security and spam. The summit constitutes a call for further co-operation by all stakeholders, and for Government and industry to move forward in partnership.

While the business community is addressing the issue, we must accept that there remain several important roles for Government. At this stage, we have not sought to go further than is necessary down the path of regulation. The relevant regulation in this area is rightly lean and focused. Those who process sensitive personal information are bound by the Data Protection Act 1998 to apply appropriate protection to ensure that such information is not inappropriately accessed. There are fairly broad requirements on those who provide communications services to ensure that they are secure.

There is a role for Government and business to work together in a non-regulatory way. I have mentioned the work undertaken as part of our national security agenda and the collaboration with technology vendors in relation to the Government's own requirements. We are also working with technology vendors and service providers to deal with the new generation of malicious software, which first became a problem as those who pushed out spam sought to conceal their activities by colonising the computers of other internet users to pass on their products. That led to an explosion of criminal activity based on the ability to dupe innocent users into giving up personal information or downloading software that, through constantly changing technology, seeks to extract personal information or passwords in order to access online accounts.

The new generation of malicious software, by which I mean spyware, keyloggers, adware and the like, is requiring new defences to work with the approaches developed to combat the virus and worm attacks that there have been since the late 1990s. The Government have been among the leaders in trying to develop a multifaceted approach to the problem, looking at a toolkit of regulatory technological processes and awareness-raising tools.

One of the issues emerging is the pressing need to find a solution to the problem of identity online. The failure to have certainty about the identity of the person or body that one is dealing with is at the heart of many of the problems. I am glad to note that the question of electronic identities is moving up the agenda for further work in the EU, and the thinking on our own identity card will be informed by the need for greater certainty about online identities.

My Department can make an important contribution to the future of cyber security through the work that we support in the research community and through our existing programmes to support innovation. I remind hon. Members that Lord Sainsbury of Turville, who is responsible for the Office of Science and Technology, commissioned a major piece of work in 2004 under the foresight programme. It was called cyber trust. It took a long-term, scenario-based approach and identified possible directions for technological and sociological work in this area. The Department's innovation programme is reflecting that thinking and work is under way to improve the way in which the UK's supplier base can improve its performance in adopting new ideas.

Mark Pritchard: I just wondered whether the Government would consider, as Lord Harris suggested—and we agreed—appointing a cyber security tsar and having a cyber security day or week, which would include the private and public sectors.

Barry Gardiner: I have noted the hon. Gentleman's comments and his strong recommendation that we should do that. Obviously, he would not expect me to make any announcements at this stage, but the Government should consider those sensible suggestions and arrive at an appropriate conclusion.

My Department has had a long-standing role in identifying and promoting best practice in information security, with a particular focus on the needs of smaller businesses. The hon. Gentleman will be aware, I am sure, of the Department's biennial information security breaches survey, one of the best of its kind in the world, which looks at the changing pattern of security problems as they are experienced by UK companies. The last survey reported some positive developments in relation to how the subject was being treated by companies—some 75 per cent. of managers thought that information security was a high priority—but it still found a worrying lack of awareness and preparedness. Only 20 per cent. of respondents had a business continuity or disaster recovery plan. I suspect that the next survey, on which the fieldwork is under way as we speak, will give us a good insight into how business is responding to the current surge in malicious software.

The survey assists us in many ways, and I should say in passing that sponsorship and input from business make it a great example of public-private partnership. It has allowed us to focus our outreach efforts to small business against a clear understanding of their problems. Let me illustrate that. UK industry classifies 51 per cent. of its information as highly sensitive, but small business spends less than 1 per cent. of its IT budget on protecting that asset. It is clear that investing in IT security is perceived as a burden by that group, especially as identifying a return on the money invested is so hard to calculate. Yet it can cost upwards of £10,000 to rectify a security breach. We aim to get the message across that a small investment in appropriate systems and products will increase security exponentially.

The material that my Department has produced for smaller businesses is rightly regarded as among the most effective in the EU. My Department looks to work with high-profile partners to support the dissemination of these ideas. We are fortunate in having recently completed one successful project with the Institute of Directors, and another one with the CBI and Ernst and Young is due for launch in the new year. It will seek to use the supply chain as a method for reaching smaller businesses and will involve a series of regional roadshows.

The survey also allows us to measure how businesses are treating information security as a business issue. It has always been the Department's objective to put information risk at the heart of the UK business approach to risk management. To that end, the Department has collaborated with businesses in the production of information security management standards, and we have worked together to produce two key standards: a guideline document and a specification for an information security management system. I am glad to say that both those UK initiatives have been recognised by the international standards community and have been adopted as international standards. The publication of the information management systems specification took place as recently as 15 October, and there is every prospect that it will become a major tool for businesses that wish to deal systematically with information risk.

I am mindful that we need to promote good practice to support e-business, of which I understand the hon. Gentleman has personal experience, and I assure him that the Government remain committed to promoting a vibrant e-business community with confidence in its ability to work securely. As I have explained, it is not the Government's role to manage the internet or regulate how business is conducted through it. We need to regulate to allow e-business to flourish and, through laws such as the Computer Misuse Act 1990, provide a deterrent to those who would seek to conduct crime online.

Middle East Peace Process

4.30 pm

Huw Irranca-Davies (Ogmore) (Lab): I am conscious that I have about three hours of material to cram into 15 minutes. It is a great pleasure to speak in a debate with you in the Chair, Mr. Illsley, and to see the Minister for the Middle East who has a great and long-term commitment to middle east issues, not least those affecting Israel and Palestine.

I declare two interests at the outset: first, I am an executive member of Labour Friends of Israel, and, secondly, I am patron of the friends of the parents circle and bereaved families forum, which works with communities on both sides—Israelis and Palestinians—who have lost sons, daughters and relatives in the continuing conflict. A fortnight ago I was at Atlantic college in the constituency of our hon. Friend the Member for Vale of Glamorgan (John Smith). I addressed a meeting of about 80 students, from Jordan, Oman, Israel and the west bank and other parts of the Gulf and Arab nations. They were highly articulate, and I expressed some optimism to them, as I frequently try to do on such occasions. How could I know, however, just how much would change, as things always do in the middle east, in only a fortnight?

I want to rattle through some issues, on which the Minister will, I hope, have time to respond. As to Gaza and Rafah there have been immense developments that hold out positive messages for the future. In short, the breakthrough on the Gaza-Egypt-Rafah border crossing, which is due to be opened on 25 November, is of huge significance. The Palestinians will for the first time have a border of their own to control. Israel has agreed that the EU will have the authority to ensure that the Palestinian Authority complies with the regulations set out in the agreement. Not only are the Palestinians to be in charge of the border, but the EU has for the first time become involved on the ground in Gaza.

We hear more day by day about provision being made for further developments, including the opening of a seaport, a cargo customs crossing, the reduction of road blocks in the west bank and—most crucial, so that it does not perish—allowing immediate export of the 2005 harvest. I rushed through those items, but it is important to examine the terms of the agreement, because they are historic milestones. The text includes the words:

> "Rafah will be operated by the Palestinian Authority on its side, and Egypt on its side, according to international standards, in accordance with Palestinian law and subject to the terms of this agreement."

It would be easy to understate the significance of the move in the direction of legitimacy and authority within the Palestinian Authority, which is recognised by not only Palestinians but the international community.

As to security, the agreement states that the Palestinian Authority

> "will act to prevent the movement of weapons and explosives at the Rafah crossing."

How far have we travelled in recent times, away from complete distrust on the Israeli side of any of the Palestinian Authority's attempts to impose its own security, through rapid improvements in recent months,

[Huw Irranca-Davies]

to, now, a statement that on the Rafah border the Palestinian Authority will determine security and deal with preventing the transfer of weapons and explosives?

The agreement also states that security services from Israel, the Palestinian Authority, the United States and Egypt

> "will continue to coordinate on security issues and will participate in the security working group."

I stress those matters because now there is proper co-ordination. It is not unilateralism or one side making decisions on the other's behalf, but, in a very tense and difficult situation, where we still have far to go, all sides working together—the international actors and those on the Palestinian and Israeli sides.

Mr. **Philip Hollobone** (Kettering) (Con): I congratulate the hon. Gentleman on securing the debate. As he has mentioned security, does he agree that it is the key to a lasting middle east peace settlement? One reason why so much progress has been made recently is that the Palestinian Authority and the Palestinians are finally beginning to recognise that.

Huw Irranca-Davies: The intervention is wise. That could not have happened unless the Palestinian Authority and the Israelis had been willing to work together. I am convinced that the Palestinian Authority are committed in a way that they have never been to tackling security, but they will continue to need cross-border intelligence and logistics support from not only the Israelis but the international community to aid them in any way that they can. The hon. Gentleman is right to say that security is pivotal.

I want to touch on the economics of the region, in Israel and in the Palestinian territories. In terms of the much-talked-about economic road map, led by the UK there is now an international commitment to Palestinian economic rejuvenation, based on James Wolfensohn's recommendations for the viability of a Palestinian state.

The Chancellor of the Exchequer's report—an economic plan—should accompany the political road map to which the Israeli Government, the Palestinian Authority and the international community have committed themselves. It is a fundamental step forward that goes with security, political impetus in the region and economic necessities.

The Chancellor of the Exchequer last week said:

> "So my message is one of hope: that there is an economic prize before us, a double dividend. By ensuring that people—who, because they have a job and a livelihood, to support their families—have hope and a stake in a peaceful future. And also by ensuring that the benefits of economic growth are so great, that people see that the unacceptable cost of returning to violence is not only a loss of security, but also of prosperity.
>
> Prosperity through peace. And peace through prosperity."

Mr. Iain Wright (Hartlepool) (Lab): May I register an interest? I am chair of the Labour Friends of Israel. On my hon. Friend's point about the need for economic prosperity, does he recognise that the new leader of the Israeli Labour party, Amir Peretz, is going to move the focus towards tackling the big problems of poverty and social deprivation in Israel? That will help reduce turbulence in the middle east.

Mr. Eric Illsley (in the Chair): Order. I remind the House that Adjournment debates are the property of the Member establishing them, and interventions should be made only with the agreement of the hon. Member raising the debate and the Minister. I hope that hon. Members will bear that in mind.

Huw Irranca-Davies: Thank you, Mr. Illsley. I am conscious that my three hours has been extended to three hours and a few minutes. However, I shall try to keep a close eye on the time, because I want to hear the response of my hon. Friend the Minister.

We should not discount the reality of the situation touched on by the Chancellor when he talked about the gap between the $800 a year typical income in Gaza and the $18,000 a year typical income in Israel. We can drive forward the economic road map only if we are willing to address that issue, and I think that we are committed to doing so.

I shall touch on how the Chancellor said he would take the issue forward. First, the report will be followed by meetings in London with the G8, the EU and Israeli and Palestinian Finance Ministers. I applaud the Government—No. 10, No. 11 and the Foreign and Commonwealth Office—because they have driven forward many issues, sometimes dragging the international community along behind them.

There will be a final conference on 13 December hosted jointly with the World Bank, bringing together Israeli and Palestinian business men to promote private sector growth. I was sitting at a lunch three weeks ago with Israeli business men on either side of me. Although they applauded the political engagement of this Government and the international community, they were adamant that nothing would be done unless the private sector on the Palestinian and Israeli sides was brought on board to drive forward the area's economy.

There are European Commission plans to double aid to the Palestinian Authority; I shall return to them. The EU has already made available €60 million for quick-start projects, including €25 million for a new cargo terminal at Gaza airport. In addition, as many Members know, in July 2005 the G8 pledged an extra $3 billion in aid to the Palestinians.

There are many positive messages at the moment, but it would be completely remiss to have a debate of this nature without tackling the issue of the fence, wall, barrier, or whatever. In my short tenure as an MP, I have visited Israel and the occupied territories on three occasions, with Labour Friends of Israel and with the Labour Middle East Council. Anyone who saw Israel's security barrier would be completely struck with sadness that it had ever been built, but we have to remember that the barrier is not the cause of the conflict, but a direct consequence of it. It is unlikely that withdrawal from Gaza and a small part of the northern west bank would even have been countenanced without the improved security afforded to Israelis by the security barrier.

The Israeli Labour party was, of course, a supporter of the barrier before the idea was even brought forward. The Israeli Labour party wrote to Labour Friends of Israel last year:

> "The barrier is undesirable but it is a non-violent . . . measure that has saved lives on both sides."

The Israeli Labour party then talked through the figures. It said that there had been a 90 per cent. drop in attacks by terrorists since the barrier was begun, a 70 per cent. decrease in the number of Israelis murdered and an 85 per cent. decrease in the number wounded, and so on. However, it acknowledged that the route of the barrier is hugely contentious and that it is not the long-term solution.

Hon. Members, myself included, have rightly raised concerns about the exact route of the barrier, especially in and around Jerusalem, and the humanitarian impact on Palestinians. We would all agree that the barrier should not be used as an excuse to pre-empt unilaterally a negotiated settlement or agreement about the future of Palestine or any final borders. It is of paramount importance that that principle is accepted in Israeli law. Hon. Members may be aware that, in a series of judgments, the Israeli High Court established the precedent that it is legal for the Israeli Government to build the wall only where that is a proportionate response to the security threat posed.

Tom Levitt (High Peak) (Lab): I saw the barrier with my own eyes last week. If we are to accept what my hon. Friend says about it, can he explain why it is not built on the border, and why up to 10 per cent. of Palestinian territory is behind the wall?

Huw Irranca-Davies: That is the very point that I was making. I accept that the route of the barrier is contestable, but the statistics on what it has done to give security to the Israelis are incontestable. I am looking forward to the awaited Israeli High Court decision on the route through Jerusalem, as are many people.

On Hamas, we are heading towards legislative elections to the Palestinian Authority in January. That is another landmark in extending democracy throughout the Palestinian Authority. The Hamas charter still calls for the destruction of the state of Israel and opposes all peace conferences. If Hamas is to be accepted into the Palestinian political process—I do not rule that out in any way, because we have seen, in conflict zones around the world, the advantages of bringing in those who have at some point seemed irreconcilable to peace, and bringing them in pays dividends—the international community must constantly demand that Hamas accepts the principle of a two-state solution and completely renounces violence.

Let me touch briefly on the political changes that have happened in recent days and weeks. First, as my hon. Friend the Member for Hartlepool (Mr. Wright) said, the new Labour leader Amir Peretz has a very progressive foreign and domestic policy—something for which many of us have been waiting for some time. He is determined to keep up the momentum of disengagement, and is already submitting a Bill offering compensation to west bank settlements if 60 per cent. of residents agree to leave voluntarily. He believes that the peace process is linked to the welfare reform package, and he is much more inclined to move towards final-status solutions.

Only a week ago, on 16 November, Jonathan Freedland described him in *The Guardian* as

> "the man who could bring about a revolution in Israeli politics".

A week on, Ariel Sharon steps down from Likud and we move towards a complete shake-up of Israeli politics, beyond the role of Peretz and the Labour party. On leaving, Mr. Sharon said:

> "After great hesitation, I decided to leave the Likud. The Likud in its current format cannot lead Israel to its national aims . . . Remaining in the Likud means a waste of time in political fighting.
>
> The task in front of us",

says the great warrior, the man who built the settlements,

> "is to create a base for a peace agreement in which we will create the permanent borders of the state while demanding the cessation of terror. The disengagement from Gaza gave us a historic opportunity. I don't mean to miss it."

I am sure that the Minister already has the endless press cuttings, some of them cynical and sceptical about Sharon's motives and asking, "Is he building a legacy; is he serious?". In the classic phrase, the kaleidoscope has been shaken. My message to the Minister, with all his experience, and given his recent and future visits to the region, is to continue to press, not only with Peretz and the Labour party but with Ariel Sharon and others and with some of the minority parties, for a situation in which, when the kaleidoscope settles, it settles on something that is tied more closely to the aspirations of the Palestinian people as well as the security needs of the Israelis and that is based firmly on a two-state solution. At the moment, the process has all the potential to go very right, but similarly all the potential to go very wrong indeed.

I had intended to discuss the wider issues, but I see that the Minister is running out of time in which to reply as I aim towards my three hours. Let me set out some things that Labour Friends of Israel would want to happen in terms of both the Israeli and the Palestinian agendas. First, we want to see international development in which technological and agricultural expertise in Israel, alongside its diplomatic and political relationship with some African countries, could play a significant role. Secondly, UK-Israel joint research and development projects should receive specific encouragement, and as the Minister knows, there are already strong links with our Israeli counterparts. Thirdly, we seek greater security and counter-terrorism co-operation, building on the trust already developed by the Gaza-Egypt border control. There is more potential there.

At EU level, we should be looking for other ways to combat terrorism in the interests of supporting the peace process. In particular, we should look again at the UK's proscription of Hezbollah being matched in the EU lists. In respect of Palestinian development, we want a country assistance plan for Palestinians that looks at redrafting the common agricultural policy to reflect disengagement and the increased Palestinian Authority capacity, so that more money goes directly to the Palestinian Authority. I am sure that the Minister has seen the documents, which I will share with him afterwards, as I have no time now, touching on the sensitive issue of whether the money that goes to the Palestinian Authority has all been used for the right and appropriate purposes on the ground.

[Huw Irranca-Davies]

Finally, we seek micro-financing for the Palestinians. Funding should be put aside for a Palestinian equity fund directly to support those small businesses and agricultural projects. That is exactly the message that has been given to me by business men.

As patron of the friends of the parents circle and bereaved families forum, and as a Member of the UK Parliament, I think we owe it to those families who have lost relatives and those who are living through these times of conflict to drive this agenda forward. I know of the Minister's commitment to this project, and I look forward to hearing from him how the UK Government at all levels intend to do that.

4.50 pm

The Minister for the Middle East (Dr. Kim Howells): I congratulate my hon. Friend the Member for Ogmore (Huw Irranca-Davies) on raising this issue. It remains, as he said, a huge international challenge to make sure that things take a turn for the better, not the worse. Now is a unique moment. My hon. Friend and I are neighbouring MPs and we know about territorial disputes. I have the magnificent Royal Glamorgan hospital in my constituency, while he has the hospital car park. Our equivalent of the River Jordan is the River Ely, but I shall not go into that now.

My hon. Friend concentrated on some important issues. I have never been one of those people who believed that Gaza was a hopeless case. On the contrary, anyone who has gone into Gaza and walked through the fields knows that they are good for growing all sorts of vegetables. It is good agricultural land as well as good for building on. When walking to the beach, we are on the eastern shores of the Mediterranean, which should be enough of a sign of what is possible. The area ought to be a tourist paradise. It could become one.

He did not say it as directly as I will, but the most important point that my hon. Friend made is that it will not do the people who live in the area any good to have on their doorstep what amounts to a basket case of a country. They want a vibrant economy. The population of Gaza is young. The west bank has a young population.

My hon. Friend touched on some interesting issues, not least of which is communications. He drew attention to the welcome developments on the Rafah crossing, as well as on other crossings. Now is a great moment of liberation for the people of Gaza. They will be able to move back and forth to Egypt. I was in Cairo recently and I know that Egypt wants to play its part. The Jordanians want to play a part, too. They are happy with recent developments and want their borders opened up. As my hon. Friend said, now may be a real turning point. I certainly hope that it is.

We need to go further. We welcome the fact that bus convoys will take the people of Gaza and the people of the west bank to visit each other. We cannot have a situation similar to that in the two Germanys before unification took place; that is absurd in the 21st century. There must be proper communications, such as a specially designed road, a railway line or both. At present, we are building the world's most sophisticated railway line into St. Pancras. I hope that we can use our expertise to help Jim Wolfensohn and his team take his project forward. That would be marvellous.

My hon. Friend described vividly the continuing problems. My hon. Friend the Member for High Peak (Tom Levitt) spoke of the wall. I do not know which part of it he saw; I saw the part that was in and around Jerusalem. It is a horrifying sight. It is 28 to 30 ft tall. Architecturally, it is certainly no great wall of China. It is ugly. It stands as a reminder to all of us that such a solution will only be temporary, until the two countries see their economies grow and realise that they need each other. There is a symbiotic reciprocity between the countries, which was understood in the early days of Israel. There is no question about that.

I agree with my hon. Friend the Member for Ogmore on this: I went to a kibbutz on the old Jerusalem road a month or so ago and, although the left wingers there were reluctant to admit it, they said that life had become immeasurably easier since the barrier went up. That should tell us something—we do not have to agree—about the psyche and the mood that it has generated.

I went to see a Palestinian who is living in Jerusalem and is married to a British citizen. He works in a hospital just up the road from where he lives in a nice house. He is a hard-working doctor and instead of getting to work in four minutes, it will take him 40 minutes.

Huw Irranca-Davies: Does my hon. Friend accept that if the High Court decision in Israel suggests re-routing or even dismantling part of the wall, again the Israeli Government should respond favourably?

Dr. Howells: That is the strength of the Israeli state. Palestinians told me that their greatest weapon at the moment is the Israeli High Court, and we should remember that.

The debate inside the Palestinian Authority at the moment is interesting because there has been a feeling that Palestinians should not use the Israeli legal system. I think they should certainly try to use it if it enables them to obtain some justice in the routing of the barrier.

Roger Berry (Kingswood) (Lab): In relation to the barrier and the reference that my hon. Friend the Member for Ogmore (Huw Irranca-Davies) made to economic development, does the Minister acknowledge that the barrier in separating Palestinians from their land and preventing people from moving—I was with my hon. Friend the Member for High Peak (Tom Levitt) and the Palestinian Authority last week—does not just delay them and that many have lost their jobs because they can no longer get from Bethlehem to Jerusalem? The extremely time-consuming road blocks that we experienced on occasions are not just an inconvenience for Palestinians; they are a real humiliation. Those are obstacles to the development of the Palestinian Authority. Should they not go as quickly as possible, to enable that development to take place?

Dr. Howells: Yes, that was a very fine speech. The obstacles should go as quickly as possible. I know that the United Nations has a mission in Jerusalem that is looking at the matter, but we must be careful. I tried to illustrate the effect of the barrier on Israeli psychology. It is no use assuming that if one side does something, the other will follow. We must take everyone along. It is disgraceful that people have lost their livelihood and the ability to come out of their home and stroll in areas where they have loved to stroll in the past. That is a disgrace; there is no question about that. I would like to see everyone press as hard as this Government have done to get that barrier re-routed. We will not back down on that.

My hon. Friend the Member for Ogmore could have mentioned the real problem of a north-south division of the west bank and of the whole area. That is something about which we will keep banging away.

In the moments left to me, I thank my hon. Friend for raising the matter. His work in the middle east to try to bring reconciliation and peace to an area that has been so terribly torn by war and conflict is well known and much appreciated. We should all be grateful to him, especially for his work with the parents circle and bereaved families. All too often we forget the victims, some of whom are British. Some fine people have been killed in Gaza and the west bank who were doing very good work, and we should not forget them.

We now have a moment when we can perhaps start to take the process forward to much better times. I hope that everyone approaches that with the best will in the world and tries to bring about changes.

It being Five o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.

Westminster Hall

Thursday 24 November 2005

[SIR NICHOLAS WINTERTON *in the Chair*]

Road Pricing

[Relevant documents: Seventh Report from the Transport Committee, Session 2004–05, HC 218, and the Government's response thereto, Cm 6560.]

Motion made, and Question proposed, That the siting be now adjourned.—*[Mr. Dhanda.]*

Sir Nicholas Winterton (in the Chair): I call the very distinguished hon. Member for Crewe and Nantwich (Mrs. Dunwoody).

2.30 pm

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): I am always very flattered to listen to your kind compliments, Sir Nicholas, which are all to the manner born.

This afternoon's sitting deals, importantly, with the Transport Committee's careful consideration of road pricing. It seems to members of the Committee that this country has a simple and uncomplicated attitude to traffic. We all want to be able to drive wherever we want, park outside our own front door and, if necessary, drive into the centre of cities and drive out again.

There are, however, one or two things that we do not want. We do not want other people to park outside our front door, we do not want to hear the noise of any traffic and we prefer to get exactly where we want to go in exactly the time we have planned, with no other cars on the road. That presents traffic planners—even those with enormous intellectual ability, such as the ones in the Department for Transport—with a slight problem. Our Committee therefore believes that we might be able to assist. I shall begin, however, with something that is not sufficiently discussed.

The Committee made it very clear at the beginning of its report that its one vital caveat was that if road pricing was to be introduced, or even if it was decided that it was the most effective way of reducing congestion, it must be conditional on the risks of diversion, dispersal, road danger, pollution and, above all, social exclusion being fully addressed.

The Secretary of State for Transport is not only exceedingly civilised but very straightforward when it comes to dealing with the Committee—most of the time. He has been kind enough to make it very clear to us in his reply that he is generally in favour of our suggestions. Nevertheless, several questions should be addressed. We said that any strong arguments for road pricing should take its direct effects into account. If the Government want to meet their carbon emission and congestion targets, they had better seriously consider whether road charging should be revenue-neutral or revenue-raising.

The Department for Transport should consider why, when it has control over the urban motorways and appears to be telling local authorities that they should adopt congestion schemes, it is not prepared to declare very openly its intentions and its time scale. There is no timetable, which is an extraordinary omission from the Government's plans.

We need to be told whether the Government accept the objectives that we have set out, particularly the objective of social inclusion, before road pricing can be introduced. We use fashionable phrases such as social inclusion, but then create a system in which some people can use the motorways because the prices that are considered acceptable are absorbed by their customers, their industries or those for whom they work, while others might find it more difficult. That produces a real dilemma for a Government committed to equal treatment.

Let us consider the issues from the point of view of my Committee. We asked where the timetable was and said that if the Government were going to introduce road pricing, it would be no use their saying in the next 18 months to two years that they would decide on an area or a region of the country in which to pilot it. The decision should be taken and stated openly, and if the Government want to implement the scheme, they should get on with it.

We said that diversion of traffic on to unsuitable roads where the charges would be lower must be avoided. We are talking about varying charges to persuade people to travel on different routes and at different times. Is not the danger of traffic being diverted on to minor roads an implicit part of the scheme? It would be much better to vary the charges only according to the time of day to avoid causing the diversion of traffic and dispersed land use.

David Taylor (North-West Leicestershire) (Lab/Co-op): Is my hon. Friend encouraged by the fact that the Government appear to have taken a decision in principle to construct a second toll road north from Birmingham to Manchester on the basis of just a few months' data from the M6 toll, which runs close to my constituency? That is not a great start in terms of evidence-based policy, is it?

Mrs. Dunwoody: My hon. Friend raises an important point. The Government sought views on whether to carry out more detailed work on building a private expressway as an alternative to widening the M6, and our report looked at the implications of that. There was a 50:1 ratio of responses against the M6 expressway, but the Department announced that further work would be commissioned. It then said:

> "There is a balance to be struck between maintaining controls over toll levels and the commercial viability of a toll road scheme and the extent of risk transfer to the private sector."

As we know from many private finance initiative and public-private partnership schemes, the hazard with such an approach is that very little risk is transferred to the private sector.

What is even worse, as we highlighted, is the absurdity of the Government suggesting that they would produce an integrated charging scheme on the roads for which they had direct responsibility only to disclose to the Committee that a road in the middle of it all was controlled and owned by a private firm. That stretch of road might or might not be doing what it is supposed to do, but the Government have no way of controlling the charging system for it.

[Mrs. Dunwoody]

We pointed out that it was quite extraordinary for the Government to move forward with what ought to be a unified scheme at national level without considering the implications of reaching an agreement on certain bits of road and issues such as the M6 widening, which would remove the Government's responsibility and control.

David Taylor: My hon. Friend mentioned that control of the M6 toll is almost entirely within the power of Midland Expressway Ltd. Does she hope, as I do, that that is not a precursor—in the same way that small-scale PFIs were a precursor to large-scale PFIs—to transport policy across the national trunk road and motorway network being subcontracted out in an extreme market sense?

Mrs. Dunwoody: If the Government intend to go ahead with a charging scheme, they have several responsibilities. First, they must tell us all what they want out of this scheme; they must say, "We have agreed with this congestion scheme because it is the only way we can control the growth in traffic." At one point in their response, there is a suggestion that they accept that there will be consistent growth in traffic, although they do not call it exponential growth. If so, will the scheme deal with the problems we have highlighted? Will it mesh in with the little bits of private enterprise that are dumped down in the middle of the system? If not, who will control those roads? What effect will their policies have on the rest of the system? Who intends in the long run to at least make it clear on what basis decisions have been taken?

We also discussed the lorry user charge. My Committee had previously discussed with the Department our very real worries about the fact that extra charges are levied on the road transport industry in many parts of Europe, and we said that we were concerned that several European nations were sending more and more units into this country—picking up goods, creating more traffic and developing all the time, but not paying comparable charges to those levied on British hauliers on the continent.

We were told that the lorry road user charge would deal with that difficult problem. I have endeavoured to find out from the police authorities closest to the channel ports how many foreign lorries are being stopped, are breaking the law, are liable for fines and have been fined, but that information seems to be astonishingly confidential. No one is anxious to tell me anything; that is not new in my life, but it worries me considerably.

It would be quite wrong of us to develop, even by default, a system of traffic control in which British hauliers who break road rules and are stopped by the police are taken to court—and fined, if needs be, if they are found guilty—but in which foreign hauliers in the same situation, who may have committed exactly the same crimes, and been stopped and cautioned by the police, are not charged because the local police know that the bother of dealing with them is too great. If we are not to have the lorry road user charge—there are a great many good and sensible reasons not to go ahead with that scheme—what will be the alternative in the short term? How are we to deal with that anomaly, and what are the Government's plans to charge foreign hauliers for the use of UK roads?

Dr. John Pugh (Southport) (LD): The hon. Lady will appreciate that the matter is not just about legal equity: overloaded lorries overburden bridges and roads, causing appreciable damage and, therefore, appreciable cost to the public purse.

Mrs. Dunwoody: That is why we took, in the first instance, the decision to move ahead in the way proposed. The Secretary of State told the Committee that he was working with the road haulage industry to introduce measures. Unfortunately, in the same week, the Freight Transport Association said that it would launch a legal challenge over what is effectively a subsidy of foreign hauliers. If the Minister straightens that situation out, it will help us to know where we are, at least.

The lorry road user charge was scrapped to avoid there being two parallel charging schemes, but it is clear that the Government are still going ahead with individual, private arrangements. If they are to go ahead with a system of national, distance-based road charging, will they buy out the M6 toll contract? If not, why not? If not, do they intend somehow to harmonise the dues that would be payable? If so, what would be the cost to the taxpayer?

Have the Government decided to ignore the results of the consultation on the M6 extension, "M6: Giving Motorists a Choice"? If so, why did they bother with it in the first place? I am not sure that there is any defence on that.

My problem is, overall, political. The Secretary of State has openly led the debate on road user charging since the beginning of the year, which is useful. It is helpful that he has been prepared to make public some of the difficulties as well as the advantages. The Government also need—to use a fashionable phrase—to clarify some of their policies, so that we know exactly what they propose.

It is clear that congestion will be with us as long as everybody wants to use their car for trips that they think are essential, and the number of people purchasing cars rises every year. Any policy decided at governmental level will have enormous implications, not just for public transport, but for our road-building programmes, our expansion of services and certainly how we plan to integrate any local authority congestion schemes with an overall road-pricing toll scheme. I do not believe that those are simple questions or that they will be easy to resolve.

Mr. Philip Hollobone (Kettering) (Con): I very much concur with the hon. Lady. Does she agree that problems of congestion will become particularly acute in the growth areas identified by the Office of the Deputy Prime Minister, into which Kettering falls? My major local road, the A14, carries 70,000 vehicles a day round Kettering, which is well over its planned limit. The Government have placed a statutory duty on local authorities to deliver tens of thousands of new houses in the next 10 years, but there are no plans to expand the capacity of that road until 2012 at the earliest. I was interested to see the Committee's recommendations on road-building alongside road-pricing. Will not the problems of congestion be particularly acute in some of those growth areas?

Mrs. Dunwoody: I am sure the hon. Gentleman is right to raise the particular problem in his constituency, but he will understand that my Committee wants to put the whole matter in its proper context. The public have to face up to those difficult questions; this is not just a matter for the Government. We have to debate those questions openly, but it will be possible to reach a clarity of view only if the Government state exactly what they want from road user charging, including how it would apply and who would be encouraged to use the various schemes.

David Taylor: In this interesting section of the report, the Committee looks at the impacts on travel behaviour and congestion that can be generated from what it calls "soft factors" such as travel planning and cycle facilities. However, as far as I can see, the report does not refer to the potential of community rail networks to lessen congestion on the adjacent road network. That is particularly relevant for a line for the national forest in the east midlands-west midlands border area.

Mrs. Dunwoody: My hon. Friend is right to take me to task in as much as the Committee did not specifically include a paragraph about community rail. However, it stands to reason that whatever is done in the realm of road pricing and congestion charging will have a direct impact not just on the use of public transport, but on something as basic as emissions. The Government are obviously serious about trying to hit their targets on emissions, and we need to know whether they have considered the implications of those schemes.

If the Government model a revenue-neutral road-pricing scheme and say that that will increase the distance travelled and therefore add to climate change emissions, we need to know whether they intend to go ahead with a revenue-neutral system, or whether they would prefer to use a charging scheme to discourage the extra use and encourage people on to public transport. My hon. Friend made that point earlier, and it remains one of the most important questions in the debate.

I am not clear what analysis has been done of the potential impact of congestion charging on the strategic network. I am not clear why the Government are saying that the case has not been made without setting out why they have reached that conclusion. I do not know why the Government do not seem to recognise that there are congestion problems on inter-urban strategic roads—now—that need to be dealt with. I am not at all sure that the objectives that the Government set out at the beginning of the report have been accepted.

Mr. Andrew Love (Edmonton) (Lab/Co-op): I thank my hon. Friend for giving way, and apologise to you, Sir Nicholas, for arriving late for the debate. Does the Committee feel that the Government did enough to make the case for road pricing? The Mayor has made a strong case for the congestion charge in the capital, but, sadly, that case could not be sustained for Edinburgh. Do we need to make much more of a public case for road pricing? If we do not, we shall face the same problems that were faced in Edinburgh.

Mrs. Dunwoody: As I said earlier, what worried the Committee was the feeling that the Government control the inter-urban road system, they say that they believe in congestion charging and they make many sensible arguments in favour of a road charging scheme, but they are also putting pressures on local authorities by saying, "We want you to do this, but if you don't you won't get the extra support for the other schemes that concern you." However, they are not necessarily proceeding with something that would demonstrate that congestion charging works.

I am a bear of little brain, but if one shows people something that works, most are more responsive. Local authorities face enormous pressure from their local population, who are ambivalent about congestion charging schemes, however presented. Even those who benefit from the schemes will still complain about London's congestion scheme.

Local authorities must be given positive signs that the report represents a way forward and that it can help. It is only a management tool, and I hope that my Committee has made it clear that congestion charging, whether inter-urban or local, can only be a management tool. If the United Kingdom continues to buy the combustion engine at the rate at which it does every week, we shall face considerable problems. However, the Government should at least have the honesty, clarity and confidence not to say, "Well, we'll think about this for another two years and then we'll set out where our pilot schemes will be." They should be saying, "We know that we cannot continue this way. We know that traffic is rising at rates that we find uncomfortable—in cities, in villages and on our inter-urban roads. This is a way forward, and this is what we intend to do."

In the next six months, the Government could announce a timetable and a pilot area for the scheme. They could offer incentives to local authorities and positive encouragement to people to face up to difficult questions.

David Taylor: Will my hon. Friend give way?

Mrs. Dunwoody: I am just finishing. Above all, Her Majesty's Government have a special duty not only to offer warm words, but to make difficult decisions and offer a clear line of responsibility. They do not appear to be ready to do that with road planning, even though they have started the debate. They intend to have another four years of debate, without decisions being taken at the end of that debate. There is a suggestion that after the next general election—if we live long enough—the incoming Government will face up to the problems of traffic congestion. That is to condemn our cities and villages—not to mention the United Kingdom's economic development—to chaos and, in the final analysis, very real damage.

The Government do not want to do that. They have a clear view of their own interests at least, but it is about time that they told us what they intend to do, when they intend to do it and how they intend to produce results.

Sir Nicholas Winterton (in the Chair): Order. Before the right hon. Member for North-West Hampshire (Sir George Young) speaks, I want to say that I am not sure whether it is post-lunch lethargy, but I had to wait for 10 seconds before a single Member rose to his or her feet. I trust that hon. Members present will be more sprightly hereafter.

2.55 pm

Sir George Young (North-West Hampshire) (Con): Sir Nicholas, as may have become clear as a result of the time that elapsed between the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) sitting down and the next Member rising, I had not intended to intervene. I am attending the debate because I have an historic interest in it. A long time ago, when I was Secretary of State for Transport, it was an issue with which we had to grapple. I am slightly disappointed that so little progress appears to have been made since 1996, when a White Paper set out the broad approach of the previous Administration to road pricing.

I am speaking from memory, because I have not come equipped with the relevant documents, but I recollect that subject to satisfactory trials of the technology at the Transport and Road Research Laboratory, and subject to getting the requisite legislation through the House of Commons, the previous Administration were broadly committed to the concept of road pricing. Again from memory, I think that we gave an illustrative price of 1p per mile on motorways as a means of starting the debate.

I find it disappointing that little appears to have happened since then. We have received several statements from the Secretary of State, one of which was almost identical to one made by Lord MacGregor when he was Secretary of State for Transport in 1992. There seems not to have been an heroic initiative from the new Administration. My brief speech is intended to give the Government some political cover, if they want it.

I have no idea what my hon. Friend the Member for South Holland and The Deepings (Mr. Hayes) is about to say on behalf of my great party, and perhaps there will not be an absolute convergence between my approach and that of my party's Front Bench. However, for the strategic reason given by the right hon. Member for Crewe and Nantwich (Mrs. Dunwoody)—

Mrs. Dunwoody: Honourable.

Sir George Young: Her time will come. For the strategic reason that she gave, it is necessary to make a decision about how to manage a scarce resource. It can be managed by congestion or by the price mechanism. I am in favour of using sensitive price indications, with variations by time of day and route.

For example, where there is a perfectly good railway line from one city to another and congestion on the motorway between those two cities in the rush hour, I am entirely relaxed about using the price mechanism to encourage the motorist out of the car and off the motorway, on to the railway. I am equally anxious to get the best possible use from the network that we have, which is grossly underused at night, by the use of, for example, zero tariffs on motorways in the small hours of the morning, if that will encourage the efficient distribution of goods.

I accept that there are all sorts of political hurdles to be cleared, and I think that the Secretary of State said, when he last made a statement, that if and when the Government go down the road-pricing route it will be on a cost-neutral basis; in other words, any additional revenue raised from road pricing will be set off against either the vehicle excise duty or fuel duty. To persuade motorists that the initiative is sensible, that deal must be on the table. We are looking not for an ingenious new way for the Treasury to raise additional funds, but for a better way of using a scarce resource in the interest of all who use the roads.

There may be a dialogue between the Department for Transport and the Treasury—it would not be the first time—about what that new, exciting tax or revenue-raising instrument might in due course be used for, but to take motorists with us we must make the statement that the approach is revenue-neutral.

Mr. David Drew (Stroud) (Lab/Co-op): Does the right hon. Gentleman agree that the problem with the whole subject is that it is urban-focused? Is there not a danger that motorists will not be taxed out of their cars, and that rather than deciding not to use motorways or major radial routes they will be persuaded that there is every advantage in using the local network of roads around villages? That would result in congestion in what are currently rat runs. What is a congested rat run? There must be a term for it.

Sir George Young: If road pricing were confined to motorways, the hon. Gentleman would be correct. However, if road pricing were not confined to motorways, he would be wrong because there would be a tariff for using the alternative route. The Government will have to make up their mind about whether they wish to proceed with motorway tolls or total-road charging. I am persuaded by the hon. Member for Crewe and Nantwich that it probably makes sense to have a universal scheme, but with differential tariffs. If one drives on a motorway, it will probably take less time, and the charge would be slightly higher than that of the alternative dual-carriageway road.

I accept the point about diversion, but, as a matter of concern to those of us who represent rural constituencies, if the Government proceeded on a revenue-neutral basis, rural motorists would probably be in pocket as a result of that change. In my constituency, most travel would not be on the high-tariff motorways; it would be on the less highly-charged rural roads for which there is very little case for having a charge because they are underused. There is no particular need to price the motorist off the B3400 or the A343 in North-West Hampshire because there is not much traffic on those roads. There is, however, an argument for using the price mechanism to encourage people not to travel on the M3 or M4 to London during the rush hour.

Dr. Pugh: The hon. Gentleman may or may not support its analysis, but can he explain why the Campaign to Protect Rural England is less than enthusiastic about road charging?

Sir George Young: I confess that I arrived equipped with a sudoku puzzle, with which I had made very little progress. I did not take the precaution of equipping myself with briefings from the Campaign to Protect Rural England or from the Library. However, the hon. Member is right to point to the political problem that this is not the most fantastically popular case to put across. The matter is best handled on an all-party basis. When the Secretary of State last made an announcement, my right hon. Friend the Member for East Yorkshire (Mr. Knight)—who was previously the Member for Derby, North but now represents a slightly safer constituency on the east coast—made a statement that was neutral or perhaps encouraging to the Government. It may be that if no one else speaks in the debate, we shall not reach a consensus. However, if the outcome of the debate indicates that there is not total hostility from all the major parties, perhaps the report of the hon. Member for Crewe and Nantwich will have made a little progress.

Mr. Love: I thank the right hon. Gentleman for allowing me to intervene. May I tempt him just a little? There is one successful example of a congestion charging scheme. While all hon. Members accept that changes may be necessary to the way that that scheme is run, and to its coverage, those who support road pricing should support such a scheme as an example of where we should be looking in future. Would the hon. Gentleman agree?

Sir George Young: Is the hon. Gentleman asking whether I support congestion charging?

Mr. Love: Yes.

Sir George Young: Yes, I do. I was among the small number of my party who advocated a slightly more cautious approach to that matter during the last London mayoral elections. Speaking as someone who lives in central London and cycles to the House of Commons, it is a slightly better journey as a result of the congestion charge. The problem now is not the cars; it is the motorcyclists. Motorcycles are more of a problem for cyclists because they use the same lanes and paths through the traffic. I take the hon. Gentleman's point that someone who believes in road pricing should logically also be in favour of congestion charging as a means of allocating a scarce resource, whether in the middle of a city or between cities. I approach the problem as an economist: how does one price a scarce resource in order to maximise the benefit from it?

I hope that I have provided hon. Members with the opportunity to assemble their thoughts, so that when I resume my seat, there is not the same reticence as there was when the hon. Member for Crewe and Nantwich sat down some 10 minutes ago.

3.5 pm

Mr. Nick Hurd (Ruislip-Northwood) (Con): Thank you, Sir Nicholas. I apologise for my earlier lethargy, which had more to do with the absence of lunch than the abundance of it. It may also have had something to do with my reticence to follow the powerful oratory of the Chairperson of the Transport Committee, the hon. Member for Crewe and Nantwich (Mrs. Dunwoody), whom I warmly congratulate on the report, which was extremely stimulating and touched on an issue of great interest to me as the Member of Parliament for Ruislip-Northwood.

My seat is in the borough of Hillingdon, which enjoys, I think, one of the highest ratios of cars to households in the country, and its motorists express to me a number of the sentiments expressed by the hon. Lady.

David Taylor: Does the hon. Gentleman agree that my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody), who linked the nation's congestion problems to the propensity of its travellers to buy 2 million shiny cars a year, is not necessarily correct? Germany has even more cars per head, I would guess, than Hillingdon, but they drive significantly fewer kilometres than we do. That is the problem. We are not trying to discourage the virtues of the car, the numbers bought or the freedom and flexibility that they give. We are trying to give sensible alternatives, are we not?

Mr. Hurd: I thank the hon. Gentleman for that intervention. I do not know the data for Germany, but I am happy to take that at face value. I suspect that the problem may be linked in part to public perceptions of the quality of public transport as an alternative to the motor car in this country. The point that I was trying to make is that the issue is of great concern to my constituents, who have to endure highly congested roads and, at the same time, complain to me regularly about the cost of motoring. They are well aware that they pay the second highest petrol costs in Europe and that the Government have taken more money from them in successive years through vehicle excise duty and fuel duties. I think that it was about £28 billion in 2004–05, up some £7 billion since 1997.

My second point of interest relates to tackling one of the great causes of our reducing competitiveness as an economy: the cost of congestion. A few days ago, I went to listen to Sir Digby Jones talk in this place. He expressed his deep-rooted frustration at the failure of successive Governments to get a grip on upgrading the country's infrastructure and on the cost of congestion in particular, which his organisation puts at some £20 billion. More simply, he made the point that, if we cannot get our people and goods to market and work in time, how on earth can we compete with the economies in Asia and the emerging giants?

A third point of interest is the environmental aspect. It is clear to anyone who takes an interest in the climate change challenge that the transport sector and the growing emissions from it are arguably the biggest cause of concern.

I, like my right hon. Friend the Member for North-West Hampshire (Sir George Young), who has left his place, welcome the Government's initiative. I recognise that the Secretary of State for Transport is indulging in bold politics, which is not something with which he is traditionally associated. However, I want to register two concerns. First, if we are to have a public debate the Government should be much clearer about why we are doing this. I distrust a long list of benefits for any big idea. The debate on ID cards is a good example: when the priorities shift and the reasons for doing something get longer, the credibility of the case tends to fail.

The public instinctively will ask whether the plans are about raising more revenue to invest in transport in other areas. I take at face value the Government's

[Mr. Hurd]

assurance that their intention is to work on a revenue-neutral basis. However, the public will need convincing, because of the sentiments I expressed earlier. Is it about a fairer system to charge the motorist? That seems the really interesting area. My right hon. Friend talked about the effect on rural motorists in particular. The question is, is it worth the money? The report makes it clear that the Government's feasibility study estimates that the start-up cost will be between £14 billion and £60 billion—that is a disturbingly wide range—with ongoing costs of about £5 billion for a national scheme. The Government will have to send us very strong signals to convince us that it is worth that much to introduce a fairer system for charging motorists.

Mrs. Dunwoody: I am grateful for the hon. Gentleman's kind words. However, he might like to know that, through Customs and Excise, the Government have already spent £31 million on preparation for the lorry road user scheme, which has now been abandoned.

Mr. Hurd: I thank the hon. Lady for that intervention, which was extremely helpful in reinforcing my point that the Government must make a case for value for money if the prime purpose of the scheme is to introduce a fairer system under which to charge motorists.

The hon. Lady made some extraordinarily relevant remarks about the impact of a national road-pricing scheme on low-income drivers. The report is clear on the Committee's concerns about that. I hope that everybody would agree that it is highly undesirable—if I might create some mood music—to create a situation in which the roads are for the rich only. That would be wholly unwelcome.

Is the reduction of congestion the main reason for introducing the scheme? Do we need a national system? It is worth considering the alternative of targeting hot spots with a pricing mechanism and, particularly, introducing road pricing on new capacity where that is practicable. Congestion is not a problem across the whole network, as my right hon. Friend eloquently pointed out. Do we need a national system, given the huge costs involved?

We need a solution now, not in 10 to 15 years, which the Government have made clear is the time when we can reasonably expect a national scheme to be introduced. In its understandable excitement about pursuing this huge project, the Department risks losing sight of the need for two things. The first is new roads. I am not talking about blanket coverage, but the Government acknowledge that they need to reboot their road-building programme to invest in selective new road capacity. The second is supporting soft measures. That, too, is clear in the report, and is suggested strongly in research that I have seen that suggests that, where soft measures have been introduced by imaginative local authorities, they have made a real impact. I am concerned that, as innovation funding flows into the system that is clearly earmarked for initiatives relating to road pricing, local authorities that have prioritised soft measures will believe that they need not bother applying those.

My other concern about whether the measure will help to reduce congestion is: if it is to be revenue-neutral, will it make an impact if introduced on a national basis? My perception is that even the material petrol price increases that have occurred in the past year have not affected behaviour. British motorists still take their cars to the petrol pump and fill them up. I have not noticed a significant change in behaviour. That might be linked to my earlier point about the public's lack of faith in the public transport alternatives.

Mr. Drew: I am sure that the hon. Gentleman knows what I am going to say. The problem is that, in real terms, the cost of motoring is lower now than it was when we came to power in 1997 and the price of cars is dramatically lower than that of going by train or bus or even, to some extent, buying a bike. We are not serious enough about encouraging—in the nicest possible way—people out of their cars.

Mr. Hurd: I know the analysis and I have seen the data. I cannot disprove the fact that the real cost of motoring has fallen—but it does not feel like it to the motorist. When trying to engage the motorist in the political debate on road pricing, we should recognise that he has had it up to here.

Sir George Young: My hon. Friend's speech is much better than the one that preceded it. I press him on whether the motorist is insensitive to variations in charges. The data from the congestion charge in London surely leads to the opposite conclusion to the one that he draws—namely, that motorists are sensitive to increasing costs and that they do adjust their behaviour. That is why there has been a substantial drop in the number of cars in central London during the hours of the congestion charge.

Mr. Hurd: I accept that the congestion charge has changed behaviour. Like my right hon. Friend, I support the charge, although I have criticisms about how it was implemented. I suspect that at the root of the apparent success in changing behaviour was the investment in public transport, and the level of public confidence in London's public transport alternatives. However, I am not sure that that plays out across the country. Although the pricing mechanism can work, my concern is that it will have to be set at a high level in order to make an impact. The congestion charge is expensive at £8, but it has to be at that sort of level in order to bite. What concerns me is the flip-side—what it will do for social inclusion and what its impact will be on low-income motorists.

Mr. Love: I take issue with the hon. Gentleman's earlier comments. I understand that the congestion charge of £5 led to a substantial reduction in traffic when it was introduced. More recently, concern was expressed that people were beginning to take to the roads again. One reason for increasing the charge to £8 was not merely to deal with the revenue deficit but to maintain the impetus in getting people out of their cars. The hon. Gentleman's most recent comment—that only if the economic cost to motorists was significant would they use their cars less—was valid.

Mr. Hurd: I thank the hon. Gentleman for reinforcing that point.

Another concern is about the benefits. The list of benefits cited include environmental ones. Again, I reiterate my point. Are we sure that those benefits can be delivered on a revenue-neutral basis, given what has been said about the psychology of the British motorist and his sensitivity to price? If the Government are serious about reducing transport emissions, they would be better advised to focus their energies and political capital on reducing the cost of green cars and green fuels, whose market share is pitiful. Green fuels have about 0.5 per cent. of the market, and if we are to get a grip on the hugely important agenda of reducing emissions, the future lies in technology, not in demand management. To advance the debate, the Government need to be much clearer about why it will make a difference.

Next, I echo the comments made by my right hon. Friend the Member for North-West Hampshire. Where is the momentum behind the public debate that has been called for? In a speech in June 2005, the Secretary of State said that we needed to answer three questions. First, what sort of system did we need, and what sort of benefits would it bring? Secondly, was the technology available, and could we construct an affordable scheme that would work? Thirdly, what practical steps did we need to take in the meantime? That sounds great, but it seems that the ball has been passed to local authorities. Are they picking it up?

Again, the Committee's report makes it clear that guidance on local transport plans invited local authorities to contact the Department by January 2005 if they were interested in exploring a package of measures to tackle congestion. It reads:

> "The Secretary of State told us that he had received a positive approach from local authorities."

Can the Minister be a little bit more specific about how many councils have expressed enthusiasm about that? Has the Department decided who will lead the pilots, particularly the inter-urban pilot, which the Committee's report identified as being critical to advancing the debate? My sense is that local authorities have real concerns about the lead they are getting from the Government.

The Minister of State, Department for Transport (Dr. Stephen Ladyman): I will answer those questions now. Over 30 councils have expressed an interest and we will be making an announcement shortly about which ones we think are of the most interest.

Mr. Hurd: I am grateful to the Minister for that answer. After the rejection in the Edinburgh referendum, I was worried that there were concerns about the political risk attached to this agenda. Concern has been expressed about the lead being given by the Government on technology, which seems hugely important to this issue, particularly in the context of a phased approach where the Government wish to encourage local schemes, but with a view to that ultimately fitting into a national programme. The technology at play here is fundamental.

It has been put to me that not enough lead has been given by the Government on standardisation. The Committee's report is explicit on that:

> "the Government should establish a national framework within which local authorities can design the finer detail of the scheme . . . The Secretary of State told us that he would seek to get some standardisation agreed in the near future:
>
> 'That is why I say that if we were going to go down this road, we would want to get that standardisation in at the start, otherwise it would make it extremely expensive.'"

Can the Minister respond to that apparent concern about the lead being given by the Government on the standardisation of technology? My over-riding concern is about the lack of strong leadership in this debate. I fear that momentum will be lost. An interesting idea has been introduced. A debate has been called, but I sense a lack of momentum and a potentially wasted opportunity.

Sir Nicholas Winterton (in the Chair): I call Dr. John Pugh.

Dr. John Pugh (Southport) (LD) *rose*—

Sir Nicholas Winterton (in the Chair): May I just say that in calling Dr. Pugh, I am starting the wind-ups, so if any other Member wanted to make a speech, they should have risen to their feet. I am grateful to Dr. Pugh. I am prepared to allow Mr. Hollobone to make a speech in this instance.

3.23 pm

Mr. Philip Hollobone (Kettering) (Con): I am grateful, Sir Nicholas. Thank you for correcting me on the protocol. Like my right hon. Friend the Member for North-West Hampshire (Sir George Young), I had not intended to speak in this debate but I have been inspired by the oratory that has preceded me. With your permission, Sir Nicholas, I should like to take a slightly different, if controversial, tack, based primarily on chapter 4 of the Committee's excellent report, which concentrates on setting the road pricing debate in the context of other ways to tackle congestion, and the Government's response to that in paragraph 7.

I have a strong constituency interest in mind. As I mentioned in an earlier intervention, Kettering and Northamptonshire form part of one of the Government's growth areas and north Northamptonshire is obliged to deliver 52,100 houses between 2001 and 2021. That will increase the population of north Northamptonshire by about a third.

The local road network simply cannot cope. The main road—the A14, which is a road of national and European importance—is already beyond its design limits. Some 70,000 cars a day travel around Kettering. You do not need to take my word for it, Sir Nicholas. The Highways Agency itself is tackling congestion locally by imposing article 14 directions on house builders who have planning permission for new developments. Those directions forbid them from building more than a small number of their planning allocations, on the basis that the local road network cannot cope.

The point has been made that although these thoughts about a national road pricing scheme are in many senses welcome, it is already tremendously late. In constituencies such as mine, another Department is driving through another agenda, and it seems to me that the Department for Transport and the Highways Agency have not been made aware of the need for urgency in providing the necessary transport infrastructure up front. My short point is that, as far as

[Mr. Philip Hollobone]

tackling congestion is concerned, road pricing has many merits for the future, but by 2014, which is the earliest date by which the Government say that they can introduce it, there will already be tens of thousands of new houses in and around the Kettering constituency, and the local road network, which is already congested, will be approaching gridlock.

3.26 pm

Dr. John Pugh (Southport) (LD): Had hundreds of hon. Members appeared here to speak about road user charging, many could have avoided the congestion charge on their way home by staying here until 5.30. I suppose the fact that they did not appear in droves proves that the charge is no significant deterrent to most people, or at least not to people on MPs' salaries.

If road user pricing is the answer, I would like to begin my little contribution by asking what the question is. It appears to be, "What are we going to do about pollution and congestion?" Both are thoroughly unacceptable. Pollution is unacceptable because of its connection with climate change, and congestion is unacceptable because individuals are inconvenienced and gross inefficiency is built into the economy. That will all be aggravated, according to Government statistics, by the projected 30 per cent. increase in road traffic; that will only make pollution and congestion worse.

Pollution and congestion are related, but they are different problems, and solutions to pollution are not necessarily the same as solutions to congestion. For example, increased use of biofuels, which at least one hon. Member has mentioned so far, more efficient engines and so on provide a solution to pollution but do nothing for congestion. In fact, if there are fiscal incentives to use biofuels, the motorist may find that he can travel more cheaply.

Similarly, solutions to the problem of congestion do not necessarily work for the problem of pollution. For example, one criticism made of road pricing in the Institute for Public Policy Research study mentioned in the Select Committee's report is that it runs the marginal risk of encouraging people to travel further, which will clearly do nothing for pollution. Road building is another solution to congestion that does nothing to ameliorate the pollution problem, although if cars wait longer because of congestion, whatever gain has been made by virtue of engine efficiency—and appreciable gains have been made over the last few decades—will be completely negated. The car will be sitting there with the engine revving over, going nowhere and at its polluting worst. There are, however, solutions that attack the problems of both congestion and pollution—for example, car sharing and boosting public transport.

Before moving on to whether road pricing is the solution, may I make a few remarks about the Government's analysis? I would like some help, because they appear to be extrapolating figures for traffic growth from existing statistics and I wonder what that extrapolation is predicated on. A sceptic could argue that with demographic trends and the population becoming ever older—it is a known fact that older people are more reluctant to take long journeys and they travel less and use cars less—there will be disincentives in future for some people to travel. Is the projected 30 per cent. increase built on the optimistic assumption of economic expansion continuing as ever before? Is it based on increased car ownership? If we compare ourselves with other European countries, we see that there is scope for that. Compared with some other European countries, we have not yet maximised car ownership. Or is there an assumption that there will be a general increase in mobility due to the real cost of motoring remaining relatively static, and, perhaps, improving against people's net incomes?

Does the projection allow for the effect of congestion, which retards mobility to some extent? Clearly, if travelling around the country by car is a deeply frustrating experience and is much slower than one expects, one tends to do it less. This is in no sense a criticism, but I want the 30 per cent. projection to be analysed in a little more detail, or for the Government to share their modelling, which would equally help, as the figure is an important element in considering what should and should not be done.

Apart from road pricing, there are other well known mechanisms for dealing with congestion, one of which is to increase road capacity. That is often lampooned under the heading "Predict and provide." Some people suppose that one has only to build a road and it will immediately fill up with cars, but anyone who has had the lonely experience of travelling up and down the M58 will know that that is not the case. There are examples of roads being built that nobody uses, or that people do not use much.

When increases in road use are analysed, an interesting pattern emerges. Over the past decade, according to figures that I have obtained—presumably the Department for Transport has the same figures—there has been a 36.6 per cent. increase in motorway use and a 21 per cent. increase in rural A road use, but the increase in the use of urban A roads is only 5 per cent., so there is a variant pattern.

When one takes into account the fact that we have fewer motorway miles per car per head of population and by gross domestic product, the case for never increasing capacity and simply taking measures to restrain demand or ration road space is not unassailable. I am sure that all hon. Members will say, when canvassed, that they are against road building per se, but if one speaks to any of them for any length of time, one will find that there is a scheme in their area that they consider to be good and not to have any of the vices that road schemes in general are thought to have.

If one reads the Transport Committee report carefully—I hope that the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) will correct me if I misrepresent anything—one finds that there is an element of hedging bets. Although the capacity issue is not ignored, the Committee says that a pure building capacity solution is not a solution in any sense. That consensus is shared across party divides.

I agree with the Committee that there is still scope to reinvigorate Government support for softer measures, such as quality bus contracts and improved support for public transport as—I believe that this expression is used in the Committee's report—goods in themselves. I do not want to stray into the unfortunate issue of trams yet. That is a difficult issue because although modal shift is encouraged with trams, it is at an appreciable price, which the Government are increasingly reluctant to pay.

There are other obvious solutions to the congestion problem that should be pursued in parallel with road user pricing, such as the better use of ports and port capacity. I am enthusiastic about the expansion of my local port, Liverpool. Freight and road access to that port is severely hampered, but many containers could be taken off the M6 and the motorway network in general if it were a thriving port with good access. Currently, that situation does not entirely prevail, but it is a mechanism that could be used to do something about congestion, as is freight transfer to rail. I think that the Minister will accept that there is scope for that.

The broad, sensible view—I think it is the Transport Committee's and probably the Minister's view, too—is that road user pricing is part of a tool kit; it is not the sole item or a magic bullet. Indeed, it is not even particularly new or radical, although the Secretary of State for Transport said that it was radical when he introduced it and sought to excite the House with his proposals. As has been said, road user pricing has been on the stocks for a long time and goes back to the turnpikes. All my life, I have paid to go through the Mersey tunnel to the Wirral; at one time, I did not know that that was road user pricing, but that is precisely what it is. There is also the Greater London authority experiment with congestion charging, which has been broadly supported this afternoon. We all agree with the principle of road user pricing and we are all comfortable with it. We do not really have a difficulty with it and we accept it in various contexts, although we perhaps object to it in schemes that we dislike. However, the principle is well embodied in the thinking of all serious people who apply themselves to considering how we can better transport ourselves around the country.

The big issues are how far that principle will be extended and, equally importantly, what the details will be. We can have a brilliant scheme, but if we get the detail wrong, we shall generate a very unfortunate, adverse public response. In years gone by, I was the council leader in Southport, which is the constituency that I now represent. At one stage, I rationed parking on the streets by means of pay and display. I did that against appreciable political opposition, and there were processions through the streets calling for my dismissal, even though I was just a simple councillor at that stage. The scheme had to be introduced, and somebody would ultimately have had to do that, but when it was introduced, some of the details were not quite right and needed fine tuning. Once they were put right, and people understood what the scheme involved and what the benefits were, they rapidly adjusted to it. Obviously, I have lived to tell the tale politically, in so far as the constituents of Southport have, in their wisdom, elected me as their MP in the past two elections. The issue, therefore, is over-extension and detail.

As I understand their current thinking, the Government favour a high-tech and, to some extent, a high-risk solution. It is an historically unprecedented nationwide solution, and I am not aware of anybody in the world who has implemented or is implementing it. According to the Transport Committee's report, it will cost £5 billion a year to run. It is based on new global positioning system technology, which is used voluntarily by Norwich Union customers. However, it is not used massively across the world and is not the traditional microwave number recognition tag and beacon system.

There might be good reasons for using that system and the thinking might be that it will work extraordinarily well and that there will be no computer glitches. However, there are hitches. There are problems with synchronising what we are doing with what the European Union might want to do. There are privacy issues and issues related to who will own the satellites and what they will do with the information. I am not saying that those issues cannot be bottomed out, but they are complex.

If I were the Minister, I would understandably want to learn more before going for the big-bang solution. Once we do that, it will be difficult to retreat. Like him, I would probably be encouraging pilots. The transport innovation fund perhaps involves some strong-arm tactics, but the Government are taking a carrot-and-stick approach to some extent. Word has gone out to local authorities that if they want to be splendidly rewarded by the Government, one thing they could do is pilot a measure of road charging. I can therefore quite see why the Government want to avoid a big-bang solution and wish to prepare the public, the motoring industry and the freight industry.

As the hon. Member for Crewe and Nantwich said, the Government have not been helped by the collapse of the lorry charging system. I am a bit bemused by that. There are practical reasons agin it, some of which are in the Select Committee's report and some of which have been spelt out by Ministers. I wonder whether technical problems have been encountered that we might come across later if we opt for a massive scheme across the country. I reflect on the fact that Germany seems to have done something similar, although transport conditions and Government conditions are different in Germany. I wonder whether the Germans decided that there were serious technical problems of the sort that could well come back to bite us.

Pilots have their place, but the cruel dilemma for the Government is that there are also arguments against them. It is often argued that pilots are unrepresentative because the procedure for charging people is not universal across counties, regions or countries, which results in all sorts of displacement effects that are not created if the scheme is nationwide. Some people would advance the different argument that if we keep setting up enough pilots, we may well resolve the real meat of the problem without having to opt for a fully fledged nationwide scheme. That was the line followed by the hon. Member for Ruislip-Northwood (Mr. Hurd).

The evidence so far is not terribly helpful. We have the examples of London and the M6 toll road. One decreased traffic and the other slightly increased it. It is, however, very difficult to draw obvious conclusions from those examples, because we may not have to the same extent in Manchester, Liverpool or Leeds what we have in London. A city might have a whole range of options—an excellent bus service, many trains and an underground system—and the people who need those options the most are probably the people who cannot pay the charges.

[Dr. John Pugh]

I speculate on the predicament of a cleaner in Manchester under a road charging scheme who must go to work when the building needs cleaning, which is often early in the morning, and return in whatever congestion period has been set. That person does not have a lot of cash and cannot vary their behaviour by choosing to drive at a different time. Buses might not be running at the appropriate time or in sufficient numbers, or they may simply be inconvenient. All those factors could create the problems of social exclusion that the hon. Member for Crewe and Nantwich mentioned and that would affect ordinary city workers rather than people in the country. That point must be addressed in any scheme, and surely will be.

People who have the opportunity to use the M6 toll road increasingly go via Birmingham. I am one of them, and I hope that I can give Department for Transport officials in the Chamber useful advice about what is actually happening. I used to avoid the M6 altogether because I would simply roll slowly along in my car past the RAC building, and that is a deeply unpleasant and tedious experience surrounded by large lorries.

Mrs. Dunwoody: The hon. Gentleman should have taken the train.

Dr. Pugh: I do sometimes. The hon. Lady suggests that I take a train from a sedentary position—well, one cannot take a train from a sedentary position. I usually take the train, but occasionally I must drive, so I do. Many motorists like me used to drive up the M1 until they almost reached Derby and then drove straight across to Stoke. We have ceased doing that, which might in part explain why the figures have changed. That is not a standard example, however, so it is very difficult to draw satisfactory conclusions from it.

Similarly, none of the schemes under consideration are fiscally neutral. The Government recommend a fiscally neutral solution. The Select Committee, in part, advocates that. I have studied the Government response in some depth and contrasted it with the rather more forceful statement made by the Secretary of State for Transport when, not so long ago, he excited us all with the imminent appearance of a national road pricing scheme. For all the reasons I have given, the language of the Government response to the Select Committee report is far more tentative than that statement. It uses words such as "consensus", "research", "complexity" and "setting milestones"; there are lots of "whethers" and "ifs" in the text.

Such caution is partly justifiable, but three things are certain: first, the Government will not find support, nationally, locally or, probably, in Parliament, unless the evidence for the policy is convincing. Secondly, they will not find support unless the public can, however begrudgingly, see the need for the action. One reason for congestion charging not becoming a political disaster was that most people could, from time to time as they travelled around London, easily identify the futility of the previous arrangements. Anyone who, in 2001, got in a taxi and asked to go anywhere and just sat going nowhere with the clock ticking over recognised that something needed to be done. The public must recognise the necessity for action, and there must be open, manifest and forceful public dialogue.

Thirdly, the detail of any scheme, whether local or national, needs to be carefully thought through. The devil is often in the detail and that is true of road pricing. There is no need to be dogmatic or presumptive, but there is every case for holding a good, open and intelligent debate on the subject.

Sir Nicholas Winterton (in the Chair): I understand that the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) wishes to raise a point of order.

Mrs. Dunwoody: On a point of order, Sir Nicholas. It is extraordinarily kind to call me now, as I was hoping not to interrupt a speech. I apologise to you, to the House and to the Minister and Front-Bench speakers, but I am committed to attending a prize-giving ceremony and my life depends on it. I hope that hon. Members will forgive me if I leave. It is not, I assure them, a sign of any desire to underplay the importance of the debate.

Sir Nicholas Winterton (in the Chair): I congratulate the hon. Lady on her courtesy. I know her constituency and her life would indeed be in jeopardy if she did not make the engagement in question. We understand her predicament and that she must go.

3.48 pm

Mr. John Hayes (South Holland and The Deepings) (Con): What a good debate we have had, but that comes as no surprise when we are discussing a report prepared under the stewardship of the hon. Member for Crewe and Nantwich (Mrs. Dunwoody). I am delighted that she will be gracing the school with her presence tonight, as she graces us with her presence in the Chamber.

I welcome the debate on road pricing and the Transport Committee report on it. Road pricing is part of the wider debate on our transport system, the acute problem of congestion and the public policy decisions that have put such a strain on our transport infrastructure. In introducing the debate, the hon. Lady identified the effect on traffic; she talked about the displacement effect on smaller roads, and other possible results of road pricing. She dealt with the effect on individuals and communities, when she spoke about social exclusion. I want to deal with that in some detail. She also spoke about the effect on revenue, when she highlighted the tension between revenue-neutral and revenue-raising approaches. Those effects will permeate much of my speech, and they have permeated much of the debate so far. I am sure they will be central to the Minister's considerations.

I am pleased that the Government and the Transport Committee recognise the severe problem of congestion. There is cross-party concern about it, and it is not a matter of partisan politics. I also welcome the willingness of the Committee and the Government to consider new ways of dealing with the problem of traffic on the roads. The Committee has done a good job of identifying the key difficulties, examining the possibility of a road pricing system and posing some key questions for the Government about such a scheme. I want to amplify some of those questions, and I hope to add some of my own.

I intend to continue in this consensual vein, not just out of personal taste, but because we all want to support fair and effective measures that relieve the problems of congestion. However, I hope to ask some of the many remaining fundamental and critical questions about the Government's intentions.

The Department for Transport anticipates a 30 per cent. increase in road traffic compared with 2000 levels by 2015. The Committee states:

> "Congestion already has a strangle-hold on many of our towns and cities at rush hour and on important parts of the strategic road network."

The danger of the Government's approach is that it fails to deal with the root causes of that extra demand. The answer cannot be simply to price the poorest and most vulnerable members of our society out of travel, when it is becoming increasingly difficult to go about one's everyday business without embarking on long and numerous journeys.

My right hon. Friend the Member for North-West Hampshire (Sir George Young) said that there are two ways of dealing with congestion and, for once, I disagree with him to some extent. He said that the problem can be dealt with either by taking a non-interventionist approach and allowing congestion or by intervening and introducing what I think he described as a measured form of pricing. However, there is a further way of dealing with that problem—by examining and adjusting demand. Indeed, when the Government came to office, they were quite bold about that. In their early days, they recognised that transport policies were not simply a matter of reacting to an inevitable circumstance of ever-growing demand and were prepared to look at how that demand could be altered.

I therefore want to talk a little about the change in traffic, travel and transport, and how public policy can affect demand. Although everyone recognises that growth in the opportunity to travel for pleasure has enriched our lives, the travel revolution has also had less desirable effects on necessary travel. People have become obliged to travel more and for greater distances than ever before in pursuit of everyday objectives. Government policy means that people have to travel further and for longer not only to work, but to access core public services. For example, policing has become increasingly remote: one in four police stations has closed since 1990, obliging people to travel ever greater distances to report a crime, or to deal with the police in an everyday way. The threat of regionalisation of health and other services is also likely to lead to greater demand for travel.

There is also a greater obligation to travel to access shops. The average distance that we now drive to shop for food each year is 898 miles, compared with 747 miles a decade ago. The goods that we buy at supermarkets also travel for longer distances before they reach us. Although our lives have been enriched by the availability of exotic fruits—I imagine, Sir Nicholas, that you enjoy a star fruit or a kiwi fruit with the best of people—many products that could be produced locally now travel ever further to get to us.

I represent a rural constituency in Lincolnshire where people grow a lot of vegetables. If I went into the supermarkets in Holbeach and asked for a cauliflower grown in Holbeach, I suspect that people there would look at me as though I was mad. They would not know where the cauliflower had come from, and even if it had been grown in Holbeach, it is quite likely that it would have been transported to a distribution centre and then sent back to the supermarket close to where it originated.

We therefore have a serious problem not simply with access to shops, but with the distance travelled by the products sold there. The official figures show that the distance that food travels—known as food miles—increased by 15 per cent. in the 10 years to 2002. The use of heavy goods vehicles to transport food has doubled since 1974, and food transport accounts for 25 per cent. of all miles driven by heavy goods vehicles on our roads. As a result, the CO_2 emitted by food transport has risen dramatically. Some 19 tonnes of CO_2 were emitted in 2002 as a result of the transport of food—an increase of 12 per cent. since 1992.

According to a Government report, time lost through traffic congestion, wear on roads, ill-health caused by air or noise pollution and accidents—all caused by food transport—cost the UK £9 billion a year. That is half the value of the food and drink manufacturing sector, which is £19.8 billion.

The amount that we are obliged to travel has risen also as a result of the Government's housing, planning and employment policies. My hon. Friend the Member for Kettering (Mr. Hollobone) is a doughty defender of the interests of his constituents, and is known in his area as someone who will stand up against Government plans to create unsustainable communities. He will know that the Government plan to build 200,000 houses in four growth areas in the south-east of England.

To drive that new development through, the Deputy Prime Minister is taking control of planning away from local communities and giving it to unaccountable and distant regional bodies. Incredibly, however, the Government have failed properly to assess the environmental and infrastructural impact of those decisions, despite repeated warnings from Committees of the House. The Environmental Audit Committee recently reported:

> "It is astounding that despite the clear need for an assessment of the environmental impacts of the proposals for the Growth Areas as a whole, nothing has been done to date by ODPM or DEFRA to address this issue."

In short, it is important that the debate on road pricing and congestion is seen in the context of a broader debate—one about the impact of public policy on the need to travel. It is important that we consider the effect that obligatory travel has on quality of life. We want the Minister to liaise, co-operate and collaborate with other Ministers to ensure that decisions made by Government—the problem is not peculiar to this Government—are consistent in respect of their impact on transport and infrastructural costs, and the environmental consequences of those costs. That is the nature of the fundamental and wide-ranging debate that needs to take place, and I welcome the opportunity to contribute to it briefly.

Early in this splendid report, the Committee says:

> "What we urgently need is a proper evaluation of the costs of congestion and an understanding of the impact congestion has on the UK economy."

[Mr. John Hayes]

The Committee recognised the wider context that I have tried to highlight. An effective road pricing scheme will obviously depend on the evaluation that the Committee suggests. The Government's response to that is that they are

> "taking forward a research programme to look into this area."

Will the Minister elaborate on what that programme is, and to what timetable it is operating? Can we have a proper debate on finances—the taxation and revenue aspects of the subject?

There is a fundamental difference between revenue-neutral schemes and tax-raising schemes, as the hon. Member for Crewe and Nantwich made clear. A revenue-neutral scheme would replace existing taxation with a new form open to more subtle manipulation, although the possible effect of displacing traffic from trunk roads to rural and smaller roads has already been highlighted. The logic of a revenue-raising scheme is that the ever-increasing demand for road use can be suppressed only by higher taxation. To tax road use is to treat a symptom, not the disease. The real issue is that we are obliged to travel more as part of our everyday lives. If we do not deal with that, we will be punishing the poorest and most vulnerable of our citizens; we will be restricting their ability to travel, even when it is essential that they travel to maintain a decent quality of life.

I make a special plea to the Minister on behalf of rural motorists. As I have said, I never waste an opportunity to advance the interests of my constituents—something I have in common with you, Sir Nicholas. You will know that I represent a rural constituency with a sparse population, many of whom do not have of the luxury of easy access to public transport. For them, the subject is vital. Imagine if they were charged to do the basic things—getting to school, work or the most fundamental facilities.

Compare that to the example of the citizens of leafy Ruislip-Northwood, who, we understand from the excellent speech made by my hon. Friend the Member for Ruislip-Northwood (Mr. Hurd), have more cars than they know what to do with and easier access to all sorts of local services. I have nothing against Ruislip—I do not want to suggest that for a moment—but the challenges and difficulties are entirely different in the two areas described in my speech and that of my hon. Friend.

Let us be clear: it is impossible to have a meaningful debate about road pricing if the Government do not set out their position on the fundamentals. Would road pricing be revenue-neutral or an additional tax? The Government response to the report makes no mention whatever of the Committee's conclusion, which states:

> "There are strong arguments behind introducing road pricing on a revenue raising, rather than a revenue neutral, approach, if a national system were to be implemented."

Why have the Government failed to respond, or will the Minister respond today? This is not a question of detail; it is fairly central. It is vital to address it if we are to inspire confidence in the Government's intentions and if we are to have the clarity of purpose mentioned by my hon. Friend the Member for Ruislip-Northwood as well as an open and honest debate on the difficult issues and the related challenges they throw up.

There is an ethical issue, which the Committee described as an issue of social exclusion. It is perhaps even bigger than that: how do we regard freedom to travel and where is it on the scale of importance? What do we believe people's rights and opportunities should be?

As a Conservative, Sir Nicholas, like you, I do not hold much truck with natural rights, but having said that people have become accustomed to having the opportunity to travel freely and in a way of their own choosing. We need to take the broader ethical question of the balance between obligation and freedom into account as part of this important debate. I know that the Minister takes such matters seriously, and, as I have said, much of the subject goes beyond the partisan Punch-and-Judy politics that sometimes characterises our exchanges in this place and elsewhere.

The report also notes that

> "without complementary planning restrictions, cheaper road travel in rural areas could promote out-of-town land-use development, and would further reinforce car dependency".

I would be interested to hear what discussions the Minister has had with the planning Minister about out-of-town shopping and related planning decisions, which will have an impact on road use and maybe on road pricing.

The Committee also expressed concern that a road pricing scheme would hit the poorest hardest, as I suggested, stating:

> "While improvements in public transport and car sharing options would undoubtedly be an advantage to many people, there will still be disadvantages for people with low income who have no option but to continue to drive on congested roads at peak times."

To be successful, road pricing must be part of a coherent strategy that addresses the number and length of journeys we are obliged to make as part of our everyday lives. If that is not the case, road user charging will simply displace traffic on to rural roads or make it impossible for vulnerable members of society to go about their business.

There is some doubt in this Chamber, which has been expressed by a number of hon. Members, about whether the scheme would be national or local. The Committee reported in paragraph 58:

> "If road pricing were introduced, the business and haulage sectors would want to see a single, seamless interoperable system with single billing. Without some co-ordination the administrative burden for businesses which had to deal with a number of different systems could be significant."

In paragraph 62, it went on:

> "Local and regional authorities must be involved in determining design and charges, but an overriding national framework would provide consistency for the user, as well as lowering the costs of implementation for the local authority."

Will the Minister address in his winding-up speech the fundamental point of whether the charging scheme would be a single, national programme or a variety of local schemes? Is there any guarantee that the Government would use the revenue raised by road pricing to benefit motorists? Would that money be hypothecated? Would it be ring-fenced? Would it be ploughed back into the many important causes that are dear to our hearts and which assist travel?

We expect one of the coldest winters in recent years, yet the Government are consulting on a proposal to remove the tax exemptions enjoyed by snow clearers and gritters. That is shocking, and surely not a responsible action. I cannot believe that this sensible Minister would have any truck with such a policy. It must be an error, which I hope his words in this Chamber will put right.

The Association for Public Service Excellence has warned that

> "the move to remove exemption from winter maintenance vehicles in particular will have a considerable impact on budgets in what is a crucial and highly visible local authority service. The effect will range from authority to authority but could be as high individually as £125,000 . . . With limited budgets the implication is that the financial resources would result in a reduction in the mileages of treated roads . . . It is estimated that the cost of a single fatality on the roads is over £1.5 million. There is therefore a substantial risk that the suggested £0.5 billion savings in fuel fraud will be less than the cost to the wider economy and the proposals will have an adverse effect on the overall economy of UK . . . the actual cost of these proposals will be borne by the public by either increased Council Tax or reduced services".

I digress a little, Sir Nicholas, and I am grateful for your indulgence.

I shall conclude by posing serious questions: some are amplifications of what the Committee has said while some give further weight to hon. Members' comments. First, as we have heard during the debate, the Government support the development of local and regional demand management road pricing schemes through their transport innovation fund. Will not that give rise to a plethora of schemes that are based on different technologies? If so, those schemes will do little to inform a nationwide scheme that uses one technology only. How will the results be judged and then scaled up for a nationwide scheme?

Secondly, which of the several road pricing schemes around the world have the Government studied? Will the results of those studies be published? Thirdly, what risk is there of the Government abandoning any future national road pricing scheme, as they did the lorry road user charging project? Abandoning that scheme cost the companies that were working to implement it tens of millions of pounds.

I must take the opportunity to say what a powerful point the hon. Member for Crewe and Nantwich made about foreign heavy goods vehicles escaping the legal obligations that British hauliers endure. It is not really appropriate for our hauliers to be put at a commercial disadvantage because of the Government's inability or unwillingness to create a level playing field on which they could compete with foreign hauliers.

The hon. Lady also said that that is a matter of great concern to her and to her Committee. It is of great concern to the Opposition, too. I hope the Minister can satisfy us that he is on the ball and dealing with that problem; I hope he urgently introduces proposals in the House.

What assessment have the Government made of the possible effect that the local trials will have in displacing shoppers and traffic to neighbouring areas? How will businesses that find themselves suffering inside local congestion charging areas be compensated? Most will be familiar with what is often known as the cliff edge problem, whereby a business is located just inside a congestion charging area, but most of its customers and clients are outside—for example, a shop or a nursery. Where the scheme begins and ends is a real problem, although the Minister will have thought about that and, with his usual ingenuity, will devise an appropriate solution.

Will any local or regional scheme under which drivers, at their own cost, volunteer to have positioning satellite receivers in their cars produce skewed and irrelevant results? Will car-tracking data be held? If so, by whom and for how long? What work is being done to ensure the compatibility of road pricing schemes across frontiers in the European Union? That matter was mentioned by the hon. Member for Southport (Dr. Pugh). How much will the GPS box cost? How can drivers predict how much they must pay for a given route? Will hire cars and foreign cars be treated in the same way as UK ones? We know that in London, for example, within the congestion-charge area, some embassies pay the charge and some do not, or so I am told. Does the Minister know anything about that, and might that precedent spread alongside congestion charging?

It is right in principle to discuss this matter—the Secretary of State has called for a debate, the Transport Committee has examined the issue, we are having this debate and we will have an ongoing discussion on these aspects—but I suggest to the Minister that the debate would be better informed if it were clearer where the Government stand and if they answered some of the questions posed by me and the Committee.

The Minister will not be able to answer all those questions today, in the short time available to him, nor would I expect him to. I am happy for him to write to me, and he will wish to take the matter further in future debates. He might wish to adopt the style of inductive reasoning, whereby he starts with a theory and tests it. At the moment, we must deduce the outcome from sometimes disparate information and from uncertainties, rumours, hints of what might happen and the line that the Government might take. That is no way to hold a meaningful and productive debate.

I hope that the Government can go some way to correct that. We must take these matters seriously: they involve the UK economy, the UK's communities and the well-being of our constituents—the citizens of the United Kingdom.

4.13 pm

The Minister of State, Department for Transport (Dr. Stephen Ladyman): I begin by thanking the Liaison Committee and the Transport Committee for promoting the debate and for giving us the opportunity to discuss these important issues. I seldom get to my feet with the opportunity of speaking uninterrupted for an hour and a quarter. However, since the hon. Member for South Holland and The Deepings (Mr. Hayes) is anxious to be at home for his little boy's birthday—and I am rather anxious that he should get to that party and pass on the whole House's good wishes—I shall try to speak for somewhat less than an hour and a quarter.

One of the dilemmas that the Government face is that when we come forward with a firm plan and a set of proposals, everyone says, "You should have consulted more. Why did you not come to us to ask our views before you came forward with a plan?" When we do

[Dr. Stephen Ladyman]

exactly that and come forward with a blank sheet of paper indicating that there is an issue that we must address together, and that we need to grope our way to a solution, we are accused of not having put a plan in place. I rather feel that that has been the theme of this debate; it began with my hon. Friend the Member for Crewe and Nantwich (Mrs. Dunwoody) saying that we needed to offer more of a plan and to include a timetable, a point at least partly reiterated by the hon. Gentleman.

We recognise that, as several hon. Members have said, the scheme will only move forward if we can get public agreement that it should move forward. Also, we have to get the public to understand how it will work. We have to deal with the complex problems that people are raising on how the scheme will work and the effects that it will undoubtedly have on social and economic policy. Unless we can deal with all those questions and come up with answers on which there is broad agreement, the scheme will not go ahead. The right hon. Member for North-West Hampshire (Sir George Young) said that he was offering a certain amount of "political cover"; I would not call it that, but he is absolutely right that we will not go ahead with the scheme unless there is political consensus.

We have made it clear that if, ultimately, we end up with a national system of road pricing—and there is still a question as to whether we will, but we have to accept it as a possible objective—it will take at least 10 years to do it. That means probably two, perhaps even three, general elections between now and then. If we do not work together on the scheme, and if there is no political consensus and political understanding on the issue, there will be a temptation for somebody to say to the people, at some point during that time, "If you vote for me, I won't do it." By that point, we may have spent billions of pounds on moving towards the scheme, so it is absolutely vital that we work together across the parties to resolve the matter. I am grateful that the hon. Gentleman has suggested willingness to do so, and that the Liberal Democrats have indicated a willingness to share ideas. I welcome that, whether it means corresponding or meeting. The Secretary of State has said that he is prepared to have discussions with Front-Benchers—shadow spokesmen—from other parties to try to get some understanding on the problems that confront us and the difficulties that we will face in resolving them.

I must say that I do not know the answers to many of the questions posed today, and I am probably closer to the problem than anybody. I do not have answers to all these questions, but I know what many of the questions are, and I have some idea about potential answers to them. I know which questions do not yet have a full answer, and frankly probably never will. We have to accept that if we move along this road, some problems will be caused by the policy, and others will be solved by it. Nothing will be easy. We have to grope towards a solution that we can all buy into. Anything that I say in the next few minutes, and anything that the Government have said in recent weeks, has to be put in that context.

We have started a debate that we genuinely want to hold. We genuinely want to identify the problems and come up with answers that everyone can buy into. We have some ideas and are putting them in the public domain—I will put some more before the House today—but I do not want anyone to think that anything in the debate is locked down or decided yet. None of it is decided; all of it is open to debate, discussion and moving forward. That will also apply to those councils chosen to move forward with us in developing pilots, and those that are involved in the pilots that have applied for money from the transport innovation fund.

I told the hon. Member for Ruislip-Northwood (Mr. Hurd) that more than 30 councils have shown an interest in working with us on pilots and in being involved in transport innovation funding projects. We are narrowing that number down to a much smaller group that we would like to work with in the immediate future, and we will make an announcement on that shortly. I am sure that hon. Members will forgive me if I do not go into detail now; clearly we have to notify the House first. We will work closely with the short-listed authorities on recognising local issues, identifying how a pilot in their area might contribute towards answering the questions that have been asked today and clarifying the bigger picture.

Mr. Hurd: Can the Minister indicate whether the 30 councils that have expressed an interest present an opportunity to frame the sort of inter-urban pilot that the report suggests would be helpful?

Dr. Ladyman: The 30 or so interested councils present many opportunities, including that of testing behaviour. I would go further and say that there is no point in running a pilot unless we learn something from it. I would also argue that there is no point in running more than one pilot to answer the same question. If we are to learn anything from pilots, we need to identify questions and try to answer them. That might mean that we have one pilot dealing with one subject and another with another. Some pilots might be relatively simple, and able to be started quickly; others more complicated, needing to be run in the medium term; and others might be even longer term. All of them, as has been said by several speakers, have to be run in such a way that they can operate together and can all be part of the final picture. That means that technological and social issues will all have to be brought into line.

I hope that we will be able to answer some of the inter-urban issues with pilots but, because we are shortly to announce who is to work with us in the short term, I must make one point crystal clear: nobody has made any decisions about pilots or road pricing in those areas. All that we are committed to considering is the problems of those areas and the potential for working with them further. I do not want anybody to hear the announcement that a certain area has been included in the pilots and to run into the street screaming, "Oh my goodness, we are getting road pricing in our area." That is not what we are about. We are aiming to identify issues of interest on which we can work together, to look at them in depth and then to decide whether to take the next step.

Mr. Hayes: I take the Minister's point that the pilots and what can be learned from them should be sufficiently consistent that they can be applied more generally. Has he looked, as I suggested in my speech, at the experiences of countries that have already implemented schemes? That would seem to be a less risky way of achieving the same objective, given what he said about the worries of people who assume that a congestion charge or something similar is to be introduced in their area.

Dr. Ladyman: The hon. Gentleman is right. We can learn from other places, and we are studying schemes around the world. However, many of them do not deal with the sorts of problems that we are trying to address. For instance, some hon. Members have spoken in this debate as though the congestion charging that applies in central London is the sort of road pricing scheme that we are talking about for the rest of the country. The zonal congestion charge in central London, which uses relatively unsophisticated technology, is not applicable to the wider national situation. It might apply to certain towns and areas, and if it does then we might consider it. However, we are talking about ending up with a distance-based road price that will have to vary according to the congestion of the road and the time of day. That is a different concept from a congestion zone. When we consider a foreign scheme, we have to ask whether the problems that it was designed to solve are the problems that we are trying to solve here. If they were, then we will take it on board and will study it closely.

Let me outline some of the technologies that have been suggested. Not only Governments have looked at some of these technologies; a number of insurance companies are interested in moving how they charge for insurance to a road pricing system. One, Norwich Union, has a far advanced pilot scheme under way, in which people use what is basically a GPS positioning system to identify how many miles they have driven and are charged for their insurance accordingly.

There is a tendency for some people to say, "Okay, all the problems have been solved. All the technology we need is there; we can just apply it to our national road pricing scheme." However, the right hon. Member for North-West Hampshire talked about the need to make sure that technologies work properly. The GPS system that Norwich Union are using is very good for answering the questions that the company wants to ask: "When are you driving your vehicle?", "Broadly, where are you driving it?" and "How far are you driving it?"

Younger, inexperienced drivers pay a great deal for insurance because they could be out and about on the roads at all hours and we know that many such drivers have accidents between midnight and 4 o'clock in the morning because they are tired, have been partying or are with their friends and showing off. If we want to come up with a system that disincentivises them from driving at that time of night, we need to deploy technology that tells us whether they are on the road at that time of night. That question is different from the one we are trying to answer; if we go to national road pricing, we may need far more specific and accurate information.

For example, one of the things that Transport for London has identified is that there is an effect called canyoning when a person is driving in cities. That means that the person is screened from the satellite by the tall buildings on either side and that the GPS system does not work that well in cities. That would be entirely unacceptable for a road pricing system such as the one we are considering.

Where do we go from there? Well, the Austrians or Germans have built some sort of gyroscopic system into their technology so that when the GPS system is not working, there is a way of predicting how far a person is travelling. Others have proposed a predictive mapping system whereby cars have an electronic map inside them and a person can work out where they are on that map using the GPS signal.

I hope that the House is starting to get the flavour of the fact that this is a complicated thing and that it does not necessarily have the accuracy that we seek. Different types of GPS technology can be put in vehicles to make the system more accurate. When we manage to get Galileo deployed, we will also have to ask ourselves whether that will increase the accuracy of GPS systems. GPS, of course, is just one technology that we might use. Mobile phone-based technologies are being piloted.

Mr. Hurd: The Minister mentions Galileo. How fundamental is that programme to the Government's vision, or potential vision, of a national scheme, and is there concern at Government level about the apparent uncertainty behind the funding for Galileo?

Dr. Ladyman: Galileo will certainly be a great help, not only for road pricing but for many companies that will be able to build technologies on the back of Galileo signals. I have no doubt that it will be a major boost to high-tech industry across Europe generally.

There is a debate to be had on whether we could build a road pricing system based on available satellite signals or whether we would need Galileo. There is no question but that if Galileo is available, it will be easier. However, some suppliers have said that they could build detector systems to go in a car that would be accurate enough to work with the existing satellite deployment available from the United States. There is not a clear answer to the hon. Gentleman's question, which is a good one. Galileo is not essential for road pricing, and there other types of technology that we can consider deploying. However, Galileo would make things much easier. I hope that we are now making progress towards sorting out the issues in that regard, and that we shall have good news about it in the not-too-distant future.

The right hon. Member for North-West Hampshire asked whether the technology is available. Certain types of technology that have been identified immediately as potential elements of the marketplace may be available, but issues arise to be considered. We know of some technologies that are immediately available. Tag and beacon, for example, is relatively easy to deploy, and we know that it will work, but it means that every car must have a tag and we must deploy beacons along every road where we want road pricing, or around the zone of any congestion charge. The technology works well. It works on the Dartford crossing and is available on many toll roads. Some of the pilot systems that we will consider might use tag and beacon technology.

My hon. Friend the Member for Crewe and Nantwich asked how the technologies deployed in the pilots would be built into the final scheme of things. I do not have a

[Dr. Ladyman]

complete answer. It would be wonderful if we could identify now the technology to deploy on pilot schemes, which would be the technology in use in 10 years' time. Realistically, that may not be possible. We may have to start with schemes that use technologies that will help us to answer questions, but that we intend to abandon in the long term because we do not see them as the ultimate answer.

One question to which an answer is vital is whether road pricing will change people's behaviour. If the answer is no we may as well stop now, because road pricing will not be the answer to congestion. Unless it makes people travel at a different time of day or on a different modality or on a different route, what is the point? It will not help us with congestion. There may be trials that we need to conduct to test that. Will road pricing affect the behaviour of the motoring public? The technology with which we ask that question might not, in the circumstances, be so significant.

We may be able to plot a technological road map to where we want to be. We may be able to identify now where the technology that we want to deploy will be in 10 years, and set milestones using different types of technology, as we move towards the final system.

Dr. Pugh: Can the Minister conceive of a situation, when the milestones are reached, in which he would say, to his surprise and against expectation, "The job is broadly done, we need not go further or have a more elaborate scheme, and we do not have to incur further expense"? Might a provisional scheme in some hot spots largely dissipate the congestion problem, or might a programme for motorways do so quite adequately, without the fine-grained satellite inspection of everyone's car movements?

Dr. Ladyman: The hon. Gentleman is right and we must keep that possibility in mind. As we conduct the pilots, we may identify the ability to solve some local problems, and that may deal with the issue sufficiently well to enable us to slow down the progress towards national road pricing, or to decide that we will never need it. On the basis of our projections—I shall come to his point about projections shortly—the Government expect the increase in traffic in the next few years, and the increased congestion that that will cause, to require us seriously to consider the possibility that 10 years from now we will need a national road pricing system for all roads to change people's behaviour.

That is our current conjecture. If it proves to be wrong and we do not need a national road pricing scheme, I have no doubt that we can slow down our progress towards it. That is one reason why it is important that we grope slowly towards such a scheme, using pilots to answer questions, using discussion and trying to establish consensus each step of the way, so that we can be open-minded about where it is necessary for us to go in the long term, but we need the scheme to be a clear possibility.

The hon. Gentleman asked about our figures and whether our modelling is based only on vehicle numbers, or whether we took other factors into account. We take into account a wide range of factors, such as economic growth, demographics, the age distribution of the population and predictions about people's behaviour. When making any long-term projection, we are somewhat in the area of futurology, so we have to make some simplifying assumptions to come up with any answers at all, but we try to take a range of factors into account. If he wants to consider them in detail, they are on the Department for Transport website for all to see. If he has any questions about them, I shall do my best to clarify the matter for him.

On the question asked by the hon. Member for South Holland and The Deepings about technology and how much the bit that will go into people's cars will cost, I do not have an answer. I am pretty sure that I do not want the Government to be in the business of designing it. As I have said many times in public, I suspect that if the Government designed it, it would probably be the size of a suitcase and cost several thousand pounds. It would be much better if we identified the standards—what information cars will need to exchange with the road pricing system—so that the private sector can become involved in designing the systems and building in added value.

If and when we have a system of national road pricing, an obvious benefit would be to build the technology alongside satellite navigation, which is increasingly installed in cars as standard, so that the additional cost of providing the required information to the road pricing system might be negligible. People might want to ask not only, "How do I get from A to B?" or "What is the quickest route from A to B?", but "What is the cheapest route from A to B?" They might also want a system that provides them with route-planning advice such as, "You can do this journey most quickly if you do it at this time of day." The private sector would be well equipped to build that added value into the system if one were prepared to pay for it. Therefore, the Government should try to come up with standards that we can publish, which other people can then make equipment for.

The hon. Gentleman asked about privacy, which is an important point. When the Secretary of State first announced what we were considering, there were all sorts of comments about the spy in the sky knowing where people are all the time. That is absolute nonsense and technological buffoonery. The spy in the sky is not a spy; the satellite does not know where people are. All that a positioning satellite does is to beam a signal that anyone in the world can pick up at any time, which tells the receiver the position and identity of the satellite and when it was beamed. Based on the satellite signals that the car receives, the equipment in the car carries out a process rather like triangulation to work out where the car is. Therefore, the equipment in the car knows where someone is, but the satellite and the Government do not.

Of course, if we specified that someone's car must broadcast that information to us, we would know where they were, but we do not have to specify such a system. We could specify that the car must simply broadcast how much someone owes, how far they have travelled, what time of day they have travelled or the price of the road on which they have travelled. In those circumstances, it would not be necessary for the car automatically to broadcast information about its location. We can therefore deal with the privacy issues, and people should insist that we do so. However, they should not get hung up on the notion that such issues are a showstopper, because we can design a system that does not require that information.

Several hon. Members have mentioned cost and social exclusion. On cost, we have made it clear that we do not intend the system to be revenue raising at this point. We are looking at shifting from the existing way in which motorists contribute to the Exchequer to new ways; we are not looking at the issue as a way of raising additional revenue.

I take issue with what the right hon. Member for North-West Hampshire said about the previous Government's 1996 White Paper, which did not deal with road pricing in quite the way that he suggested. In fact, it suggested looking into several possible ways of paying for roads and talked about the possibility of raising additional revenue, rather than the road pricing system that we are debating.

Mr. Hurd: The Minister has made it clear that the Government's preference is for revenue neutrality. Perhaps I can link that to the pilots, which will be critical to shaping political understanding of the issue. If a local authority says, "We have to do this, but there's a lot of political risk involved, so we're only prepared to do it on a revenue-neutral basis," how will central Government deliver on that?

Dr. Ladyman: That is an excellent question, and there is no doubt that we need to explore the issue with local authority partners. We have made it clear that we are prepared to engage in a discussion about how we deal with that. Clearly, we cannot change the whole system of national taxation because one local pilot is going on. If people in that area find that whatever they pay is in addition to their national taxation, they will be entitled to say, "We're not getting a very good deal. How are we going to be repaid?" We have said that we are prepared to look at all manner of options for dealing with that, including giving the money back to the local council, which could then spend it on additional services or even on a council tax rebate—that would be a matter for the council. That might be a way of giving the extra value back to local people.

Mr. Hayes: Can the Minister just explore the regressive nature of the tax? He responded effectively to the point made by my hon. Friend the Member for Ruislip-Northwood (Mr. Hurd) by saying that there might be some way of returning the money to the community, but that does not deal with the regressive quality of this potential tax. I am particularly worried about essential car users and about rural and semi-rural areas—the pilot could cover a combined suburban and rural area in particular districts. How will the Minister deal with those issues?

Dr. Ladyman: Again, that is an excellent question, which brings me back to the point on which I was intending to conclude. Essentially, the hon. Gentleman asks how we shall deal with the issue of social exclusion, which my hon. Friend the Member for Crewe and Nantwich raised at the start. A congestion charge or road pricing system that created additional opportunities for public transport and for faster public transport might be one way of dealing with social exclusion. That is essentially how the congestion charge in London has dealt with the issue. The Mayor has raised money through the congestion charge. He has used a significant amount of that money to buy buses. He has designed a road network that gives a high degree of bus priority. The general lower level of congestion, the bus priority lanes, the additional buses and the expenditure on other forms of public transport essentially mean that those people who choose not to or who can no longer afford to use their car have cheap, convenient and workable alternatives. That is one way that the social exclusion problem can be dealt with. We must make sure that by doing this we are providing benefits for people.

Flexible working is another issue that must be explored. If the highest cost for using a road is between the traditional rush hour of 7 am and 9 am, employers could be encouraged to tell their employees to start any time up to midday and thereby avoid the high price roads. No doubt some employers would refuse to do that and would insist on their employees arriving by 9 am regardless of their personal circumstances. I suspect that such an employer would find it difficult to recruit staff, and would be forced by the market either to increase the wages paid to offset the road costs or to think again about the way forward. That is at least a partial answer to the social exclusion problem. Let me repeat: this will be one of the biggest issues with which we have to grapple. I have not given a complete answer to the problem at all.

Mr. Hayes: I am extremely grateful to the Minister for giving way yet again. He is grappling with incisive questions from the rising stars of the official Opposition. Let us deal with the matter of essential car users. He makes a good point about how one might deal with employment issues, but there are those, such as the chronically sick, the frail and elderly and disabled people, for whom public transport is not a practical option. Would remission of charges be a possibility in those cases? Some people could be excluded from charges because they were essential car users and that was the only way in which they could access things that were necessary for their quality of life or well being.

Dr. Ladyman: I certainly accept that we have to discuss such remissions. We must have an open mind. I would not rule them out at all. Let us not forget that, under the existing system, those essential car users already make a significant contribution through fuel duties, vehicle excise duty and the tax they paid when they purchased their car. How we deal with the shift in taxation from the existing system to the new system is not a matter for me. It will be a matter for the Chancellor. Other than my late mother, I do not think that anyone has ever suggested that I am in the running to be the Chancellor. These will be complex issues that have to be grappled with. Remission is certainly a problem.

I recently had discussions with representatives of the disabled driving lobby. They told me that we would get no support from them unless we told them that they would not pay any road charges. My immediate response was that they were already paying road charges, so were they saying that they should pay less in

[Dr. Ladyman]

road charges in future? Were they demanding complete exemption, or do we need to look for a system where they pay a standard road price rather than a variable road price?

During that debate, the leading spokesman admitted that he makes a journey on a reasonably regular basis which takes him from just outside the congestion charging zone to another place just outside the congestion charging zone. If he went around the zone it would add only an extra three or four minutes to his journey, but because he has complete exemption from the congestion charge, he always goes straight through. He admitted that that was not an appropriate way to behave because he knew that the zone was there to eliminate congestion, which he was causing as much as anyone. He was prepared to engage with me and admitted that the issue is not as simple as complete remission of charges for everyone.

Those are complexities that we must debate. I can give the hon. Gentleman and anyone in the essential car-user groups an absolute promise that we are completely prepared to engage with them and discuss how we would tackle the matter through the pilot schemes and any subsequent national scheme that we might ultimately introduce.

Finally, I wish to comment on the assertion of the hon. Member for Southport (Dr. Pugh) that there were two questions to answer: one about the environment and pollution, and the other on congestion. I do not agree. The question that we must address is that of congestion. Environmental issues might be solvable by other means such as clean engines or incentives to use cleaner cars. We have just introduced the 5 per cent. renewable transport fuel obligation, which is one way we can begin to deal with greenhouse gas. It may be that once we have designed a perfect system that can deal with the complexities of congestion—we have identified how difficult that alone will be—there will be an obvious way to tweak it, so that it also brings environmental benefits. However, we must first concentrate on the big question of congestion, which is quite complicated enough. Let us not be tempted to get into a debate about a tax on gas guzzlers or other polluting vehicles. Let us deal with the difficult enough questions about how we resolve congestion.

I shall finish where I started by repeating that the Government do not have a plan. We have set out our objectives and, shortly, we will outline how we intend to start groping towards a solution through pilot schemes. We are completely open-minded about technology and the other issues and problems that hon. Members have raised. We are very happy to engage with anyone and everyone including motorists' groups, people who represent transport interests and other political parties. We are happy to engage in that debate because we wish to reach consensus.

No decisions have yet been made about how the matter will ultimately be resolved. We acknowledge the complexity of the issues, but we are starting to gain some clarity about the way forward. Shortly, I hope that we shall be announcing who will participate in the first wave of transport innovation projects, and we shall look for scope for further pilots. At this stage, everything is up for grabs. I and the Secretary of State honestly wish to solve the problem with help from across as wide a spectrum of opinion as possible.

Sir Nicholas Winterton (in the Chair): The House thanks the Minister for his detailed response.

Question put and agreed to.

Adjourned accordingly at six minutes to Five o'clock.